

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 1, 2009

TO: Internal File

THRU: April Abate, Team Lead *AAA 7/8/2009*

FROM: Ingrid Wieser, Environmental Scientist II *WW*

RE: Midterm Permit Review, Andalex Resources, Centennial Mine, C0070019 and task # 3276

SUMMARY:

Mining operations at Centennial Mine have been terminated since May of 2008. The Mining permit for Centennial was issued by the Division on January 4th 2007 and expires January 4th, 2012. Andalex Resources was notified by the Division of the commencement of the midterm permit review on May 7, 2009. The following items were selected for review:

1. A review of the mine plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the mine plan document.
2. A review to ensure that the mine plan has been updated to reflect changes in the Utah Coal Regulatory Program that have occurred subsequent to permit approval (example: compliance with U.S. Fish and Wildlife Department - Colorado River Endangered Fish Recovery Program).
3. A review of the applicable portions of the permit to ensure that the mine plan contains 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.
4. An AVS check to insure that Ownership and Control information is current and correct,

verify compliance status of unabated enforcement actions, determine status of any outstanding finalized penalties, and verify that there are no demonstrated patterns of violation.

5. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate current-year dollars.
6. A review of the mining and reclamation plan for compliance with operator commitments related to variances or special permit conditions (including but not limited to subsidence control/monitoring plans and reporting requirements, variances to AOC, experimental practices, electronic database water monitoring reporting, raptor surveys, revegetation test plots, etc.).
7. The Division may conduct a technical site visit, in conjunction with the assigned compliance inspector, to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

This memo will address items 2 and 6.

The midterm review cannot be approved at this time. Prior to approval, the permittee must submit the following in accordance with:

R645-301-331: A weed control program must be immediately initiated to control Musk Thistle (*Carduus nutans*), a Class B noxious weed under the Utah Noxious Weed Act (U.A.C. R68-9) and any other undesirable plant species located on the disturbed area.

Revegetation must occur on all sites immediately either as interim stabilization using the interim seed mix or in final reclamation.

R645-301-354 and R645-301-515: Please submit a plan for any reclamation operations that will occur during the temporary cessation.

TECHNICAL ANALYSIS:

OPERATION PLAN

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Endangered and Threatened Species

Water depletion calculations are listed on page 3-20a of Chapter 3 of the official MRP and page 3-7 of the stand alone appendix x. The mine calculates a total loss of 8.033 acre feet per year from Bathhouse/office uses, ventilation, drilling the GVH wells and road watering. The mine also discharged approximately 53.034 acre feet per year which would total to a net gain of 45.001 acre feet per year. The mine is currently idle and there has been no significant change in water consumption.

Bald and Golden Eagles

Raptor surveys have been conducted annually and submitted in the annual report. In 2009 however, an amendment was approved by the Division to temporarily cease raptor surveys as long as the mine is no longer in operation. The mine will have to submit an amendment to again survey for raptors if the mine becomes active or if they wish to commence reclamation during exclusionary periods.

Findings:

The information in the approved mining and reclamation plan is adequate to meet the minimum regulatory requirements.

TECHNICAL MEMO

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

A site visit on July 2, 2009 to the GVH wells revealed that no interim vegetation had occurred to stabilize the top soil piles or well pad areas and significant erosion has occurred on most sites. Furthermore, most sites have significant invasion of Musk thistle, a noxious weed species. The permittee must either reclaim the unused well sites or conduct maintenance on sites if they are proposed to be used. A weed control plan is listed on page 3-16 of the Centennial Mine MRP.

Findings:

R645-301-331: A weed control program must be immediately initiated to control Musk Thistle (*Carduus nutans*), a Class B noxious weed under the Utah Noxious Weed Act (U.A.C. R68-9) and any other undesirable plant species located on the disturbed area.

Revegetation must occur on all sites immediately either as interim stabilization using the interim seed mix or in final reclamation.

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:

Revegetation: General Requirements

The GVH holes are currently not being used for the non-active coal mine. However, the vent holes are being leased by OSO energy that maintains the access roads and rights of entry to the sites. The permittee needs to clarify the company responsible for reclamation of the sites and if any sites are not being leased, the time schedule for reclamation.

Findings:

The information provided is not considered adequate to meet the minimum regulatory requirements for this section. Prior to approval the permittee must submit the following information in accordance with:

R645-301-354 and R645-301-515: Please submit a plan for any reclamation operations that will occur during the temporary cessation.

RECOMMENDATIONS:

The midterm permit review cannot be approved at this time.