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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 9, 1997

TO: Pamela Grubaugh-Littig, Permit Coordinator *PL*

THRU: Joe Helfrich, Permit Supervisor *JH*

FROM: Jess Kelley, Reclamation Specialist *JK*

RE: Phase III Bond Release, Mountain Coal Company, Huntington #4 Mine, ACT/015/004-BR96A, Folder #2, Emery County, Utah

SUMMARY:

The permittee applied for Phase III bond release at this site early in 1996. Division personnel subsequently visited the site, dealt with a number of deficiencies in the permittee's application, and composed a decision document outlining their reasons for approving Phase III bond release.

On November 26, 1997, the Division received from OSM a letter which set forth several concerns that it had regarding Phase III bond release. The third of these concerns is that, though the site is classified as continuously-mined, i.e., in operation since before August 3, 1977 when SMCRA went into effect, some areas may have been newly disturbed after that date and may, therefore, be subject to the revegetation requirements of R645-301-356.100 rather than the less stringent requirements of R645-301-356.250. This memorandum deals with this concern.

TECHNICAL ANALYSIS:

Only 2 areas were disturbed after the initial development of this site in 1976: the pumphouse area and the sediment pond area.

The pumphouse area comprises approximately 1.15 acres. The permittee acquired the right to disturb this area through a special use permit issued by the U. S. Forest Service on March 16, 1977. All disturbance of and construction in this area were done in June of 1977--more than a month before SMCRA went into effect. The area thus clearly falls under the revegetation requirements of R645-301-356.250 for previously-mined and continuously-mined areas.

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The sediment pond area comprises approximately 0.225 acres. The permittee acquired the right to disturb this area through a special use permit issued by the U. S. Forest Service on November 21, 1979. While this area is thus clearly a "post-law" area, its use for sediment ponds dictates not that it go through a 10-year bond liability period, but only that it meet the revegetation standards of the surrounding area.

RECOMMENDATION:

It is recommended, in accordance with consultation between this writer and Division Biologist, Susan White, that the vegetation of the pumphouse area and the sediment pond area be evaluated in comparison with that of the surrounding, continuously-mined area, and not according to the somewhat more stringent requirements of R645-301-356.100.