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Technical Analysis and Findings

Utah Coal Regulatory Program

September 4, 2015

PID: C0070033
TaskID: 4895
Mine Name: WILDCAT LOADOUT
Title: BOUNDARY & DISTURBED AREA INCREASE

Environmental Resource Information

Vegetation Resource Information

Analysis:

On May 13, 2015 the Division received an application form IPA to increase their permit and disturbed areas by 23 acres to include wind blown coal fines at the wildcat load-out facility. This memo will include a review of that information. This area was included in the 1988 and subsequent 2007 vegetation surveys included in Appendix I and shown on Plate 29 Vegetation Map. No additional vegetation surveys are required at this time. This also includes the revised text in paragraph 1 on page 3-15. The information is adequate to meet the requirements of this section of the regulations.

jhelfric

Fish and Wildlife Resource Information

Analysis:

Paragraph 5 on page 3-5 has been updated to include the following text: No new construction or significant disturbance is anticipated on the proposed lease and disturbed area expansion. Page 3-1 and Appendix F addresses the Fish and Wildlife Information. This revised text is adequate to meet the requirements of this section of the regulations.

jhelfric

Soils Resource Information

Analysis:

The expansion area is shown on Plate 1. MRP pages 2-1, 21a, 2-7, and 2-25 will be revised to include 23 additional disturbed acres bringing the total to 111.62 acres. This area will not be disturbed, except by deposition of coal fines. The area will be monitored for coal fines deposition and treated as described in Appendix P.

Appendix D and App. D Supplement and Plate 11 cover adjacent area. Prior to surface disturbance, a soil survey of the twenty three acres will be conducted and provided to the Division.

This plan meets the requirements of R645-301-222 Soil Survey which states that the applicant will provide adequate soil survey information for those portions of the permit area to be affected by surface operations.

pburton

Prime Farmland

Analysis:

Analysis:

The 23 additional acres are in Soil Map unit 52, Hernandez Family 3-8% slopes on surface owned by the United States (managed by the BLM). This soil map unit is suitable for crops when irrigated, but there is no irrigation present and there is no history of farming in the location. A prime farmland determination letter dated April 27, 1988 in Appendix D states that T 13 S, R 9 E, Section 33 does not contain Important Farmland due to lack of irrigation water. The Division concurs with the NRCS. there is no prime farmland present.

pburton

Hydro Sampling and Analysis

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Chapter 5, Section R645-301-512.240 of the approved MRP describes the water monitoring methods, operational surface water monitoring points, and testing methods. A sampling parameter table is also included in this section.

adaniels

Hydro Baseline Information

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The Wildcat Loadout has four surface water monitoring points (WCW 1-4) located in ephemeral drainages that pass through or near the site. The monitoring program also includes six pond outfalls for ponds A-F. These sites have been monitored since 1989 and have very seldom ever seen any flows. The ephemeral drainages only flow during high intensity rainfall events, and the ponds only discharge if the site receives back to back high intensity storms. Due to the lack of surface water resources in the area of the loadout, no new baseline monitoring points are required for the permit boundary expansion.

adaniels

Hydro Baseline Cumulative Impact Area

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Due to the lack of surface water resources in the area of the loadout, no new baseline monitoring points are required for the permit boundary expansion.

adaniels

Hydro Modeling

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Due to the lack of surface and ground water resources in the area of the loadout, modeling is not required at the site.

adaniels

Probable Hydrologic Consequences Determination

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The PHC was not updated since there will be no additional disturbances. The permit boundary expansion is just to ensure that the permit area includes all areas that may receive deposit of coal fines by wind and water. Only sediment controls (such as waddles) will be placed within the new expansion areas.

adaniels

Hydro GroundWater Monitoring Plan

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

Hydro SurfaceWater Monitoring Plan

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

Maps Existing Structures and Facilities

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Plate 1 was updated to include the new boundary expansion.

adaniels

Maps Monitoring and Sampling Locations

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

Maps Permit Area Boundary

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

Plate 1 was updated to include the new boundary expansion area.

adaniels

Maps Surface Water Resource

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The permit area expansion will not expand into any area that has additional water resources, water resource maps do not need to be updated.

adaniels

Operation Plan

Fish and Wildlife Protection and Enhancement Plan

Analysis:

Appendix F has been revised to include the following text: No new construction or any significant disturbance is anticipated on the proposed lease and disturbed area expansion. This should not affect the Reclamation plan. The information is adequate to meet the requirements of this section of the regulations.

jhelfric

Topsoil and Subsoil

Analysis:

Analysis:

The plan describes 111 acres within the permit area. Twenty three acres have been added to allow for a drop zone for coal fines within the permit area. There is no disturbance proposed other than the installation of sediment control for ASCA A through C (see Plate 2a). The twenty three acres will be considered 'in situ' topsoil storage and are labeled Topsoil Pile B-2. If disturbed, this twenty three acres could yield 55,560 cu yds of topsoil as shown on Plate 13b. This brings the total 'in situ' topsoil storage to approximately 55,576 cu yds on 39.53 acres. The area will be monitored for coal fines deposition and treated as described in Appendix P.

