



**U. S. DEPT. OF THE INTERIOR**  
**OFFICE OF SURFACE MINING**  
**Mine Site Evaluation**  
**State Program**



0065

*Copy Susan  
 6/15/08  
 Incoming*

1. Permittee/Person <b>PACIFICORP</b>		9. Permit Number <b>UT-015-017</b>	10. Permit Type <b>PP</b> (2-sided)
2. Address <b>P. O. BOX 310</b>		11. Field Visit Date <b>08/15/2001</b> mm - dd - yyyy	12. Purpose <b>O</b>
3. City <b>Huntington</b>	4. State <b>UT</b>	13. SRA Present <b>Y</b>	14. Permit Status <b>A</b>
5. Zip Code <b>84528</b>	6. Phone Number <b>(801) 687-2695</b>	15. Site Status <b>MC</b>	16. Facility Type <b>B</b>
7. Operator Name, if Different than Permittee <b>ENERGY WEST MINING CO.</b>		17. OSM Office # <b>140</b>	18. CCID # <b>[ ]</b>
8. Mine Name <b>DES BEE DOVE</b>		19. Land Code <b>F</b>	20. M.S.H.A ID # <b>[ ]</b>
		21. State Abrev. <b>UT</b>	22. County Name <b>EMERY</b>
		23. AVS Permittee Entity ID Number <b>[ ]</b>	24. State Office <b>[ ]</b>

25. Hours	26. Signature Block	27. Reviewing Official:
<input type="checkbox"/> 2.0 a. Permit Review	<i>Henry Austin</i> Signature: <b>HENRY AUSTIN ID # 116</b>	<i>J. Fulton</i> Signature:
<input type="checkbox"/> 4.0 b. Site Visit Time	Printed Name: <b>9/4/01</b>	Review Date: <b>10/15/01</b> mm - dd - yyyy
<input type="checkbox"/> 10.0 c. Travel Time	Date: <b>09/04/2001</b>	Is Supplemental MSE Page Used Y/N <b>Y</b>
<input type="checkbox"/> 1.5 d. Report Writing		

**Permit Type — Item 10** IP = Interim Program, PP = Permanent Program, NP = No Permit

**Purpose Type Codes Item 12**  
 Oxx.... Oversight Rfx.... Reclamation Fees CCR.... Citizen Complaint Referral (non site visit)  
 Axx.... Assistance Fxx.... Federal Actions CC..... Citizen Complaint (initial site visit)  
 CCF.... Citizen Complaint Follow-up

**Joint Inspection — Item 13** A joint inspection is when a state inspector accompanies an OSM inspector any time during the review of the mine site.

**Permit Status — Item 14**  
 A.... Active: Coal mining and reclamation activities occurring or permitted but not yet disturbed.  
 IN.... Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit) Coal mining completed and reclamation activities initiated.  
 BR.... Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release.)  
 AB.... Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g)  
 AB1... Bond Forfeiture: Bond forfeiture officially in process or completed, and reclamation in progress or not yet commenced.  
 AB2... Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
 AB3... Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
 NA.... Not Applicable: When site is unpermitted.

**Site Status Codes — Item 15**  
 ND... No Disturbance: No coal mining and reclamation operations have been started.  
 EX... Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
 AP... Active Coal Producing: Coal surface mining activities are occurring.  
 AN... Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
 NM... No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.  
 MC... Mining Complete: No mining activity on site, site regraded and awaiting phase bond release.  
 TC... Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.131(b).  
 P1... Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
 P2... Phase II Release: At least Phase II bond release for the entire permitted area.  
 P3... Phase III Release: Reclamation completed and the RA has released all bond.  
 NS.. Non-Site Visit: Status of site not determined.  
 FP.. Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
 FR.. Forfeited and Reclaimed: Forfeiture reclamation completed.  
 FO.. Abandoned Site: Abandoned site that is permitted but there is no bond.  
 WC.. Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

**Facility Type Codes — Item 16**  
 A... Surface D.... Ancillary (Haulroad, Conveyor, and/or Rails) H.... Exploration Permits L.... Remining site permitted under 30 CFR 785.25  
 B... Underground E.... Refuse and/or Impoundment I.... Notice of Intent to Explore  
 C... Preparation Plant F.... Loading Facility and/or Tipple J.... Exempt 16 and 2/3  
 G.... Stockpiles K.... Government Financed Construction Exemption

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**  
**Your Comments Are Important**

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

# U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

## Mine Site Evaluation

**State Program  
Continuation Page**

Permittee/ Person **PACIFICORP**

Permit Number **UT-015-017**

Field Visit Date **08/15/2001**

### 29. Off-Site Impact Data and Identified Violation Data.

List all Ten-Day Notice actions and all Federal NOV or CO actions taken or reviewed during this current OSM site visit. List the off-site impacts associated with either State or Federal actions taken during this site visit.

