

#3661
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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

November 9, 2010

TO: Internal File

THRU: Daron Haddock, Permit Supervisor *DH*

FROM: Ingrid Campbell, Lead *IC*

RE: Catchment Structures C & E, West Ridge Resources, West Ridge Mine, Permit # C/007/0041 and Task ID #3661

SUMMARY:

On September 21, 2010, the Division issued West Ridge Resources a violation for failing to maintain sediment control measures to prevent additional contributions of sediment outside the permit area. Significant amounts of coal fines had discharged into the C canyon drainage from the mine. This coal fine discharge problem occurred previously in January of 2009 and West Ridge Resources was issued violation #10033. Originally, the Division required that a series of catchments be put in place to collect the coal fines and remove them from the stream. West Ridge Resources has since reclaimed all catchments except one. The NOV # 10063 required that the permittee submit plans for an underground mine-water monitoring/treatment system, construction of Sub-catchments C and E and methodology for clean-up from UPDES Outfall 002 to Sub-catchment E by August 11, 2010. Also, it required that all abatement measures be complete by September 29, 2010. This NOV abatement date has been extended to October 19, 2010.

On August 2nd, 2010, the Division received an application to include Catchment Structures C & E in the permit area. On August 17, 2010, the Division found the application to be deficient, but provided the authorization to begin construction and cleanup operations prior to final approval of the application (See 2010 Outgoing Document 08172010.pdf).

On October 19, 2010, the Division received the response to deficiencies for including the two catchments in the permit area. As of this date, the catchments have been constructed and cleanup is approximately one day from being complete.

This memo addresses the adequacy of the permittee's response to NOV #10063 and whether the plan to reinstall the catchment structures meets all of the requirements of the State of Utah U.A.C. R645 Coal Mining rules.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

WRR included the Violation Information in Appendix 1-2 of the application. This section includes violation information for Centennial Mine, Crandall Mine, West Ridge Mine, Horse Canyon Mine, Canterbury Coal Inc., UMCO, Maple Creek, Pennamerican Coal, Ohio American Coal, Energy Resources INC., TDK Coal Sales Inc., Belmont Coal Company, The Ohio Valley Coal Co, American Energy Corp, and the American Coal Co. This appendix also lists several mines that either have not had any violations in the last three years or do not have permits.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The application includes Lease information for State Coal Lease ML 51744 in appendix. Lease ML 51744 is located in Section 36 N12, SE ¼ of T13S R13E. The lease term is ten years.

WRR leases 4900.84 acres of federal coal through leases SL-068754 and UTU-78562. WRR leases 2171.94 acres of state coal through Leases ML 47711, ML 49287 and ML 51744. WRR also leases 382.08 acres on private feel coal lands. WRR also holds surface use permits including SITLA special Use Lease Agreement No. 1163, BLM right of way UTU-77120 and 87110.

The permittee updated the BLM Right of way 87110 information to include three catchment structures in the C canyon drainage for a total of .69 acres. This BLM right of way expires December 31, 2012.

The permittee included an Emergency Authorization for the C Canyon Drainage Channel from the Division of water rights in attachment 4 of appendix 5-15. This authorization grants the permittee the right to begin cleanup of the C canyon drainage while the reauthorization of the 2009 stream alteration permit is being processed.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

Analysis:

The Legal Description is located in Chapter 1 on table 1-4 and on Maps 1-0 and 1-1. Maps 1-0 and 1-1 have been updated to include catchment structures C and E and the subsequent .69 acres. The total permit area is 6740.99 acres. The total disturbed area is located on page 1-18 and consists of a total of 30.97 acres.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

The Division renewed the permit effective April 1, 2009. The permit will expire on April 1, 2014. See 2009 Outgoing file 0016.pdf. There were two special conditions to the Permit. These were regarding the experimental practice and electronic submittal of water monitoring reports.

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Findings:

The information provided is considered adequate to meet the minimum requirements for this section.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

Public notice and comment is not required for this amendment. It is considered a minor permit revision.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

In response to NOV #10063, the permittee proposes to reinstall catchments C & E which were reclaimed in November of 2009. These catchments will be during the channel cleanup process in 2010. Once the Division and other interested parties are satisfied with the cleanup, the permittee proposes to remove the steel filter boxes and sediment logs and discontinue active maintenance of the catchments until reclamation or reuse.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Permit Area Boundary Maps

All applicable maps were updated to include the catchment structures in the permit area.

Findings:

The information provided is considered adequate to meet the regulatory requirements for this section.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

A cultural resource inventory for the proposed catchment structures was originally conducted in 2009 by SENCO-PHENIX. Sections 25 and 36 of T14S, R12E and Sections 1, 2 and 3 of T15S, R12E were inventoried. The consultants visited every proposed catchment site with Mr. Dave Shaver immediately prior to disturbance activities to verify that no cultural resources were present. Only one eligible site was found which was located on the access road for proposed catchment F, which will no longer be installed. The disturbance will be confined to the stream channel, which contains no cultural resources. The cleanup crews are not permitted to walk on the banks of the stream to limit disturbance to the stream banks. No adverse affect to cultural resources is expected.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

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RECLAMATION PLAN

REVEGETATION

Regulatory Reference: 30 CFR Sec. 785.18, 817.111, 817.113, 817.114, 817.116; R645-301-244, -301-353, -301-354, -301-355, -301-356, -302-280, -302-281, -302-282, -302-283, -302-284.

Analysis:

Revegetation: General Requirements

The permittee proposes to reclaim the catchments in the exact same manner as occurred in the fall of 2009. According to the BLM, as like the previously installed catchments, the proposed catchments were determined to fall under a categorical exclusion under NEPA. The BLM came to this conclusion due to the location of the catchments directly in the ephemeral stream channel. Additionally, baseline data has been collected only in the form of photographs. Due to the location of the site in the stream bed, very little vegetation or soil exists in the disturbance area.

The catchments will be completely reclaimed immediately after the Division approves the completion of the cleanup in 2010. Reclamation and reseeding will occur during this time. The catchments will remain permitted in the event that they have to be put in place again due to another discharge event. The seedmix is located in attachment 8 of the approved plan and was recommended by the BLM. According to the approved Appendix 5-15, the seed will be hand broadcast and raked in. A layer of woodstraw will then be scattered over the reclaimed area.

Revegetation: Mulching and Other Soil Stabilizing Practices

The Division assumes that reclamation and revegetation of proposed catchments C & E will follow the same methods and timelines as the plan for A located in Appendix 5-15. Boulders will be placed along the reclaimed channel to slow and control water flow. This will provide erosion control as well. The disturbed bank areas will be roughened and scarified prior to seeding and a layer of wood straw will be scattered over the reclaimed area.

Revegetation: Standards For Success

The areas have been disturbed as a temporary emergency response to the coal fines discharged into the channel in 2009. Also, the drainage is an ephemeral stream under normal conditions which does not support any riparian vegetation. Currently, the mine is discharging approximately 900 gpm of water from the mine into the stream channel. This discharge is expected to cease in 2013 when the mine projects mining operations to cease. Therefore, it

would be difficult to find an adequate standard for success since the disturbed area will be supplemented by water during reclamation and then lose the water within a year.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements of this section.

RECOMMENDATIONS:

This application is recommended for approval at this time.