

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

March 9, 2006

TO: Internal File

THRU: Pricilla Burton, Environmental Specialist III, Lead

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

RE: Division Order-Design Drawings and Specifications, Andalex Resources, Inc., Wildcat Loadout, C/007/0033, Task ID#2410

SUMMARY

The Division received a response to the Division Order (DO-2031) for the Wildcat Loadout. This memo considers the biological aspects and concerns to the information submitted by the Permittee.

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TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

GENERAL

Regulatory Reference: 30 CFR 783.12; R645-301-411, -301-521, -301-721.

Analysis:

The Permittee did not meet the requirements of the Division Order because there is insufficient or unsuitable information of how the Permittee intends to control wind blown coal fines, remove coal fines, or monitor coal fine deposition.

Within the permit area

[REWRITTEN, BUT SAME REQUEST AS IN #2182 MEMO]The Permittee states that they continue to work on the problem of coal fine accumulation on and around the Wildcat operation. The MRP includes a list of 16 dust control measures that they currently implement. However, there is no current evaluation process to measure the effectiveness of these dust control measures. It seems that the Permittee should collect “baseline” (depth at this time – possibly could use Patrick Collins 2003 survey) in undisturbed areas within the permit area, monitor change on an annual basis, and provide a report with the Annual Report. This monitoring would allow the Permittee and Division to assess the effectiveness of the current dust control measures. Furthermore, if topsoil piles, vegetation test plots, or vegetation reference area is in the path of accumulating coal fines, then the Permittee should move, protect, or reassign these areas, respectively. (R645-301-330.)

[SAME REQUEST AS IN #2182 MEMO]The Permittee submitted a plan to remove accumulated coal fines within the permit area by vacuuming the surface. This technique, although commonly used in the past, is no longer acceptable to the Division. The Permittee must provide a clean-up solution that will minimize dust and disturbance (R645-301-331, R645-301-333).

Outside the permit area

The submittal includes a response to the DO from Dr. Patrick Collins (App.?). The consultant's approach does not adequately or directly address the DO. Two of the primary points

of the DO are 1) control coal fines from accumulating within undisturbed areas of the permit area or off the permit area and 2) monitor effectiveness of control measures.

[SAME REQUEST AS IN #2182 MEMO]Item #3 of DO_2031 states. “The Mining and Reclamation Plan must address include a plan for monitoring of coal fine deposition outside the permit area, specifically east of the permit boundary (since the prevailing winds are from west to east).” To adequately respond to DO_2031, the Division requests that the Permittee provide baseline data of coal fine deposition (depth and area) on the non-permit area and provide a monitoring schedule. The Permittee must use the same monitoring method used to collect baseline. The Division considers the methods described in the Collins 2003 report as appropriate. Furthermore, the Division requests that the Permittee provide a report in the Annual Report that clearly defines the methods used for baseline and monitoring as well as discusses the results. (R645-301-322.100, R645-301-331, R645-301-333).

[SAME AS IN #2182 MEMO]The Permittee and Dr. Collins discuss the possibility of increasing the acreage of the disturbed area or studying the impacts of coal fines to vegetation and wildlife. These measures are not acceptable or appropriate practices to control wind blown coal fines, remove coal fines, or monitor coal fine deposition as requested in the DO.

Findings:

Information provided in the plan does not meet the minimum Environmental - General Information requirements of the regulations. Prior to approval, the Permittee must act in accordance with the following:

R645-301-330, The Permittee states that they continue to work on the problem of coal fine accumulation on and around the Wildcat operation. The MRP includes a list of 16 dust control measures that they currently implement. However, there is no current evaluation process to measure the effectiveness of these dust control measures. It seems that the Permittee should collect “baseline” (depth at this time – possibly could use Patrick Collins 2003 survey) in undisturbed areas within the permit area, monitor change on an annual basis, and provide a report with the Annual Report. This monitoring would allow the Permittee and Division to assess the effectiveness of the current dust control measures. Furthermore, if topsoil piles, vegetation test plots, or vegetation reference area is in the path of accumulating coal fines, then the Permittee should move, protect, or reassign these areas, respectively.

R645-301-526.220 et seq and R645-303-220 and R645-301-331, R645-301-333, The Permittee submitted a plan to remove accumulated coal fines within the permit area by vacuuming the surface. This technique, although commonly used in the past, is no longer acceptable to the Division. Vacuuming tends to re-deposit dust,

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disturb native soil surfaces, and impact local vegetation. The Permittee must provide a clean-up solution that will minimize re-distribution of dust and disturbance to the native soil and local plants.

[RWORDDED, BUT SAME REQUEST AS IN #2182 MEMO

R645-301-526.220 et seq and R645-303-220 and R645-301-322.100, R645-301-331, R645-301-333, The submittal includes a response to the DO from Patrick Collins (App.?). The consultant's approach does not adequately or directly address the DO. Two of the primary points of the DO are 1) control coal fines from accumulating within undisturbed areas of the permit area or off the permit area and 2) monitor effectiveness of control measures. To adequately respond to DO_2031, the Division requests that the Permittee provide baseline data of coal fine deposition (depth and area) on the non-permit area and provide a monitoring schedule. The Permittee must use the same monitoring method used to collect baseline. The Division considers the methods described in the Collins 2003 report as appropriate. Furthermore, the Division requests that the Permittee provide a report in the Annual Report that clearly defines the methods used for baseline and monitoring as well as discusses the results.

RECOMMENDATIONS:

The Permittee and Dr. Collins discuss the possibility of increasing the acreage of the disturbed area or studying the impacts of coal fines to vegetation and wildlife. These measures are not acceptable or appropriate practices to control wind blown coal fines, remove coal fines, or monitor coal fine deposition as requested in the DO. The Division requests the Permittee provide more direct and adequate protective and monitoring measures.

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