Appendix D and App. D Supplement and Plate 11 provide soil survey information for the adjacent area. Prior to surface disturbance, a soil survey of the twenty three acres will be conducted and provided to the Division.

This approach meets the requirements for a soil survey of affected area (R645-301-222), while minimizing the size of the disturbance (R645-301-526.222).

pburton

Hydrologic Ground Water Monitoring

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

Hydro Surface Water Monitoring

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the

requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed.

adaniels

Hydrologic Acid and Toxic forming Materials

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

Hydrologic Water Quality Standards

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

Hydrologic Diversion General

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

Hydrologic Stream Buffer Zones

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

Hydrologic Sediment Control Measures

Analysis:

The information provided in the application and contained within the currently approved MRP is not sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The Permittee proposes to establish three new "alternative sediment control areas" (ASCAs) in the proposed permit expansion area. These areas will not see any new disturbances and will have a series of waddles placed throughout the areas to provide sediment control as well as native vegetation. These area shown on Plate 2A. ASCA areas A, B, and C are 3.62, 6.84, and 6.43 acres respectively.

SEDCAD calculations were included for each area, but the Permittee did not provide any type of conclusion as to why these calculations support the type of sediment controls that are being proposed for the three areas.

Deficiencies Details:

R645-301-742.240 The Permittee should provide a summary of results and a conclusion of why the provided SEDCAD calculations support the use of waddles as the primary method of sediment control in ASCA areas A, B, and C.

adaniels

Hydrologic Discharge Structures

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The revision does not include any addition disturbance or new handling of materials. The purpose of the permit boundary expansion is just to ensure that any wind blown coal fines do not leave the permit boundary. The only activities to take place in this new expansion area is the placement of sediment control measures (such as waddle placements).

adaniels

Signs and Markers

Analysis:

Regulatory Reference: R645-301-521

Analysis:

Upon the Divisions final approval of this amendment, Task ID #4895, the Permittee must install disturbed area perimeter markers to the east to define the new disturbed area boundary from the junction of primary road PR-1 due south to the point where it intersects the gas well road, thence parallel the gas line road to the SW, where it intersects the current disturbed area boundary. Old permit boundary markers (which will now be incorrect) must be removed.

In accordance with the requirement of R645-301-521.241, Mine permit identification signs shall be posted along the disturbed area boundary / gas well public road right-of-way. The Division recommends that three signs be placed along the gas well road.

Findings:

The commitment contained in Chapter 5, pages 5-40 and 5-41, section R645-301-521.200, SIGNS AND MARKERS SPECIFICATIONS and 521.210, PLACEMENT AND REMOVAL addresses this requirement in the R645 Coal Mining Rules.

phess

Maps Affected Area

Analysis:

Affected Area Maps

Mining Facilities Maps

Regulatory Reference: R645-301-512, -301-521, -301-542, -301-632, -301-731, -301-323

Analysis:

The following plates were submitted within Task ID # 4895, Boundary and Disturbed Area Increase;

- 1) Plate 1, SURFACE FACILITY MAP;
- 2) Plate 2A, DRAINAGE MAP;
- 3) Plate 11, SOILS MAP;
- 4) Plate 13B, New TOPSOIL PILE "B-1" (IN-SITU);
- 5) Plate 15, WATERSHED MAP;
- 6) Plate 16, OWNERSHIP MAP;

7) New Plate 16a, OWNERSHIP MAP WITH ¼ CORNERS.

Plate 1, SURFACE FACILITY MAP, Plate 16, (surface / subsurface) OWNERSHIP MAP, and New Plate 16a, OWNERSHIP MAP WITH ¼ CORNERS will be discussed.

Plate 1, SURFACE FACILITY MAP accurately depicts the operational coal loading facilities, the sediment control treatment facilities and the new 23 acre disturbed area increase split by the right fork of Wildcat Wash.

Plate 16, (surface / subsurface) OWNERSHIP MAP accurately depicts the Federal / BLM right-of-way and all of the adjacent landowners surrounding Section 33.

Plate 16a, OWNERSHIP MAP WITH ¼ CORNERS is a new Plate added to the MRP to address errors identified by the Division GPS branch in the legal description section of the mining and reclamation plan. It was determined that the legal description in the MRP was correct and that the Division's GPS error identifier was incorrect. The Division assigned reclamation specialist requested that Plate 16a be added to the MRP to prevent future legal description problems.

