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# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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January 31, 2012

TO: Internal File

THRU: Daron Haddock, Coal Program Manager *DH*

FROM: Steve Christensen, Environmental Scientist III *SKC*

RE: Midterm Permit Review, PacifiCorp, Des-Bee-Dove, C/015/0017, Task ID #3982

### SUMMARY:

In accordance with R645-303-211, The Division is required to review each active permit during its term. As indicated in a letter to the Permittee, the Division commenced the Midterm Review for the Des-Bee-Dove Mine on December 1, 2011. As indicated in the letter, the following items are being 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.

The findings in this memo are based on a review of the current Legal and Financial Volume of the Mining and Reclamation Plan (MRP).

**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:**

The MRP meets the Violation Information requirements of the State of Utah R645-Coal Mining Rules.

The Division reviewed the Application Violator System (AVS) on November 30<sup>th</sup>, 2011. No outstanding or unabated violations were identified. The Permittee provides a comprehensive listing of historical violation information in Appendix D of the Legal and Financial Volume for all of the PacifiCorp coal mines.

**Findings:**

The MRP meets the Violation Information requirements of the State of Utah R645-Coal Mining Rules.

**RIGHT OF ENTRY**

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

**Analysis:**

The MRP meets the Right of Entry requirements of the State of Utah R645-Coal Mining Rules.

The Right of Entry information is provided in the PacifiCorp Legal and Financial Volume beginning on page 9. The Des Bee Dove right of entry information is provided on page 12. The information provided was incorporated into the approved MRP on November 8<sup>th</sup>, 2011.

**Findings**

The MRP meets the Right of Entry requirements of the State of Utah R645-Coal Mining Rules .

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## 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 MRP meets the legal description and status of unsuitability claims as required by the State of Utah R645-Coal Mining Rules.

The Permittee provides the legal description for the Des Bee Dove permit area on page 12 of the PacifiCorp Legal and Financial Volume beginning on page 12. Additional legal description information is also provided in Appendix G, *Permit Boundary Descriptions*.

The MRP address the status of unsuitability claims on page 12 as well. A finding has been made by all concerned federal land agencies and the Division that *“no lands within or adjacent to the permit area have been identified as qualifying under R645-103-300 as areas unsuitable for surface effects of underground coal mining activities.”*

### Findings:

The MRP meets the legal description and status of unsuitability claims as required by the State of Utah R645-Coal Mining Rules.

## PERMIT TERM

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

### Analysis:

The application meets the Permit Term requirements of the State of Utah R645-Coal Mining Rules.

The Permittee provides the Permit Term information on page 12 of the PacifiCorp Legal and Financial Volume beginning on page 12. The MRP states, *“Each respective mine’s permit are for a five (5) year permit term; however, schedules for mining coal are included in the mining plan narrative and are tabulated for the life of the lease.”*

### Findings:

The application meets the Permit Term requirements of the State of Utah R645-Coal Mining Rules.

**RECOMMENDATIONS:**

The MRP does not require updating relative to the Administrative Review portions of the State of Utah R645-Coal Mining Rules.

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