1. A. Specific State Law/Regulations Violated: R645-300-142  
 B. Description: Fail to comply with terms and conditions of the permit.  
 C. Performance Standard **A3** D. Abated (Y/N) **N**  
 E. OSM Action **7** F. OSM Action Number  Viol.#   
 G. Optional  H. Any Off-Site Impacts Y/N **N**  
 I. Latitude **°00'00"** J. Longitude **°00'00"** K. Elevation

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. A. Specific State Law/Regulations Violated: \_\_\_\_\_  
 B. Description: \_\_\_\_\_  
 C. Performance Standard  D. Abated (Y/N)   
 E. OSM Action  F. OSM Action Number  Viol.#   
 G. Optional  H. Any Off-Site Impacts Y/N   
 I. Latitude  J. Longitude  K. Elevation

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. A. Specific State Law/Regulations Violated: \_\_\_\_\_  
 B. Description: \_\_\_\_\_  
 C. Performance Standard  D. Abated (Y/N)   
 E. OSM Action  F. OSM Action Number  Viol.#   
 G. Optional  H. Any Off-Site Impacts Y/N   
 I. Latitude  J. Longitude  K. Elevation

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A. Specific State Law/Regulations Violated: \_\_\_\_\_  
 B. Description: \_\_\_\_\_  
 C. Performance Standard  D. Abated (Y/N)   
 E. OSM Action  F. OSM Action Number  Viol.#   
 G. Optional  H. Any Off-Site Impacts Y/N   
 I. Latitude  J. Longitude  K. Elevation

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### OSM Action

- |                             |  |
|-----------------------------|--|
| 1) Deferred to State Action | 5) IH-CO Issued (Imminent Environmental Harm)                                    |
| 2) TDN Issued               | 6) ID-CO Issued (Imminent Danger to Public)                                      |
| 3) NOV Issued               | <input checked="" type="checkbox"/> 7) Previously Cited by RA, Abatement Pending |
| 4) FTA-CO Issued            | 8) Abated during or before OSM Inspection  |
|                             | 9) Follow-up of Federal Action   |

#### Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:

