



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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April 6, 2000

Hand Delivered

Mike Glasson, Environmental Coordinator
West Ridge Resources, Inc.
P.O. Box 902
Price, Utah 84501

Re: *Outgoing*
Division Order Requiring As-Built Plans, West Ridge Resources, Inc., West Ridge Mine,
ACT/007/041-DO00A, Outgoing File

The Division has completed a review of the West Ridge mining and reclamation plans, including your recent February 16, 2000 submittal, and have found them deficient. Pursuant to R645-301-212, the Division has prepared the attached order to correct the deficiencies. Further, the attached technical analysis has been prepared to describe the basis of the findings and to aid in responding to each deficiency.

We would be happy to help you with any questions that may arise. Should you desire further discussion or clarification please call Pete Hess at (435) 613-5622 or Daron Haddock at (801) 538-5325.

Sincerely,

Lowell P. Braxton
Lowell P. Braxton
Director

sd/sm
Enclosures: TA March 28, 2000
cc: Price Field Office
O:\007041.WR\FINAL\DO00ACOVER.wpd

Received by: *Michael W Glasson* Date: *04/7/00*

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Mike Glasson, Environmental Coordinator
West Ridge Resources, Inc..
P.O. Box 902
Price, Utah 84501

ORDER & FINDINGS
OF
PERMIT DEFICIENCY

PERMIT NUMBER ACT/007/041
DIVISION ORDER 00A

PURSUANT to R645-303-212, the Division orders the permittee, West Ridge Resources, Inc., to make the requisite permit changes enumerated in the findings of Permit Deficiency in order to be in compliance with the State Coal Program. These findings are to be remedied in accordance with R645-303-220.

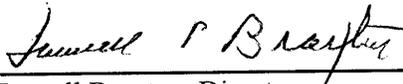
FINDINGS OF PERMIT DEFICIENCY

A review of the current Mining and Reclamation Plan (MRP) and field investigations have revealed that certain activities associated with the mine are not adequately addressed. Construction at the minesite has varied from the originally approved plans and "as-built" plans are required to document the present mine site configuration. The recent submittal received on February 16, 2000 was not adequate to address the requirement for "as-built" designs. The attached Technical Analysis identifies those areas where the plans are deficient. West Ridge Resource, Inc. must address the deficiencies as outlined in the attached Technical Analysis dated March 28, 2000.

ORDER

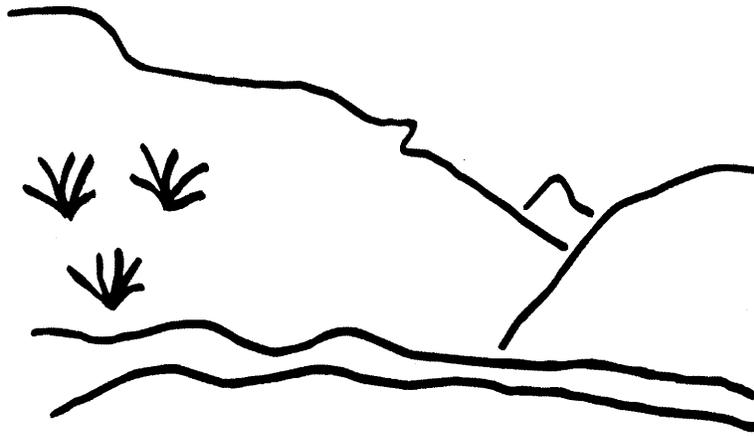
West Ridge Resources, Inc., is hereby ordered to make the requisite permit changes in accordance with R645-303-220 and to submit a complete, adequate application for permit change to address the findings of permit deficiency within 60 days of the date of receipt of this order.

Ordered this 6th day of April, 2000, by the Division of Oil Gas, and Mining.



Lowell Braxton, Director
Division of Oil, Gas and Mining

State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

West Ridge Mine
Surface Facility "As-builts"
ACT/007/041-AM00B
Technical Analysis
March 28, 2000

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INTRODUCTION

INTRODUCTION

On February 16, 2000, the permittee submitted information relative to the as-built configuration of the surface facilities of the "still under construction" West Ridge Mine (ACT/007/041-AM00B.) The construction of the portal highwall area encountered unforeseen coal burn, requiring the permittee to make field changes which were not approved within the permit application plan. These changes in turn have caused major concerns within the Division relative to the reclaimability of that area.

