

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 1, 2006

TO: Internal File

THRU: Pricilla W. Burton, Environmental Specialist III/Soils, Team Lead

FROM: Jerriann Ernstsens, Ph.D., Environmental Specialist, Biologist

RE: MRP Rewrite, Andalex Resources, Inc., Wildcat Loadout, C/007/0033, Task ID #2371

SUMMARY

The Division received a fourth submittal of an amendment for reformatting the MRP on November 17, 2005. This memo describes the editorial review of the biology and cultural sections.

The Division conducted a minor technical review on newly submitted material during the first review (Task ID #1911). The Division decided, at a meeting on 1/25/05, to readdress deficiencies related to only to the reformatting of the MRP. The Division will postpone readdressing deficiencies related to technical matters during the review of a proposed amendment (not yet submitted) that will add approximately 12 acres to the disturbance area. The Division will readdress earlier deficiencies from the technical review of a one-acre expansion (Division, TA, July 8, 2003). The Permittee withdrew the related 2003 amendment.

The Division contacted Mr. Mike Glasson (1/19/2006) requesting a proactive approach to providing a MRP that provides narrative under each section for the next amendment. The Division mentioned that if the Permittee addresses this request prior to the next amendment, that this would hasten the approval process.

The current MRP separates sections by following the Utah State regulations. Many of these sections refer the reader to appendices or other sections in the MRP. The use of numerous citations makes it difficult to read and more importantly to verify whether each section cited meets the regulations.

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The Permittee has made advances in addressing the request of removing citations, which the Division made previously. The Permittee agrees that there is still more editing needed to move or copy narrative to correct sections. Addressing the request to provide narrative under each section will be critical for verifying whether the Permittee meets the regulations and processing future amendments.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The newly formatted MRP refers many of the sections from -301-311 through -301-322, -301-232, and -301-322 through -301-358 to appendices or sections -301-310, -301-331, and -301-240. Consequently, there are minor problems with the new format that include referenced material in sections unrelated to the regulation, referenced material is missing from sections/appendices, and reference material is incorrectly labeled as not applicable (NA). The Permittee must address these formatting issues to present the narrative more clearly (R645-301-121.200). The following list provides some of the areas to address:

- Update the correct number of plates on the Table of Plates. Table of Plates lists 1-20 instead of 1-28. Plate 21 is missing.
- Update the correct number of “items” (or entries) on the table for Appendix B. The current table lists 18 items, but there are more.
- Change the citation “see R645-301-331” from sections 301-357.220 and 301-357.312 to the appropriate sections in the 301-340/341 series. *The current citations are not correct given that the Permittee relocated the information from section 301-331 to more appropriate sections.
- Clarify what is meant by “hydroseeded and hydromulched due to...” (p. 3-19).
- The Permittee relocated confidential information from the approved Volume I, Appendix A to a Confidential Binder. The Permittee still needs to provide appropriately labeled tabs.

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- The Division made an incorrect request for the last submittal concerning confidential information. There is no confidential information on pages 4-2 or 4-3. The Division requests that the Permittee keep these pages in the MRP Chapter 4, remove the relocation page for these two pages, and remove these two pages from the Confidential Binder. The Permittee will need to adjust their electronic version as well as the final submittal to include these pages in Chapter 4. The Permittee should mention this change in the C1C2 form and the Division (Jerriann Ernstsen) can make the changes. Please include the following:
 - Include pages 4-2 and 4-3 in Chapter 4.
 - Remove pages 4-2 and 4-3 from Confidential Binder.
 - Do not include the relocation page for pages 4-2 and 4-3.

Findings:

Information provided in the plan does not meet the minimum Permit Application Format and Contents in General Contents requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

R645-301-121.200, Address these formatting issues that relate to biological and cultural disciplines to present the narrative more clearly.

RECOMMENDATIONS:

Do not approve the MRP until all deficiencies have been addressed.