- N - Minor Occurrence
- D - Moderate Occurrence
- J - Major Occurrence

# U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

## Mine Site Evaluation

State Program

Permittee/  
Person

**PACIFICORP**

Permit  
Number

**UT-015-017**

Field Visit  
Date

**08/15/2001**

Continuation Page

### 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited

- |   |  |  |
|---|--|--|
| <p><b>A. Administrative</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Mining within Valid Permit</li> <li>2. <u>1</u> Mining within Bonded Area</li> <li>3. <u>1</u> Terms &amp; Conditions of Permit</li> <li>4. <u>1</u> Liability Insurance</li> <li>5. <u>1</u> Ownership and Control</li> <li>6. <u>3</u> Temporary Cessation</li> <li>7. <u>3</u> AML Rec. Fees -- Non-Respondent</li> <li>8. <u>3</u> AML Rec. Fees -- Failure to Pay</li> </ol> <p><b>B. Hydrologic Balance</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Drainage Control</li> <li>2. <u>1</u> Inspections &amp; Certifications</li> <li>3. <u>1</u> Siltation Structures</li> <li>4. <u>1</u> Discharge Structures</li> <li>5. <u>1</u> Diversions</li> <li>6. <u>1</u> Effluent Limits</li> <li>7. <u>1</u> Ground Water Monitoring</li> <li>8. <u>1</u> Surface Water Monitoring</li> <li>9. <u>3</u> Drainage -- Acid-Toxic Materials</li> <li>10. <u>3</u> Impoundments</li> <li>11. <u>3</u> Stream Buffer Zones</li> </ol> <p><b>C. Topsoil &amp; Subsoil</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Removal</li> <li>2. <u>2</u> Substitute Materials</li> <li>3. <u>1</u> Storage and Protection</li> <li>4. <u>1</u> Redistribution</li> </ol> | <p><b>D. Backfilling &amp; Grading</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Exposed Openings</li> <li>2. <u>1</u> Contemporaneous Reclamation</li> <li>3. <u>1</u> Approximate Original Contour</li> <li>4. <u>1</u> Highwall Elimination</li> <li>5. <u>1</u> Steep Slopes (includes downslope)</li> <li>6. <u>3</u> Handling of Acid &amp; Toxic Materials</li> <li>7. <u>1</u> Stabilization (rills and gullies)</li> </ol> <p><b>E. Excess Spoil Disposal</b></p> <ol style="list-style-type: none"> <li>1. <u>3</u> Placement</li> <li>2. <u>3</u> Drainage Control</li> <li>3. <u>3</u> Surface Stabilization</li> <li>4. <u>3</u> Inspections &amp; Certifications</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b></p> <ol style="list-style-type: none"> <li>1. <u>3</u> Drainage Control</li> <li>2. <u>3</u> Surface Stabilization</li> <li>3. <u>3</u> Placement</li> <li>4. <u>3</u> Inspections and Certifications</li> <li>5. <u>3</u> Impounding Structures</li> </ol> <p><b>G. Use Of Explosives</b></p> <ol style="list-style-type: none"> <li>1. <u>3</u> Blaster Certification</li> <li>2. <u>3</u> Distance Prohibitions</li> <li>3. <u>3</u> Blast Survey/Schedule</li> <li>4. <u>3</u> Warnings &amp; Records</li> <li>5. <u>3</u> Control of Adverse Effects</li> </ol> | <p><b>H. <u>1</u> Subsidence Control Plan</b></p> <p><b>I. Roads</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Road Construction</li> <li>2. <u>1</u> Certification</li> <li>3. <u>1</u> Drainage</li> <li>4. <u>1</u> Surfacing and Maintenance</li> <li>5. <u>1</u> Reclamation</li> </ol> <p><b>J. Signs &amp; Markers</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Signs</li> <li>2. <u>1</u> Markers</li> </ol> <p><b>K. <u>1</u> Distance Prohibitions</b></p> <p><b>L. Revegetation</b></p> <ol style="list-style-type: none"> <li>1. <u>1</u> Vegetative Cover</li> <li>2. <u>1</u> Timing</li> </ol> <p><b>M. <u>1</u> Postmining Land Use</b></p> <p><b>N. Other</b></p> <p style="text-align: center;">General<br/>Performance<br/>Category</p> <p style="text-align: right;">_____ 1) _____<br/>_____ 2) _____<br/>_____ 3) _____</p> |
|---|--|--|