The amendment was received in the SLO on 2/16/2000 and in the PFO on 3/3/2000. Same consists of the proper C-1 and C-2 forms, Table 16A, which consists of "as-constructed" volumes for the dual cell sediment pond, and as constructed Maps 5-5, Surface Facility Map and 7-4, Sediment Pond-Plan and Profile.

SUMMARY OF OUTSTANDING DEFICIENCIES

SUMMARY OF OUTSTANDING DEFICIENCIES (Draft TA Only)

The Technical Analysis regarding the proposed permit changes is not complete at this time, pending submittal of additional information by the Permittee and further review by the Division, to address outstanding deficiencies in the proposal. A summary of those outstanding deficiencies is provided below. Additional comments, concerns, and deficiencies may also be found within the analysis and finding make in the Draft Technical Analysis which have not been presented in this summary. Upon finalization of this review, any outstanding deficiencies will be evaluated for compliance with the regulatory requirements. Such deficiencies may be conditioned to the requirements of the permit issued by the Division, result in denial of the proposed permit changes, or may result in other executive or enforcement actions as deemed necessary by the Division at that time to achieve compliance with the Utah Coal Regulatory Program.

Accordingly, the permittee must address those deficiencies as found within this Draft Technical Analysis and provide the following, prior to approval, in accordance with the requirements of: 3

R645-301-512; please refer to the 13 deficiencies that are listed under the analysis section of **Mining Facilities Maps**, right before and on page. 6

R645-301-520, -721, and -733, provide the following, as detailed above: 1) An As-Built drawing showing the topography and the constructed drainage ditches and culverts of the mine site, 2) A revised Table 16A showing crest elevations for both ponds, 3) A map showing the profile cross-sections for the sediment pond (Map 7-4) and for the rest of the mine site, and 4) A complete set of MRP drawings showing the same disturbed area boundaries as revised by the construction. 4

R645-301-521.120, The Permittee must give the Division accurate maps and cross sections of the highwalls. The maps and cross sections should be at a scale large enough for the Division to determine the extent of the disturbance. 8

R645-301-553.120, The Permittee must show that the reclamation plan, maps and cross sections accurately depict how the highwalls will be eliminated. 8

R645-301-553.130, The Permittee must show that the reclaimed slopes associated with the highwalls will have a safety factor of at least 1.3. 8

R645-302-210, The permittee needs to provide a reclamation plan for the highwall showing how soils in the experimental practice area will still be protected. 10

R645-302-216, The permittee is required in the permit to conduct an annual evaluation of the effectiveness of the experimental practice. This evaluation is due April 1, 2000, but could be submitted with the required revised reclamation designs. 10

OPERATION PLAN

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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:

Sedimentation Ponds

The submittal consists of two maps, Map 5-5 Surface Facility Map (As Constructed) and Map 7-4 Sediment Pond - Plan & Profile (As Constructed). Also included was a Sediment Pond Inspection Report, and Table 16A, Sediment Pond As-Constructed Volumes. All of the submittals were stamped and certified by a Registered Professional Engineer. The original intent of the submittal was to compare the constructed highwalls to the one approved in the MRP. Hydrologically there are really no changes at the highwalls. The approved portal area highwall was about 40 feet high while the constructed one is about 90 feet tall. Additionally, there is a safety bench at the base of the highwalls that was not in the original submittal. The drainage area remains the same and no added runoff would result.

Comparison of the MRP Map 5-5 and the new Map 5-5 shows several changes. The topsoil storage piles are not in the same location and do not appear to be the same size or configuration. In addition, several pads on the mine site are located slightly differently than originally shown in the approved MRP. Presumably, the construction field conditions necessitated these changes. Also, the road from the upper right pad area up to the "nose" is not in the same location and the road, as shown on the "as constructed" map, was constructed outside the permit boundary. There is no indication of any drainage ditches or culverts on the new Map 5-5. These are needed to assure that construction did not significantly alter the approved drainage patterns. All of the above-noted changes will require comparison of the affected drainage ditches and culverts. The Operator will need to provide an As-Built drawing showing the constructed drainage ditches and culverts. An As-Built version of Map 7-2, Mine Site Drainage Map, including the constructed topographic features, would be appropriate.

