

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 12, 2005

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

THRU: Dave Darby, Environmental Scientist, Team Lead

FROM: James D. Smith, Environmental Scientist

RE: Mathis/Summit Creek State L.B.A. Boundary Change, Andalex Resources, Inc., Centennial Project, C/007/0019, Task ID #2263

SUMMARY:

The proposed amendment adds 1,090.21 acres to the Centennial Project:

- Federal Summit Creek lease area 630.21 acres
- Mathis Tract (fee) 380.00 acres
- State LBA 80.00 acres

This will bring the total acreage to 6,597.53 acres.

Because of the deep cover, over 2,600 ft, effects at the surface are expected to be non-existent. A PHC determination was previously submitted that covered the entire Summit Creek and Mathis Tracts (in Appendix L); the determination was that there would be no adverse impacts to the hydrologic regime.

Permittee's Action	Date	Division's Action	Date
Initial submittal	January 6, 2005	Assigned Task # 2119	January 14, 2005
Supplemental Information		Received	April 12, 2005
		Tech Memo, Task # 2119	April 29, 2005
		Deficiency Letter, Task # 2119	April 29, 2005
Response to Deficiency Letter, Task # 2119	May 27, 2005 (? – no C1/C2 form or cover letter)	Assigned Task # 2263	May 27, 2005
		Tech Memo, Task # 2263	

TECHNICAL MEMO

TECHNICAL ANALYSIS:

OPERATION PLAN

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

General

Locations for ground-water monitoring sites B261, B351, B352, and B362 are shown on Figure 6 and Figure IV-11. Descriptions, monitoring protocols, and parameters are in Tables “a”, “b”, and “c” of the current MRP. Table “a” shows springs B351 and B352 are to be monitored. The Permittee is has submitted a new Table “a” that shows springs B362 and B261 are to be monitored, but doesn’t include B351 and B352. Figures 6 and IV-11 and the cover letter with the May 27 response indicate that all four springs are to be monitored. Table “a” needs to show all four springs.

Water Rights and Replacement

Under R645-301-525.480 and R645-301-731.530, there needs to be a plan in the MRP, before any damage actually occurs, to repair damage to surface facilities and promptly replace state-appropriated water supplies. There is no entry for R645-301-731.530 in the MRP. Section 731.800 of the MRP refers to Appendix L and Section R645-301-525 for information on Water Rights and Replacement.

The PHC determinations by Mayo and Associates and by Peterson Hydrologic in Appendix L acknowledge the requirement to replace State-appropriated water supplies that have been diminished, contaminated, or interrupted but there is no plan to carryout such replacement. Section R645-301-535 contains a commitment that should it be shown mining related subsidence has adversely affected state –appropriated water supplies, the Permittee will attempt to repair or restore an affected water supply. If the loss cannot be restored, the loss may be mitigated by replacement of equivalent water rights from those held by the Permittee.

R645-301-731.530 requires replacement of state-appropriated water supplies diminished, contaminated, or interrupted by underground coal mining activities without any need to tie the impact to subsidence. If a state-appropriated water supply were to be diminished, contaminated, or interrupted by underground coal mining activities, even if there is no subsidence, the Permittee is still obligated to replace that water supply under R645-301-731.530.

Findings:

R645-301-731.214-JDS, Table “a” in the current MRP shows springs B351 and B352 are to be monitored. The Permittee has submitted a new Table “a” that shows springs B362 and B261 are to be monitored, but doesn’t include B351 and B352. Figures 6 and IV-11 and the cover letter with the May 27 response indicates that all four springs are to be monitored. Table “a” needs to show all four springs.

R645-301-535, -731.530_JDS, The MRP contains a general commitment to repair, restore, or replace state-appropriated water supplies that are diminished, contaminated, or interrupted by underground coal mining activities. The Permittee needs to identify some concrete, feasible options that can be used at the springs and streams of the Centennial Mines permit area to repair, restore, or replace state-appropriated water supplies that are diminished, contaminated, or interrupted.

RECOMMENDATIONS:

The proposed amendment should not be approved at this time. The status of groundwater monitoring sites B351 and B352 in the Operational water-monitoring plan needs to be clarified.