### Performance Standard Categories 30 CFR Counterpart

<p><b>A. Administrative.....(816/817.71-74)</b></p> <ol style="list-style-type: none"> <li>1. Valid Permit.....773.11</li> <li>2. Mining within Bonded Area.....773.11</li> <li>3. Terms &amp; Conditions of Permit.....773.17</li> <li>4. Liability Insurance.....800.60</li> <li>5. Ownership and Control.....778.13</li> <li>6. Temporary Cessation.....842.11(e) &amp; 816/817.131</li> <li>7. AML Rec. Fees -- Non-Respondant.....870.15(b)</li> <li>8. AML Rec. Fees -- Failure to Pay.....870.15(a)</li> </ol> <p><b>B. Hydrologic Balance.....(816/817.41-57)</b></p> <ol style="list-style-type: none"> <li>1. Drainage Control.....45</li> <li>2. Inspections &amp; Certifications.....49(a)(10)</li> <li>3. Siltation Structures.....46</li> <li>4. Discharge Structures.....47</li> <li>5. Diversions.....43</li> <li>6. Effluent Limits.....42</li> <li>7. Ground Water Monitoring.....41(c)</li> <li>8. Surface Water Monitoring.....41(e)</li> <li>9. Drainage--Acid - Toxic Materials.....41(f)</li> <li>10. Impoundments.....49</li> <li>11. Stream Buffer Zones.....57</li> </ol> <p><b>C. Topsoil &amp; Subsoil.....(816/817.22)</b></p> <ol style="list-style-type: none"> <li>1. Removal.....22(a)</li> <li>2. Substitute Materials.....22(c)</li> <li>3. Storage and Protection.....22(c)</li> <li>4. Redistribution.....22(d)</li> </ol> <p><b>D. Backfilling &amp; Grading.....(816/817.95-107)</b></p> <ol style="list-style-type: none"> <li>1. Exposed Openings.....816/817.13, 14, 15, &amp; 823.11 &amp; 21</li> <li>2. Contemporaneous Reclamation.....100</li> <li>3. Approximate Original Contour.....102(a)(1)</li> <li>4. Highwall Elimination.....102(a)(2)</li> <li>5. Steep Slopes (includes downslope).....107</li> <li>6. Handling of Acid &amp; Toxic Materials.....102(c)</li> <li>7. Stabilization (rills and gullies).....95(b)</li> </ol>	<p><b>E. Excess Spoil Disposal.....(816/817.71-74)</b></p> <ol style="list-style-type: none"> <li>1. Placement.....71(e)</li> <li>2. Drainage Control.....71(f)</li> <li>3. Surface Stabilization.....71(g)</li> <li>4. Inspections &amp; Certifications.....71(h)</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments) .....(816/817.81-84)</b></p> <ol style="list-style-type: none"> <li>1. Drainage Control.....83(a)</li> <li>2. Surface Stabilization.....83(b)</li> <li>3. Placement.....83(c)</li> <li>4. Inspections and Certifications.....83(d)</li> <li>5. Impounding Structures.....84</li> </ol> <p><b>G. Use of Explosives.....(816/817.61-68)</b></p> <ol style="list-style-type: none"> <li>1. Blaster Certification.....61(c)</li> <li>2. Distance Prohibitions.....61(d)</li> <li>3. Blast Survey/Schedule.....62-64</li> <li>4. Warnings &amp; Records.....66 &amp; 68</li> <li>5. Control of Adverse Effects.....67</li> </ol> <p><b>H. Subsidence Control Plan.....(817.121-122)</b></p> <p><b>I. Roads.....(816/817.150-151)</b></p> <ol style="list-style-type: none"> <li>1. Road Construction.....150(c)</li> <li>2. Certification.....151(a)</li> <li>3. Drainage.....150(b)-151(d)</li> <li>4. Surfacing and Maintenance.....150(e)-151(d)</li> <li>5. Reclamation.....150(f)</li> </ol> <p><b>J. Signs &amp; Markers .....(816/817.11)</b></p> <ol style="list-style-type: none"> <li>1. Signs.....11(a),(b),&amp;(c)</li> <li>2. Markers.....11(a),(b),(d),(e),&amp;(f)</li> </ol> <p><b>K. Distance Prohibitions.....(761.11)</b></p> <p><b>L. Revegetation.....(816/817.111-116)</b></p> <ol style="list-style-type: none"> <li>1. Vegetative Cover.....111 &amp; 116</li> <li>2. Timing.....113</li> </ol> <p><b>M. Postmining Land Use.....(816/817.133)</b></p>
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PacifiCorp / Energy West Mining Co.  
P. O. Box 310  
Huntington, UT 84528

Des Bee Dove Mine  
Complete, oversight inspection  
August 15, 2001

Participants:

Susan White, Utah Division of Oil, Gas and Mining (DOGGM)  
Ken Wyatt, DOGM  
Chuck Semborski, Energy West  
Dennis Oakley, Energy West  
Henry Austin, Office of Surface Mining

I participated in a complete, oversight inspection of the above mine on August 15, 2001. This site was selected by the joint DOGM / OSM Evaluation Team for inspection during the current evaluation year. The primary focus of the inspection was on reclamation success. The weather was hot and dry during the inspection and ground conditions were basically dry. There was evidence mine wide of heavy surface water runoff from a recent high intensity storm. Sediment deltas were apparent on the paved access road, the excavation void from coal removal on the lower mine pad was completely full of water, and significant erosion was evident in the recently redisturbed areas on the lower pad. We did not note any sediment, spoil, or coal material deposition off the permit area, nor did we observe/document any other offsite impacts.

