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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

BRIAN STEED  
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### Division of Oil, Gas and Mining

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Division Director

March 23, 2020

Kirt Tatton, General Manager  
Canyon Fuel Company, LLC  
P.O. Box 1029  
Wellington, Utah 84542

Subject: Phase II Contemporaneous, Canyon Fuel Company, LLC, Dugout Canyon Mine, C/007/0039, Task #6069

Dear Mr. Tatton:

The Division has reviewed your Phase II Contemporaneous Soils amendment. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The deficiencies authors are identified so that your staff can communicate directly with that individual should questions arise. Please resubmit the entire application by April 24, 2020.

If you have any questions, please call me at (385) 290-9937.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Christensen".

Steve Christensen  
Coal Program Manager

SKC/sqs

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## Technical Analysis and Findings

### Utah Coal Regulatory Program

**PID:** C0070039  
**TaskID:** 6069  
**Mine Name:** DUGOUT CANYON MINE  
**Title:** PHASE II CONTEMPORANEOUS RECLAMATION SOILS

#### Operation Plan

#### Topsoil and Subsoil

##### Analysis:

The application does not meet the State of Utah R645 requirements for Soils: Operation Plan.

To facilitate Phase II expansion of the waste rock site and contemporaneous reclamation, topsoil stockpile #2 and subsoil stockpile #2 were moved from the SW fence line, at the toe of the Dugout Waste Rock site, to the top of the waste rock pile. In accordance with R645-301-234.240, the Permittee notified the Division of this move on January 29, 2019 and agreed to follow up with a permit amendment.

This application does not simply move stockpiles from one location to another, however. This application presents a different reclamation scenario from the approved MRP. The volumes projected for future soil salvage have changed; the proposed number of future stockpiles differs; and the acreage to be reclaimed has been reduced.

#### Review of Existing Stockpile Information

The former topsoil #2 and subsoil #2 stockpile locations and volumes are shown on RA Plate 2-2, incorporated 2017. A commitment must be added to the MRP to update this as-built drawing to show the current location of all stockpiles and accurately state their volumes after the 2020 flyover. The new stockpile location is outlined on the Relocated Soils Drawing in RA Attachment 2-2. The new topsoil #2 and subsoil #2 stockpiles are hereafter referred to as the topsoil and/or subsoil Atop Refuse Pile, as they are currently called on the RA Drawing.

The Reclamation Soils (Quantities Approximate) – February 2020 table in RA Chapter 2 Section 242.100 provides an estimate of the volumes of stored topsoil and subsoil and their location, based upon previous information and the recent topsoil relocation:

#### 2020 Topsoil Stockpile Accounting vs. Previous Accounting (2017, p. 2-20 and RA Plate 2-2)

5,612 CY in Topsoil Stockpile #1	5,612 CY in Topsoil Stockpile #1
+ 5,204CY Topsoil in Atop Refuse Pile*	<u>2,937 CY in Topsoil Stockpile #2</u>

\* includes soil from mine site flood/blocked drainage (approx. 2,267 CY)

**= 10,816 total stockpiled topsoil**

**= 8,549 total stockpiled topsoil**

2020 Subsoil Stockpile Accounting vs. Previous Accounting (2017, p. 2-20 and RA Plate 2-2)

9,211 CY in Subsoil Stockpile #1

9,211 CY in Subsoil Stockpile #1

+ 10,703 CY in Atop Refuse Pile\*\*

2,753 CY in Subsoil Stockpile #2

\*\*includes approx. 7,977 CY subsoil remaining after Ph I contemporaneous reclamation

**= 19,914 total stockpiled subsoil**

**=15,068 CY total stockpiled subsoil**

The Division understands the above changes in topsoil and subsoil stockpile accounting.

RA Attachment 2-2 states the stockpiles will be protected by seed and hydromulch when temperatures are above freezing. If seeding has not yet been accomplished, it should be done immediately without waiting for approval of Task 6069, seeding is a performance standard required on all topsoil and subsoil stockpiles. The topsoil and subsoil stockpiles must be seeded and hydromulched within the next 2 weeks, by April 2, 2020.

