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# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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January 31, 2012

TO: Internal File

FROM: Joe Helfrich, Lead, Biology 

RE: Midterm Permit Review, Canyon Fuel Company, LLC, Gordon Creek 2, 7 & 8, C/007/0016, Task ID #3981

### SUMMARY:

On December 1, 2011 the Division initiated a Mid-term Permit Review of the Gordon Creek 2 / 7 and 8 Mines. The following items were reviewed:

- A. The Plan to ensure that the requirements of all permit condition, division orders, notice of violation (NOV), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal (whichever is the most recent) were appropriately incorporated into the Plan document.
- B. Ensurance that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program which have occurred subsequent to permit approval or renewal.
- C. A review applicable portions of the permit to ensure that the Plan contained commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
- D. An evaluation of the compliance status of the permit to ensure that all unabated enforcement actions comported with current regulations for abatement; verification of the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verification that there were no demonstrated patterns of violation (POV). This included an AVS check to ensure that Ownership and Control information was current and correct.
- E. An evaluation the reclamation bond to ensure that coverage adequately addressed permit changes approved subsequent to permit approval or renewal, and ensurance that the bond amount was appropriately escalated in current-year dollars.

F. An evaluation the permit for compliance with variances or special permit conditions.

G. DOGM staff conducted a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness for operational, reclamation, and contemporaneous reclamation practices undertaken on predetermined portions of the disturbed area to minimize, to the extent practicable, the contribution of acid or toxic materials to surface or groundwater, and to otherwise prevent water pollution. The site was snow covered, 6" at the gate and otherwise appeared to be stable.

This memo will include a review of the reclamation history and vegetation monitoring.

**TECHNICAL ANALYSIS:**

**RECLAMATION PLAN**

**REVEGETATION**

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

**Analysis:**

Phase II bond release for the mine portal areas was approved in March 2007. The sediment control ponds were reclaimed in October of 2007. To date, no bond release application has been received for the sediment pond reclamation area.

In May of 2010 the vegetation analysis report for this reclaimed site was submitted to the division for year 1(2009) as part of a phase three bond release application to be submitted at the end of year 2. The data for year one indicated that all parameters either met or exceeded those of the reference area.

**Findings:**

The information in the Appendix B adequately addressed the vegetation requirements for year one.

**RECOMMENDATIONS:**

The midterm review for the Gordon Creek reclaimed site is recommended for approval. If additional vegetation survey information shows that the standards for success can be met the permittee may want to proceed with phase three bond release.