Comparison of the MRP Map 7-4 and the new Map 7-4 showed a few changes. Disturbed area culverts DC-12 and DC-13 are located about 45 feet to the west of the original design. This has no impact on their function. The roads are in basically the same location. Both cells of the sediment pond are very close to original design. The cells do not cut into the hillside and are positioned right next to one-another as originally approved. ASCA-Z, the drainage basin below the ponds, is the same as approved.

The disturbed area boundaries are very different on the old and new Map 7-4. In addition, the disturbed area boundary on the MRP map 7-4 is different from the newly submitted Map 5-5. Since the

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disturbed area boundary will have to be changed due to the construction of the road outside the originally approved boundary, ALL maps in the MRP will need to be changed to reflect the revised boundary.

Review of the new Table 16A and the MRP Table 17, Sediment Pond Stage-Volume Data, showed some differences also. The MRP table shows the Crest Elevations for both cells (A & B), while there are no corresponding As-Built elevations. The new Table 16A needs to have included the crest elevations for both ponds. This is necessary to assure that there is adequate freeboard from the emergency spillway to the top of the embankment. Also, a note at the bottom of Table 16A indicates the constructed pond has a greater capacity than the designed pond. The difference is an increase of 0.479 Acre-Feet, based on the volume of the ponds at the Primary Spillway elevation. Comparison of the old and new pond volumes confirms this figure. Based on the Emergency Spillway elevation, the note says there is an increase of 0.508 Acre-Feet. This is a little confusing since the MRP Table 17, and text, do not contain any pond volumes at the Emergency Spillway elevation. However, both the old and new Map 7-4 do show pond volumes at the Emergency Spillway elevation, and the difference is 0.510 Acre-Feet.

The Map 7-4, Sediment Pond - Plan & Profile (As-Constructed), does not contain any profiles. These will definitely need to be provided. The same is true for the cross sections for the whole mine site. The cross sections are necessary to accurately calculate Reclamation volumes and to accurately depict the constructed configuration of the mine site.

The Sediment Pond Inspection Report indicates the pond was constructed in a safe, stable, and adequate manner. It recommends the sediment clean-out marker be installed.

Both the As-Built drawings show the man-made features including buildings, power lines, buried culverts, and roads as they exist now after construction.

Findings:

In its present form, the submittal does not meet minimum regulatory requirements. Accordingly, the Permittee must address those deficiencies as found within this Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

R645-301-520, -721, and -733, provide the following, as detailed above: 1) An As-Built drawing showing the topography and the constructed drainage ditches and culverts of the mine site, 2) A revised Table 16A showing crest elevations for both ponds, 3) A map showing the profile cross-sections for the sediment pond (Map 7-4) and for the rest of the mine site, and 4) A complete set of MRP drawings showing the same disturbed area boundaries as revised by the construction.

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MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Analysis:

Mining Facilities Maps

As noted above, Map 5-5, Surface Facility Map ("as-constructed") has been included as a portion of this submittal. The following deficiencies have been noted during the review of this map.

