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

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June 19, 1995

Rick Olsen, President  
Soldier Creek Coal Company  
P. O. Box 1029  
Wellington, Utah 84542

Re: Newly Formatted Plan Remaining Deficiencies, Soldier Creek Coal Company,  
Banning Siding Loadout, ACT/007/034-94C, Folder #3, Carbon County, Utah

Dear Mr. Olsen:

The Division received your response to deficiencies in the above-referenced plan on June 1, 1995. We have reviewed the response and have determined that all deficiencies have been addressed with the exception of two. #1, The requirement to propose revegetation success standards for erosion control, diversity, seasonality, and effectiveness for the postmining land use, and #7, the requirement to include disposal fees for buildings and coal waste in the bond cost estimate.

With regard to the #7 deficiency, Soldier Creek Coal corrected one problem only to get into another. By indicating that all demolition and coal waste will be disposed of on-site, it now becomes necessary to include on-site disposal fees in the bond estimate and to show the location of the disposal areas.

With regard to the #1 deficiency, Soldier Creek Coal responded that the particular standards being required are not required by R645-301-300 and that the standards would probably need to be changed at the time of final reclamation. An analysis by Paul Baker of our technical staff indicates that the standards for success are clearly required by the regulations and need to be included in the plan. Excerpts from his analysis are copied below.

## ANALYSIS

**R645-301-341**

**Revegetation**



In two previous reviews, Soldier Creek Coal has been required to include certain revegetation success standards in the Banning Siding Loadout Reclamation Plan. The specific standards being required are for diversity, seasonality, and effectiveness in controlling erosion. Soldier Creek's initial response was to commit to comply with the performance standards, including diversity, seasonality, and effectiveness of the vegetation for controlling erosion as outlined in the current R645-301-353 regulations and the Division's "Vegetation Information Guidelines." When the Division required more specific ways of measuring these standards, Soldier Creek Coal replied that this is not required in the regulations and that they are unwilling to commit to a standard that will probably need to be changed at the time of final reclamation.

R645-301-341.250 requires the plan to include measures proposed to be used to determine the success of revegetation as required in R645-301-356. In turn, R645-301-356.100 says revegetation success will be judged on the effectiveness of the vegetation for the approved postmining land use, the extent of cover compared to the extent of cover of the reference area or other approved success standard, *and the general requirements of R645-301-353* (emphasis added). Therefore, by reference, the plan is required to include measures proposed to be used to determine the success of revegetation for the general requirements in R645-301-353. Diversity, seasonality, and effectiveness in controlling erosion are standards for success mentioned in the general requirements.

In addition, R645-301-353 says the permittee must establish ". . . a vegetative cover that is in accordance with the approved permit and reclamation plan." This regulation clearly indicates the responsibility of the permittee and Division to establish success standards and include them in the reclamation plan.

Soldier Creek Coal objected that any success standard it selects today would probably not be accepted by the time revegetation occurs at this site. The success standards would need to be approved by the Division and justification for approval included in the Technical Analysis. The standards for success could be changed through the life of the operation through the Amendment and Division Order processes. However, when Soldier Creek Coal is seeking final bond release, the Division would be bound to accept the approved standards in the same way that Soldier Creek Coal would be bound to meet them.

R645-301-356 specifies certain methods that may be used for judging reclamation success for other parameters, and it also defines these success

standards. Ground cover, production, or stocking may be measured by any of the methods in the "Vegetation Information Guidelines," Appendix A. As specified in R645-301-356.120, ground cover, production, or stocking will be considered equal to the approved success standard when they are not less than 90 percent of the success standard. The sampling techniques for measuring success will use a 90-percent statistical confidence interval.

The regulations and the "Vegetation Information Guidelines" do not include methods for measuring the other parameters discussed in R645-301-353 and referenced in R645-301-356. Without methods of measuring these parameters and without specific standards in the Reclamation Plan, the Permittee and Division are left to interpret vague standards without any specific guidance. This lack of standards could delay bond release because of the need to reseed when the extended responsibility period should be expiring.

In summary, Soldier Creek Coal must still address the following deficiencies.

1. Include on-site disposal fees in the bond estimate and modify the Reclamation Plan to show the location of the disposal areas.
2. Propose revegetation success standards for erosion control, diversity, seasonality, and effectiveness for the postmining land use.

Please correct these deficiencies by no later than July 17, 1995. If you have any questions, please call.

Sincerely,



Daron R. Haddock  
Permit Supervisor

blb  
cc:  
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