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DEPARTMENT OF NATURAL RESOURCES

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Outgoing
C0070041
X

April 30, 2009

Dave Shaver, Manager
West Ridge Resources, Inc.
P.O. Box 910
East Carbon, Utah 84520-0910

Subject: Mitigation and Abatement Plan, Task # 3257, West Ridge Resources Inc., West Ridge Resources, C/007/0041

Dear Dave Shaver:

The Division has reviewed your Mitigation and Abatement Plan for Violation # 10033, Additional Contributions of Sediment outside the Permit Area.

The Division has determined that there are some deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met, and an approval can be granted. Those deficiencies are listed as an attachment to this letter.

Each deficiency identifies its author by that author's initials in parentheses, such that your staff can directly communicate with that individual should any questions arise relative to the preparation of West Ridge Resource's response to that particular deficiency.

The plans as submitted are denied. Please resubmit the entire application.

Sincerely

Daron Haddock
Permit Supervisor

DRH/sqs
Attachment
O:\007041.WR\FINAL\WG3257\DEFLETTER1.DOC



Deficiency List
Task No. 3257
Mitigation and Abatement Plan

The members of the review team include the following individuals:

Ingrid Wieser [IW]
Steve Christensen [SC]
Priscilla Burton [PB]

R645-301-114, The application must include copies of the BLM Right of Way issued on Feb 9, and Feb 23; the DWRights channel alteration permit issued Feb. 3; and the SITLA Right of Entry agreement issued on Feb. 17, 2009 so that the legal description of the affected area is known and so that the Division can process the abatement plan, which refers to guidance from these documents. [PWB]

R645-301-750 and R645-301-340: Provide a detailed plan on how the catchments will be reclaimed including re-contouring the stream bed, removing embankments, preparing the seedbed, and seeding in order to restore the habitat along the corridor. • Provide a seed mix that will be used once the catchments have been removed and equipment access and storage areas have been backfilled in order to control erosion and improve the habitat that existed before the disturbance. • Include the pre-construction photographs mentioned on Page 3 of the Abatement plan that were taken of all of the catchments sites and are to be used during reclamation. • Per item # 3 of NOV # 10033, the Permittee must submit a time schedule to the Division for completion of Mitigation/Clean-up activities. If it is intention of the Permittee to retain the catchments beyond the established abatement date, the Division will require permitting under SMCRA. [IW, SKC]

R645-301-742.112, The abatement plan states on p. 5 that a flocculant has been used to reduce the total iron and TSS levels in the discharge water. Please provide the chemical name of the flocculant and the Material Safety Data Sheets (MSDS) for the chemical. [PWB]

In addition, the Permittee should update the abatement plan if additional flocculant is to be applied above Sediment Basin A. During the field inspection on April 29th, 2009, Mr. Dave Shaver indicated that a flocculant bench test would be performed in an attempt to remove additional TSS from the mine-water discharge. Mr. Shaver indicated that if the test were encouraging, the additional flocculant would be administered up gradient from Sediment Basin A. If this is to occur, the plan must be revised to reflect that change. [SKC]

R645-301-742.121, Exhibit 6 indicates that 75% of the particles are < 200 mesh, however the laboratory analysis of particle size was not provided. The application must include the laboratory report for particle size distribution and saturation percentage. •Page 2 of the abatement plan states samples were collected, but must provide details about sample collection, such as number of samples taken to create a representative sample, locations of sampling, and sample size. [PWB]

R645-301-742.210, Exhibit 4 and 5 drawings must be P.E. certified. [PWB]

R645-301-750, The river distance between sediment basins should be reported in the application. • The application must include the photographic documentation of the pre-construction conditions that is referred to on page 2 for sites A – F. • Disposal of the excelsior logs should be described at an authorized waste disposal site. [PWB]

R645-301-751, The abatement plan needs to provide further clarification as to the handling/routing of the in-mine water. Based upon a conversation with Mr. David Hibbs (Director, Engineering West Ridge Mine) on April 15th, 2009, the piping required to fully implement the long-term in-mine water treatment plan is on order and currently unavailable. As a result, Mr. Hibb's indicated that the long-term plan would not be fully operational for months. The letter from Mr. Hibbs provided in Exhibit 8 of the abatement plan indicates that the long-term plan would be "put into service in early April 2009". As this is no longer the case, the abatement plan needs to be revised to accurately reflect the proposed timing changes. [SKC]

R645-300-146 and R645-301-750 and R645-301-310 and R645-301-742.310, The sediment pond must be regulated by DOGM under the R645 rules and an amendment to the current West Ridge Mine Permit must be submitted and approved by the Division prior to construction. The abatement plan and Sediment pond contingency plan section must include a plan to receive approval from the Division before construction. Applications for Significant Permit revisions and Permit Amendments should be submitted to the Division at least 120 days and 60 days, respectively, before the change in operations is expected to be implemented. Although mine waste is usually regulated by DOGM, according to R315-2.4 (a)(2), the Utah DEQ regulates the sludge generated from a point source discharge. Consult with the DEQ for the pond treatment option, in accordance with R645-301-742.312.4. [PWB, IW]

R645-400-320 and R645-301-750, The Division, as remedial Item #2 of the Notice of Violation, requests that the Permittee identify the areas impacted by coal fines. Please submit a detailed map showing the extent of the coal fines as well as acreage of disturbed areas related to the coal fines clean up (catchment areas, access roads, equipment access and material storage areas, etc). • The BLM Right of Way stipulated that any area within the right of way that was to be disturbed should be brush-hogged and the topsoil should be removed and stockpiled. Include vegetation and soil removal methods in the plans and make a commitment to fulfill this if any other area is disturbed (expansion of current catchment areas, sediment pond construction, additional roads, etc.) • Provide the location of the waste disposal facility that will accept the coal fines pumped from the catchments as well as any other waste associated with the clean up. If final disposal is at a permitted mine site, the Division will require that the sludge material be kept out of contact with groundwater and surface water and be buried under four feet of fill, based upon the information provided. [IW, PWB]