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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 3, 2011

TO: Internal File

THRU: Daron Haddock, Coal Program Manager *HORZA*

FROM: Steve Christensen, Environmental Scientist *gkc*

RE: Midterm Permit Review, Wildcat Loadout, Intermountain Power Agency, C/007/0033, Task ID #3931

SUMMARY:

On September 29th, 2011, the Division of Oil, Gas and Mining (the Division) informed Intermountain Power Agency (the Permittee) of the commencement of a midterm review of the Wildcat Loadout permit. The Division is required to review each active permit during its term, in accordance with R645-303-211. This review is to take place at the midpoint of the permit term.

The Midterm Review for the Wildcat Loadout includes the following items:

A. Review of 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) are appropriately incorporated into the Plan document.

B. Ensure 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. Review applicable portions of the permit to ensure that the 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.

D. Evaluate the compliance status of the permit to ensure that all unabated enforcement actions comport with current regulations for abatement; verify the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verify that there are no demonstrated patterns of violation (POV). This will include an AVS check to ensure that Ownership and Control information is current and correct.

E. Evaluate the reclamation bond to ensure that coverage adequately addresses permit

changes approved subsequent to permit approval or renewal, and to ensure that the bond amount is appropriately escalated in current-year dollars.

F. Evaluate the permit for compliance with variances or special permit conditions.

G. Optional for active mines, mandatory for reclamation only sites: conduct 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 following technical analysis includes review of the Administrative Rules as well as the BTCA relative to preventing additional contributions of suspended solids to stream flows outside the permit area.

The following deficiencies have been identified and must be approved prior to the termination of the mid-term review process:

R645-301-, 112 and -121.100- The Permittee must revise the approved Mining and Reclamation Plan (MRP) to accurately reflect that Andalex Resources, Inc. is no longer associated with the Wildcat Loadout Facility. Chapter 1 revisions were received by the Permittee on October 24th, 2011 and will be reviewed by the Division under Task ID #3942; however, references to Andalex Resources, Inc. are found throughout the MRP and must be removed and/or addressed by the Permittee to accurately reflect the current ownership information.

R645-301-742: The Permittee must address the outstanding sediment control measures as outlined on page 2 of Appendix P and page 1 of Appendix R. The MRP outlines the elimination of Sediment Pond B and the construction of Sediment Pond G. Additionally, Appendix R discusses the construction of an additional ASCA (ASCA-8).

R645-301-742: The Permittee must revise the sediment control measures section of the MRP (Appendix R) to reflect current conditions. Upon review, it appears that all design information for Sediment Pond B has been removed from the approved MRP. Additionally Plate 3B has been removed from the MRP. It's the Division's understanding that Pond B was not removed and is currently in use at the site.

R645-301-731 and -742: The Permittee must revise Plate 2A, *Wildcat Loadout Proposed Drainage Map Response* to DO-04. The plate must be revised to reflect the current drainage components utilized at the site. Plate 2A depicts Sediment Pond G and has deleted Sediment Pond B. The drainage map must accurately reflect the current drainage configuration.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT APPLICATION FORMAT AND CONTENTS

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

Analysis:

The MRP does not meet the Permit Application and Format and Contents requirements of the State of Utah R645-Coal Mining Rules.

The Permittee must revise the Chapter 7 Table of Contents to accurately identify the page numbers of the respective sections.

Findings:

The MRP does not meet the Permit Application and Format and Contents requirements of the State of Utah R645-Coal Mining Rules. The following deficiency must be addressed:

R645-301-120: The Permittee must revise the Chapter 7 table of contents to accurately identify the correct page number for the respective sections.

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The Permittee must revise the approved Mining and Reclamation Plan (MRP) to accurately reflect that Andalex Resources, Inc. is no longer associated with the Wildcat Loadout Facility. References to Andalex Resources, Inc. are found throughout the MRP and must be removed and/or addressed by the Permittee to reflect the current ownership/information.

Findings:

The Identification of Interests Information does not meet the requirements of the State of Utah R645-Coal Mining Rules. The following deficiency must be addressed:

R645-301-, 112 and -121.100- The Permittee must revise the approved Mining and Reclamation Plan (MRP) to accurately reflect that Andalex Resources, Inc. is no longer associated with the Wildcat Loadout Facility. Chapter 1 revisions were received by the Permittee on October 24th, 2011 and will be reviewed by the Division under Task ID #3942; however, references to Andalex Resources, Inc. are found throughout the MRP and must be removed and/or addressed by the Permittee to accurately reflect the current ownership information.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

The Violation Information will be reviewed under a separate Division permitting action (Task ID #3943). On October 24th, 2011, the Permittee submitted a revised Chapter 1 of the approved MRP. However, at that time the mid-term review process was already underway. In order to avoid redundant review and simplify the permitting process, the Violation Information will be reviewed separately under Task ID #3943.