- 1) Map 5-5 shows a "public turn around" area on the southern end of the truck loading loop. This area is a part of the current issue relative to permitting of the "C" Canyon gate/road. As another "turn around" has already been constructed south of the "C" Canyon gate, the "public turn around" indicated on Map 5-5 should not be labeled.
- 2) Map 5-5 contains three "proposed" structures; 1....Main office; 14....Bath house/lamp house; 20....Warehouse/Shop. Proposed structures cannot be permitted through "as-built"/"as-constructed" drawings. The purpose of "as-built" drawings is to describe the surface facilities as they exist at the time of P.E. certification of the drawing. Upon "As-built" drawing approval, proposed structures must be permitted individually prior to the initiation of construction of any such facility.
- 3) No structure is shown under the truck loading area reclaim conveyor, although "Truck Loadout" is designated as area (5) by the legend. This structure is still under construction as of the date of this analysis, but should be completed within the next month. **A picture of the completed structure, as well as all other mine facilities structures should be included** as well as any other items necessary to meet the requirements of R645-301-526.
- 4) Area (23) should be designated as a "non-coal waste storage area" not "dumpsters." The permittee may want to consider adding a note to the drawing which says "Temporary storage of non-coal waste will occur in dumpsters; dumpster location within the surface facilities area will vary according to disposal needs and management decision".
- 5) There have not been any cross sections submitted for the "as-constructed" surface facilities pad. If the pad cross-sections are identical as those submitted with the permit application (Maps 5-6, 5-6A-C, and 5-8, P.E. certified on 1/6/99), then a statement from the engineer, re-certifying these drawings (plus newly stamped maps) as "as-built surface facilities pad cross sections" is necessary to meet the requirements of R645-301-521.122.

A review of Map(s) 5-5, " "as-constructed" Surface Facility Map" and the proposed 5-5 in the permit application indicates that the permittee has cut the entire portal highwall area back fifty to sixty feet more than anticipated. A safety berm has been implemented here to protect men and

OPERATION PLAN

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machinery from falling highwall debris. New cross sections of this area must be submitted to determine if the commitment made in the permit application for the reclamation of this area can be met. Additional Division concerns may arise relative to the experimental topsoil storage plan approved in the mining and reclamation plan.

- 6) In the upper right fork of "C" Canyon, there is some type of structure(s) by the lower powder/cap storage magazine, which is designated as (25). There is no designation as to what this structure is.
- 7) There is no secondary topsoil storage area in the upper left hand fork of "C" Canyon. One is indicated on the "as-constructed" Map 5-5. If such an area is needed in the future, then it must be permitted at that time. However, in consideration of the fact that this area is delineated for coal storage, special provisions would probably be required by the Division to store topsoil in an area subject to coal fines contamination.
- 8) It is suggested that the coal storage area delineated in the upper left fork be maximized for storage volume.
- 9) Map 5-5 ("as-constructed") shows two "coal mine waste temporary storage areas." Page 5-45 of the approved mining and reclamation plan commits the permittee to temporarily storing a maximum of 12 cubic yards (one truck load) on the surface for no more than 180 days. Two storage areas are not needed.
- 10) What is the small structure adjacent to the area designated as (20), warehouse/ shop (proposed)?
- 11) A portion of the access road to the run-of-mine conveyor drive (180 feet NNW of main ventilation fan) is depicted as being outside of the disturbed area perimeter. The DAP must be adjusted to include this portion of the road and the top of any cutbank associated with it inside the disturbed area.
- 12) Map 5-5 "As Constructed" also depicts the head of the SE corner of the portal highwall as outside of the disturbed area perimeter. This too must be included within the disturbance.
- 13) The head of the cut bank which is SSE of the electrical substation is approximately twenty-five feet outside of the disturbed area perimeter, as indicated by the "As Constructed" Surface Facility Map 5-5.

Findings:

R645-301-512; please refer to the 13 deficiencies that are listed under the analysis section of **Mining Facilities Maps**, right before and on page.

RECLAMATION PLAN

RECLAMATION PLAN

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

The permittee originally proposed to create a highwall in the portal area which was smaller than what has been constructed. During construction, the permittee discovered that the coal near the outcrop had been burned much more than was originally anticipated. The permittee could not follow the approved mine plan because of the unanticipated extent of the burned coal and constructed larger highwalls. The permittee also constructed a safety bench to protect employees and machinery in this area from falling debris.

The Division staff estimates that the highwalls are now 40 to 50 feet higher than originally planned for and approved. This creates a major concern relative to the reclaimability of this highwall. Many questions have arisen relative to commitments made in the permit application package regarding the experimental topsoil storage plan.

Another concern relative to the highwalls is the ability to completely reclaim them to meet the requirements of the experimental topsoil storage plan. Since the area was undisturbed prior to mining, the Permittee is required to reclaim all highwalls. See R645-301-553.120.

