



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

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May 23, 2000

TO: Internal File

FROM: Peter Hess, Reclamation Specialist III *PH*

RE: MSHA Renewal of Inspection Frequency Variance for Pond 013A, Plateau Mining Corporation, Willow Creek Mine, ACT/007/038-AM00G

SUMMARY:

On May 5, 2000 Plateau Mining Corporation submitted a copy of a correspondence from the U.S. Department of Labor, Mine Safety and Health Administration, District 9 granting a renewal for a continued inspection frequency for pond 013A not to exceed a thirty day interval. This is to remain in effect until the site is abandoned or until the permittee is notified by the MSHA District 9 Manager for the need to change the frequency.

Verbiage relative to this monthly inspection frequency is included on Page 4.7-27 of the Willow Creek Mine mining and reclamation plan. This variance renewal merely needs to be inserted into the Mine's MRP as part of Exhibit 10. **There does not need to be any change to the verbiage of the current approved mining and reclamation plan.**

TECHNICAL ANALYSIS:

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:

Impoundments

R645-301-514.320 requires that impoundments subject to MSHA, 30 CFR 77.216 must be examined in accordance with 30 CFR 77.216-3.

TECHNICAL MEMO

The design of pond 013A (School House Canyon coarse refuse toe pond) meets the requirements of 30 CFR 77.216, thereby classifying it as an "MSHA" pond. Prior to Plateau obtaining an inspection frequency variance, pond 013A was inspected on a weekly basis.

30 CFR 77.216-3 (a)(3) indicates that "Longer inspection or monitoring intervals approved under this paragraph (a) shall be justified by the operator based on the hazard potential and performance of the impounding structure, and shall include a requirement for inspection immediately after a specified rain event approved by the District Manager. The April 18, 2000 letter from MSHA relative to the renewal of the 30 day inspection interval variance indicates that upon the site receiving one inch of rainfall over a six hour period, an immediate inspection of pond 013A shall be conducted.

Other stipulations which pertain to retaining this decreased inspection frequency include:

- 1) immediate inspection upon noted unusual conditions of the impoundment.
- 2) immediate inspection of the facility following a seismic event.
- 3) monitoring of water depth and available freeboard on inspection reports.
- 4) daily monitoring of measurable rainfall.

The permittee has been conscientious about performing these requirements in the past, and continues to do so.

Since a reduction in inspection frequency not to exceed once every thirty days has been granted by MSHA, the requirement of R645-301-514.320 can also be reduced such that the one monthly inspection can meet the requirements of both 30 CFR 77.216-3 and R645-301-514.320.

Findings:

No changes have been necessitated to the Willow Creek Mine mining and reclamation plan. Amendment AM00G should be approved as submitted.

RECOMMENDATION:

Division approval of AM00G as submitted is recommended. Insertion of the April 18, 2000 MSHA letter into Exhibit 10 of the Willow Creek mining and reclamation plan will complete all R645 requirements.

It has been determined that it is not necessary to inform the Utah Division of Water Rights, Dam Safety Division, of this change in inspection frequency for pond 013A.