Findings:

The Violation Information will be reviewed separately under Division Task ID #3943.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The Right of Entry Information will be reviewed under a separate Division permitting action (Task ID #3943). On October 24th, 2011, the Permittee submitted a revised Chapter 1 of the approved MRP. However, at that time the mid-term review process was already underway. In order to avoid redundant review and simplify the permitting process, the right of entry information will be reviewed separately under Task ID #3943.

Findings:

The Right of Entry information will be reviewed separately under Division Task ID #3943.

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

Analysis:

The Legal Description and Status of Unsuitability Claims will be reviewed under a separate Division permitting action (Task ID #3943). On October 24th, 2011, the Permittee submitted a revised Chapter 1 of the approved MRP. However, at that time the mid-term review process was already underway. In order to avoid redundant review and simplify the permitting process, this information will be reviewed separately under Task ID #3943.

Findings

The Legal Description and Status of Unsuitability Claims information will be reviewed separately under Division Task ID #3943.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

The Permit Term information will be reviewed under a separate Division permitting action (Task ID #3943). On October 24th, 2011, the Permittee submitted a revised Chapter 1 of the approved MRP. However, at that time the mid-term review process was already underway. In order to avoid redundant review and simplify the permitting process, this information will be reviewed separately under Task ID #3943.

Findings

The Permit Term information will be reviewed separately under Division Task ID #3943.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

The Public Notice and Comment information will be reviewed under a separate Division permitting action (Task ID #3943). On October 24th, 2011, the Permittee submitted a revised Chapter 1 of the approved MRP. However, at that time the mid-term review process was already underway. In order to avoid redundant review and simplify the permitting process, this information will be reviewed separately under Task ID #3943.

Findings:

The Public Notice and Comment information will be reviewed separately under Division Task ID #3943.

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:

Sediment Control Measures

The MRP does not meet the Sediment Control Measure requirements of the State of Utah R645-Coal Mining Rules. The Permittee has demonstrated the use of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.

The primary form of sediment control at the Wildcat Loadout site is the utilization of sedimentation ponds. Six sediment ponds (A, B, C, D, E, and F) are utilized to safely contain and treat the storm water runoff generated at the site. The design calculations and sizing considerations are provided in Appendix R, *Sedimentation and Drainage Control Plan*. The locations of the ponds are provided on Plate 2A, *Wildcat Loadout Proposed Drainage Map Response* to DO-04. Per the requirements of the Permittee's Utah Pollution Discharge Elimination System permit, the Permittee samples the effluent from the sediment ponds and provides the data quarterly to the Division's electronic water quality database.

The other form of sediment control utilized at the site is the use of Alternative Sediment Control Areas (ASCA). The Permittee utilizes 7 ASCA areas to control sediment transport in areas where the storm water runoff is not readily routed to a sediment pond. The ASCA's that

are utilized are primarily straw bales, berms and vegetation. The ASCA areas are shown on Plate 2. Chapter 5 provides a description of each one.

Straw bales, berms, and vegetation are used alone or in combination for sediment control on seven small ASCAs. The ASCAs treat a total of 17.51 acres or 26 percent of the total disturbed area. These ASCAs are shown on Plate 2, and Chapter 5 contains complete descriptions of each area.

Findings:

Deficiencies have been identified relative to the Hydrologic Information requirements of the State of Utah R645-Coal Mining Rules. The following deficiencies must be addressed:

R645-301-742: The Permittee must address the outstanding sediment control measures as outlined on page 2 of Appendix P and page 1 of Appendix R. The MRP outlines the elimination of Sediment Pond B and the construction of Sediment Pond G. Additionally, Appendix R discusses the construction of an additional ASCA (ASCA-8).

R645-301-742: The Permittee must revise the sediment control measures section of the MRP (Appendix R) to reflect current conditions. Upon review, it appears that all design information for Sediment Pond B has been removed from the approved MRP. Additionally Plate 3B has been removed from the MRP. It's the Division's understanding that Pond B was not removed and is currently in use at the site.

R645-301-731 and -742: The Permittee must revise Plate 2A, *Wildcat Loadout Proposed Drainage Map Response* to DO-04. The plate must be revised to reflect the current drainage components utilized at the site. Plate 2A depicts Sediment Pond G and has deleted Sediment Pond B. The drainage map must accurately reflect the current drainage configuration.

RECOMMENDATIONS:

The Division should not terminate the mid-term review process at this time.