**Review of the changes to contemporaneous (live haul) and Phase II (future) soil volumes**

The 2017 reclamation area is described as 18.19 acres in 2017 (RA Chap 2, p.2-19). The reclamation area is reduced to 15.06 acres in 2020 (p. 2-22). This adjustment in area may be due to the contemporaneous reclamation of a portion of the 4.5 acres outlined on RA Plate 2-2. If so, this needs to be explained in the narrative and the area that has been contemporaneously reclaimed must be tracked on RA Plate 2-2.

The Reclamation Soils (Quantities Approximate) – February 2020 table in RA Section 242.100 also provides information on volumes placed in contemporary reclamation and future salvage volumes. The Division finds it difficult to track the information received in 2017 and that currently presented.

2020 Already used Contemporaneous Reclamation Accounting vs. 2017 statements on p. 2-20

1,180 CY topsoil

4,088 CY topsoil added to topsoil #1

7,696 CY subsoil\*

2,920 CY subsoil added to subsoil #1

The Division is uncertain as to why this accounting has changed.

2020 Future Contemp. Reclamation in Phase II Accounting vs. 2017 statements on p. 2-20

2,364 CY topsoil available Ph II

3,086 CY Ph II topsoil

4,426 CY Ph II topsoil #3 pile

7,512 CY topsoil

16,902 CY subsoil available Ph II

23,933 CY subsoil Ph II

The Division is uncertain as to why this accounting has changed.

2020 Topsoil Stockpiled after Phase II expansion vs. 2017

0 CY 4,426 topsoil stockpile #3

The Division is uncertain as to why this accounting has changed.

Summary of the difference in projections of total cover in stockpiles and Phase II expansion between 2017 and 2020:

2020: 13,180 CY topsoil and 36,816 CY subsoil (amendment p. 2-21).

2017: 20,149 CY topsoil and 36,064 CY subsoil (approved MRP p. 2-20).

The Division is uncertain as to why this accounting has changed. Has there been a change to the proposed salvage area?

*Deficiencies Details:*

The application does not meet the State of Utah R645 requirements for Soil Operation Plan. The following deficiency must be addressed prior to final approval:

R645-301-231.400, **(1)** If topsoil and subsoil stockpiles have not already been seeded, they must be seeded and hydromulched within 2 weeks, by April 2, 2020. **(2)** A commitment must be added to the MRP to update RA Plate 2-2 to show the current location of all stockpiles and their surveyed volumes by September 31, 2020 (which is after the 2020 flyover and nine months after the notice of stockpile movement). **(3)** The 2017 reclamation area is described as 18.19 acres in 2017 (RA Chap 2, p.2-19). The reclamation area is reduced to 15.06 acres in 2020. This adjustment in area may be due to the contemporaneous reclamation of a portion of the 4.5 acres outlined on RA Plate 2-2. If so, this needs to be explained in the narrative and the area that has been contemporaneously reclaimed must be tracked on RA Plate 2-2.

The application does not meet the State of Utah R645 requirements for Clear and Concise. The following deficiency must be addressed prior to final approval:

R645-301-234.240, Changes to the soil salvage estimates and reclamation area do not belong with this amendment. Please remove all changes related to projected salvage and reclamation cover requirements. This soil stockpile movement amendment should not be complicated with these changes.

R645-301-121.200, If projections of total cover in stockpiles and Phase II expansion salvage volumes have changed between 2017 and 2020, please re-submit this information with an explanation for the changes. Has there been a new soil survey? Has there been a change to the proposed salvage area?

pburton

## Maps Facilities

*Analysis:*

The application meets the State of Utah R645 requirements for Facilities Maps.

The application satisfies the requirements of R645-301-521.165 because the included Plate 5-1 offers a detailed plan view of the design surface of the Dugout refuse pile. The plate displays the locations of all roads, sediment ponds/basins, drainage ditches, culverts, and permit area boundaries. The operational surface is distinguished from the

existing ground by differently colored contours. Thirteen cross-sections cut laterally through the refuse pile, and the section views may be found on Plates 5-1A and 5-1B. Plate 5-1 has been stamped and certified by R. Jay Marshall, a Registered Professional Engineer in the State of Utah.