The remaining plates, Plate 2A, DRAINAGE MAP, Plate 11, SOILS MAP, Plate 13B New Topsoil Pile "B-1" (In-Situ) and Plate 15, WATERSHED MAP must be reviewed for accuracy by their respective disciplines for determinations of adequacy. Upon receipt of Division conditional approval, but before receiving the required P.E. certifications of these maps, the DOGM permit boundary color designation for the 23 acre disturbed area addition (light purple) must be changed from the dashed light purple line on Plates 1, 2A, 11, 13B, 15, 16, 16a, and 28 to the "approved" DOGM boundary line of the dashed light green line.

The Permittee must submit all plates with professional engineer certifications prepared as a portion of the clean copies prepared for the Division incorporation process.

Upon receipt of the P.E. certified plates, the Division may give final approval to Task ID # 4895.

Findings:

Plates 1, 16 and 16a accurately reflect the Wildcat Loadout and they meet the minimum regulatory requirements of the R645-301- 500, Engineering of the Coal Mining Rules.

Conditional approval is recommended. Final approval of Task ID # 4895 may be given upon receipt of the P.E. certified plates # 1, 2A, 11, 13B, 15, 16, and 16a prepared for incorporation with the appropriate number of clean copies.

Upon receipt of Division conditional approval, but before receiving the required P.E. certifications of these maps, the DOGM permit boundary color designation for the 23 acre disturbed area addition (light purple) must be changed from the dashed light purple line on Plates 1, 2A, 11, 13B, 15, 16, 16a, and 28 to the "approved" DOGM boundary line of the dashed light green line.

The Permittee must submit all plates with professional engineer certifications prepared as a portion of the clean copies prepared for the Division incorporation process.

phess

Maps Monitoring and Sampling Locations

Analysis:

The information provided in the application and contained within the currently approved MRP is sufficient to meet the requirements of the State of Utah R645-301 Coal Mining Rules.

The water monitoring program has not changed, since the permit area expansion will not expand into any area that has additional water resources that need to be observed. The water monitoring maps did not need to be updated.

adaniels

Maps Certification Requirements

Analysis:

None of the Task ID # 4895 plates, as submitted, have been certified by a Utah registered professional engineer. Upon conditional approval of Task ID # 4895, the Permittee must submit all plates with professional engineer certifications prepared as a portion of the clean copies prepared for the Division for incorporation.

Findings:

Conditional approval is recommended. Final approval of Task ID # 4895 may be given upon receipt of the P.E. certified plates # 1, 2A, 11, 13B, 15, 16, and 16a prepared for incorporation with the appropriate number of clean copies.

phess

Reclamation Plan

PostMining Land Use

Analysis:

Paragraph 10 on page 4-5 of the application has been revised to include the following text additions: R645-301-412.100. POSTMINING LAND USE PLAN, no new construction or any significant disturbance is anticipated on the proposed lease and disturbed area expansion. Therefore, the Postmining Land Use plan would not be affected. The information in the application is adequate to meet the requirements of this section of the regulations.

jhelfric

Topsoil and Subsoil

Analysis:

Analysis:
There is no change to the existing reclamation plan.

pburton

Bonding Form of Bond

Analysis:

Form of Bond
The Intermountain Power Agency has posted a collateral bond secured by U. S. Treasury Securities held by Wells Fargo Bank to ensure the reclamation of the Wildcat Loadout Facility. The current bond amount is also adequate to reclaim a bulk crude oil storage and transloading facility proposed and permitted (Task ID # 4688) as of November 14, 2014. To date (May 15, 2015) construction of that facility has not been initiated. No new facilities are to be constructed in this 23 acre disturbed area increase at this time, therefore an additional bond amount is not required.

phess

Bonding Determination of Amount

Analysis:

Determination of Bond Amount
The amount of collateral bond currently posted via U. S. Treasury Securities with the Division and the U.S. Office of Surface Mining is \$ 1,481,000.
The Task ID # 4895 submittal states in sections of the Chapter 3, Biology and Chapter 4, Land Use that "no new construction or any significant disturbance is anticipated on the proposed lease and disturbed area expansion. Therefore, the land use and air quality, pre-mining land use and cultural resource plans are not affected".
As no new coal handling facility structures, sediment treatment, or man-made topsoil storage areas are planned at this time, no increase in the amount of demolition, earthwork or revegetation is necessary. The amount of bond currently posted is adequate.

phess

Bonding Terms and Conditions Liability Insurance

Analysis:

Terms and Conditions for Liability Insurance
Intermountain Power Agency has met the requirements for applicable Utah self-insured entities, as determined by R645-301-890.400. The self-insured determination made by the State of Utah meets the requirements of R645-301-890.100 through 890.300.
Findings:
The Permittee and Task ID # 4895 adequately address the minimum regulatory requirements of R645-301-800, Bonding and Insurance.

phess