The permittee must provide to the Division "As-Built" drawings of the highwalls, including cross sections. Also, the permittee must either show that the commitments made in the existing reclamation plan are achievable during reclamation with the "As-Built" highwall configuration. If those commitments are not achievable, then a modified reclamation plan must be submitted. If significant alterations to the experimental practice become necessary, they would be subject to the notice, hearing, and public participation requirements of R645-300-120 and concurrence by the Office of Surface Mining, Reclamation and Enforcement.

The Division is concerned that in order for the Permittee to reclaim the highwalls they will have to move the toe of the slope closer to the drainage to meet stability requirements. If the toe extends into the experimental practice area, the Permittee must show how that area will be reclaimed. The Permittee must also show that the reclaimed slopes will have safety factors of at least 1.3. See R645-301-553.130.

Findings:

The information in the proposed amendment is not considered adequate to meet the requirements of this section. Prior to approval, the Permittee must provide the following in accordance with:

RECLAMATION PLAN

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- R645-301-521.120**, The Permittee must give the Division accurate maps and cross sections of the highwalls. The maps and cross sections should be at a scale large enough for the Division to determine the extent of the disturbance.
- R645-301-553.120**, The Permittee must show that the reclamation plan, maps and cross sections accurately depict how the highwalls will be eliminated.
- R645-301-553.130**, The Permittee must show that the reclaimed slopes associated with the highwalls will have a safety factor of at least 1.3.

SPECIAL CATEGORIES OF MINING

Revised: March 28, 2000

REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

EXPERIMENTAL PRACTICES MINING

Regulatory Reference: 30 CFR Sec. 785.13; R645-302-210, -302-211, -302-212, -302-213, -302-214, -302-215, -302-216, -302-217, -302-218.

Analysis:

The permit for the West Ridge Mine includes provisions for an experimental practice where topsoil was preserved in place rather than being salvaged. The Office of Surface Mining, Reclamation and Enforcement and the Division approved this practice believing it would offer at least as much environmental protection as traditional soil salvage. The mining and reclamation plan included very specific steps needed for this practice to succeed.

In the bottom of "C" Canyon, soil was left in place rather than being salvaged prior to mining. This soil was covered either with geotextile or with strips of flagging to mark it. Next, fill was placed on top of the soil, and the mine facilities are being built on top of the fill.

Soil was salvaged and stockpiled from the areas where it was necessary to cut the slopes. In the approved mining and reclamation plan, the permittee demonstrated these cuts could be reclaimed to the same contour that existed prior to mining. This was necessary because if the slopes had to be less steep, they would cover the soil in the experimental practice area.

Because the highwall is higher than shown in the existing mining and reclamation plan, it is now uncertain whether it can be reclaimed to the original contour while maintaining a stable slope. If the slope has to be less steep, it would cover part of the experimental practice area where topsoil is buried, and this could not be allowed.

The permittee needs to provide revised reclamation plans addressing highwall reclamation in light of the experimental practice. In addition, Stipulation 1 in Attachment A of the permit requires that West Ridge Resources conduct an annual evaluation of the effectiveness of the experimental practice. The Division is also required to conduct an annual review of the practice to ensure that it fully protects the environment and public health and safety. Since the permit was approved April 1, 1999, the first of these evaluations by both the permittee and the Division should be in preparation. It would be appropriate for the permittee to submit this information with "as-built" drawings. In the event that the experimental practice is determined to be not as environmentally protective as would otherwise be required by standards promulgated under R645-301 and R645-302, revised reclamation plans which utilize standard reclamation technology will be required.

SPECIAL CATEGORIES OF MINING

Findings:

Information provided in the proposal is not adequate to meet the requirements of this section of the regulations. Prior to final approval, the permittee must supply the following in accordance with:

R645-302-210, The permittee needs to provide a reclamation plan for the highwall showing how soils in the experimental practice area will still be protected.

R645-302-216, The permittee is required in the permit to conduct an annual evaluation of the effectiveness of the experimental practice. This evaluation is due April 1, 2000, but could be submitted with the required revised reclamation designs.

In addition to the evaluation of the experimental practice done by the permittee, the Division is also required to conduct an annual review to ensure that it fully protects the environment and public health and safety. The Division should review the analysis presented by the permittee.