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PERMIT AMENDMENT APPROVAL

Title: ASCA / Exempt Areas	PERMIT NUMBER: 007 / 034
Description: permit ASCA Area #1 and exempt Area #1	PERMIT CHANGE #: 94B
	MINE: Banning Siding
	PERMITTEE: Soldier Creek Coal Co.

WRITTEN FINDINGS FOR PERMIT APPLICATION APPROVAL

	YES, NO or N/A
1. The application is complete and accurate and the applicant has complied with all the requirements of the State Program.	yes
2. The proposed permit area is not within an area under study or administrative proceedings under a petition, filed pursuant to R645-103-400 or 30 CFR 769, to have an area designated as unsuitable for coal mining and reclamation operations, unless:	yes
A. The applicant has demonstrated that before January 4, 1977, substantial legal and financial commitments were made in relation to the operation covered by the permit application, or	yes
B. The applicant has demonstrated that the proposed permit area is not within an area designated as unsuitable for mining pursuant to R645-103-300 and R645-103-400 or 30 CFR 769 or subject to the prohibitions or limitations of R645-103-230.	yes
3. For coal mining and reclamation operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Division the documentation required under R645-301-114.200.	yes
4. The Division has made an assessment of the probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.	yes
5. The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et.seq.).	yes
6. The Division has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Division has determined that no additional protection measures are necessary.	yes
7. The Applicant has demonstrated that reclamation as required by the State Program can be accomplished according to information given in the permit application.	yes
8. The Applicant has demonstrated that any existing structure will comply with the applicable performance standards of R645-301 and R645-302.	yes
9. The Applicant has paid all reclamation fees from previous and existing coal mining and reclamation operations as required by 30 CFR Part 870.	yes
10. The Applicant has satisfied the applicable requirements of R645-302.	NA
11. The Applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural postmining land use, in accordance with the requirements of R645-301-353.400.	NA

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT AMENDMENT APPROVAL

	YES	NO
1. Are there any variances associated with this permit amendment approval? If yes, attach.		X
2. Are there any special conditions associated with this permit amendment approval? If yes, attach. <i>see Mirlovich Tech memo.</i>	X	
3. Are there any stipulations associated with this permit amendment approval? If yes, attach.		X

The Division hereby grants approval for Permit Amendment to the Existing Permit by incorporation of the proposed changes described herein and effective the date signed below. All other terms and conditions of the Existing Permit shall be maintained and in effect except as superseded by this Permit Amendment.

Signed

Dawn R. Haddock
Division of Oil, Gas and Mining

9/28/94
EFFECTIVE DATE



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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September 19, 1994

To: Darron Haddock, Permit Supervisor
From: Scott Milovich, Reclamation Specialist
Re: Permit Change, ASCA/Exempt Areas, Soldier Creek Coal Company, Banning Loadout, ACT/007/034, Folder #2, Carbon County, Utah.

Synopsis of Proposal

The operator proposes to eliminate an existing retention basin that did not meet R645 requirements; the area previously served by the retention basin will now be classified as ASCA #1. The area where a substation exists is proposed to be classified as SAE #1. The details for installation of straw bales and silt fences have also been changed to allow flexibility in response to site conditions.

Analysis

ASCA #1. The operator has provided calculations and a design for alternate sediment control measures (silt fence) for the area where a retention basin currently exists. The plan provided shows silt fence installed across the emergency spillway for the sediment pond. This is unacceptable. The silt fence should be installed on both sides of the spillway.

SAE #1. The area proposed as SAE #1 is a substation that is covered by a gravel mulch. The area is small when compared to the total permitted disturbed area (.26 acres) and the operator has provided runoff calculations (Sed-Cad) using the 10-24 design storm which show zero runoff for that area.

The details for installation of silt fence and straw bales are under the heading of "R645-301-732.100 Siltation Structures." Siltation structure has been defined essentially as a sediment pond. Straw bales and silt fences should be under the heading "Sediment Control Measures."

The operator also lists "miscellaneous straw bales and silt fences" under R645-301-742.230 - Other Treatment Facilities. Straw bales and silt fences do not fit the definition of "Other Treatment Facilities" and should not be described as such. Other treatment facilities are not applicable to this permit



change and reference to them should be deleted.

Recommendations

The proposal should be approved with the following conditions.

1. ASCA #1. Install (and show on the map) the silt fence on both sides of the emergency spillway rather than across it.
2. Eliminate all references to straw bales and silt fences as "Siltation Structures" and refer to them as "Sediment Control Measures."
3. Delete the reference to straw bales and silt fences as "Other ~~Sediment Control Measures.~~"
treatment facilities.