

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 27, 2011

TO: Internal File 

THRU: Daron Haddock, Coal Regulatory Program Supervisor

FROM: Ingrid Campbell, Lead 

RE: Midterm Permit Review, West Ridge Resources, Inc., West Ridge Mine, Permit C/007/0041, Task ID#3930

SUMMARY:

On September 29, 2011, the Division notified West Ridge Resources of the commencement of the Midterm Permit Review for West Ridge Mine. The Division outlined the following items to be reviewed:

- A. Review of the Plan to ensure that the requirements of all permit condition, division orders, notice of violation (NOV), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal (whichever is the most recent) are appropriately incorporated into the Plan document.
- B. Ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program which have occurred subsequent to permit approval or renewal.
- C. Review applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
- D. Evaluate the compliance status of the permit to ensure that all unabated enforcement actions comport with current regulations for abatement; verify the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verify that there are no demonstrated patterns of violation (POV). This will include an AVS check to ensure that Ownership and Control information is current and correct.

E. Evaluate the reclamation bond to ensure that coverage adequately addresses permit changes approved subsequent to permit approval or renewal, and to ensure that the bond amount is appropriately escalated in current-year dollars.

F. Evaluate the permit for compliance with variances or special permit conditions.

G. Optional for active mines, mandatory for reclamation only sites: conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness for operational, reclamation, and contemporaneous reclamation practices undertaken on predetermined portions of the disturbed area to minimize, to the extent practicable, the contribution of acid or toxic materials to surface or groundwater, and to otherwise prevent water pollution.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

PERMIT TERM

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

Analysis:

The Division issued the most current permit for the West Ridge Mine on June, 28 2011. The permit expires on April 1, 2013. The permit included three special conditions which are:

1. This permit specifically authorizes West Ridge Resources, Inc. to conduct an experimental practice in conjunction with their approved Coal Mining and Reclamation Operations at the West Ridge Mine, which allows for the protection of topsoil "IN-PLACE" rather than salvaging soil and stockpiling it for future reclamation. West Ridge Resources, Inc. will follow the plans as outlined in the approved Mining and Reclamation Plan, Chapter 2 and Appendix 2-6 and will be required to evaluate the effectiveness of the experimental practice on an annual basis. The Division will conduct annual reviews of the practice to ensure that it fully protects the environment and the public health and safety. In the event that the experimental practice is determined to be not as environmentally protective and would otherwise be required by standards promulgated under R645-301 and R645-302, revised reclamation plans which utilize standard reclamation technology will be required.
2. West Ridge Resources, Inc. will submit the required water quality data for the West Ridge Mine in an electronic format through the Electronic Data Input web site, <http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi>.
3. Prior to undermining, the permittee must acquire and submit an addendum to SPUT-606 from the archeology consultant that clarifies the existence and location of cultural resource site 42CB-317.

The first two conditions are ongoing and West Ridge Resources has complied with them. West Ridge Resources has completed the third condition by sending in the addendum to SPUT-606 completed by Senco-phenix Archaeology Consultants. The Division will remove the condition #3 once the permit is renewed or the Division issues a new permit due to a boundary adjustment.

TECHNICAL MEMO

Findings:

The information in the permit and Mining and Reclamation plan 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.

GENERAL

Regulatory Reference: 30 CFR 783.12; R645-301-411, -301-521, -301-721.

Analysis:

West Ridge Resources has the following commitments related to biology and cultural resources:

Title: Experimental Practice Field Trials

Objective: Monitoring to support proposed Experimental Practice.

Frequency: Annual Evaluation in June.

Status: Ongoing

Reports: Provide in annual report a comparison of growth on field trials with Douglas/Fir reference area.

Citation: MRP, Vol. 1, App. 2-6 and Vol. A, Map 2-4

Title: RECLAMATION MONITORING

Objective: Visually assess the revegetation success.

Frequency: Quarterly for the first three years and June of each year thereafter. (Report due for 2010)

Status: Implement at reclamation.

Reports: Annually.

Citation: volume I, chapter three, page 3-16, paragraph 2

Title: CULTURAL RESOURCES

Objective: If during the course of mining operations, previously unidentified cultural resources are discovered, the Permittee

shall ensure that the site(s) is not disturbed and shall notify the Division of Oil, Gas, and Mining. The Division, after coordination with OSM, shall inform the Permittee of necessary actions required. The Permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.

Frequency: As needed.

Status: Ongoing.

Reports: Annual.

Citation: Permit Condition Sec. 16.

Title: MEXICAN SPOTTED OWL SURVEY

Objective: The permittee must conduct appropriate surveys for Mexican spotted owls on the lease tract areas with 40 percent or greater slopes, cliff habitat areas, riparian habitats, and mixed conifer forest habitats, prior to any future surface disturbing activity and/or any mining activity with the potential to interrupt surface spring flows. Inventory work must be conducted by parties approved and permitted for such survey work by the Fish and Wildlife Service and qualified in accordance with R645-301-132. Surveys must be done following current protocols established by the Fish and Wildlife Service.

Frequency: as needed

Status: ongoing

Reports: annual

Citation: Permit condition attachment A special condition #3

All of the requirements of these commitments were met according to the 2010 annual report. The mine has complied with the terms of their permit.

Findings:

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

RECOMMENDATIONS:

This midterm review is recommended for approval.