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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 22, 2008

JK

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor *PL*
Steve Christensen, Team Lead *SC*

FROM: Wayne H. Western, Team Lead *WHW*

RE: 4th East Portal Facilities- Storage Area and Fence, Emery Deep, C/015/0015, Task ID #2894

SUMMARY:

On December 26th, 2007, the Division received an application from the Permittee to amend their 4th East Portal Surface facilities area. The Permittee seeks approval to place two skid mounted sheds and a fence line directly adjacent to the supply yard identified as #27 on Plate II-3, *4th East Portal Surface Facilities*.

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TECHNICAL ANALYSIS:

OPERATION PLAN

SUPPORT FACILITIES AND UTILITY INSTALLATIONS

Regulatory Reference: 30 CFR Sec. 784.30, 817.180, 817.181; R645-301-526.

Analysis:

The Permittee did not meet the requirements of this section. The purpose of this amendment was to allow the Permittee to place mobile sheds on the mine site and to construct a fence. When the Division examined the existing 4th East Portal Surface Facilities Map, Plate II-3 they found that the Permittee had made other minor changes.

Wayne Western and John Gefferth talked about the maps on January 22, 2008. John said that Plate II-3 had updates that were not mentioned in the cover letter or text changes in the MRP. The changes were minor and show the on the ground conditions.

The addition of the sheds and fence are minor additions to the surface facilities and the Division should approve those additions. The Permittee should make the minor updates to the map and noted in either the MRP text or cover letter so that the Division has a record of why the Permittee made the additional changes on Plate II-3.

Findings:

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

R645-301-526, The Permittee must include a narrative in the application that explains that Plate II-3 was updated to show the on the ground conditions. The Permittee must also update any additional maps of the 4th East Portal area to show the as-built conditions. In addition, the Permittee must also remove the word *proposed* from the phrase *proposed fence* since the Permittee will construct the fence.

RECLAMATION PLAN

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

Determination of Bond Amount

The Permittee did not meet the requirements of this section. The Permittee must reclamation cost estimates for the sheds and fence. While the amount of money to reclaim those structures is minor, the Division needs to include the items in the reclamation cost estimate.

Findings:

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

R645-301-830.140, The Permittee must include information about the reclamation cost estimate for the changes to the mine plan such as the addition of the sheds and fence. If the as-built survey shows that additional structures have been constructed then the Permittee must also include information about those costs.

RECOMMENDATIONS:

The Division should deny the application until all of the above deficiencies have been adequately addressed.