I conducted a records review of permitting, inspection and enforcement, and environmental monitoring reports in DOGM's Salt Lake City office prior to the inspection. The reviewed included: 5/4/01 e-mail from the USFS in Price, UT, to DOGM that requires the permittee to dispose of all asphalt in a suitable landfill or recycled and reused; 5/23/01 permittee submittal of revised Volume 9 hydrology info. as required by DOGM; 5-29-01 monthly UPDES DMR's and quarterly hydro. monitoring data; 6/21/01 DOGM approval of Maple Gulch Portals amendment; 6/29/01 DOGM letter extending the response deadline for submittal of amendment AM01A (Phase 1 reclamation plan) deficiencies info. (This deadline was subsequently extended to September 17, 2001); 7/3/01 DOGM letter adding a permit condition to remove asphalt from USFS lands; 7/9/01 Notice of Violation 01-7-1-1 issued by DOGM for "Failure to comply with the terms and conditions of the permit (Failure to segregate and remove 18-24 inches of soil material from the fill out slopes as approved in the MRP, pg. 4-13.); the liability insurance policy is current through April 1, 2002; and the current bond amount is \$1,837,712.00 and held by St. Paul Fire and Marine Insurance. This concluded my DOGM office records review.

Des Bee Dove Mine; pg.2

The permittee notified DOGM during 2000 of their intentions for permanent cessation of operations and reclamation of the mine site, which began with structure demolition and removal that was basically completed during the fall of 2000. The permittee discovered economically recoverable coal in the lower fill pad at the mine, and has recently completed removal and sale of approximately one hundred thousand tons. We began the field inspection by inspecting the disturbed areas from upstream to downstream areas, beginning with the upper pad and associated disturbed areas ( former Little Dove and Beehive portals). The permittee proposed a revised reclamation plan in phases. Phase 1 is the upper pad and inspection representatives indicated that construction for the area should be completed this year. We discussed generally how the upper pad would be reconfigured to handle undisturbed area runoff coming onto the reclaimed areas. We continued our inspection downslope to the Deseret pad, the bathhouse bench where excavated materials from the coal removal operation were placed, and the lower pad area where the coal was removed. We also walked a short distance below the lower pad fill making general observations. As indicated above, lower pad excavation to remove coal materials was recently completed, resulting in a large void and basically the former toe of this pad intact and impounding surface water runoff from upstream disturbed areas. This void was completely full of water, and it appeared during the inspection that this pad fill toe area has the potential to overflow or breach, and contribute coal materials and sediments off the permit area without treatment resulting in a violation. The drainage between the permitted and disturbed area and the sediment pond is not permitted although it receives disturbed area runoff. This is a permitting deficiency, which could cause a performance standard violation as noted above.

We continued the inspection downstream observing sediment deposition on the access road from the recent storm referred to above, the reclaimed pump house area which was stable, and the DOGM abandoned mine lands project adjacent to the mine access road. We inspected the sediment pond, which was not discharging, and the embankment appeared stable. This concluded the field inspection.

We decided an office records review was not necessary and held a brief close out meeting on site. The close out meeting basically focused on the unpermitted drainage noted above. DOGM identified this situation as a permitting deficiency during their ongoing review of the proposed reclamation plan(s) for this site. DOGM inspection reports from June and July 2001 identify changes to the drainages of the lower mine area which have occurred during coal excavation. DOGM recommended modifying the current MRP to accurately depict these drainages, and to include the drainage between the mine and the sediment pond in the permit area. Messrs. Semborski and Oakley explained the permittee was reluctant to permit this drainage for two primary reasons. First, the drainage was impacted by historical mining in this area, and currently DOGM's abandoned mine lands program is removing and reclaiming pre-law, abandoned coal waste piles adjacent to the mine access road (noted above) which could further impact the drainage.

Second, the permittee feels they could be held liable in the future for the above (and/or other) impacts to the drainage, and possibly be required to remediate / reclaim impacts to the drainage they were not responsible for. The inspection participants indicated to Messrs. Semborski and Oakley that the drainage should be permitted, particularly in light of the recent disturbances and continuing reclamation that will impact the drainage. We reassured the permittee's representatives that every precaution including photographic documentation and written permit findings would be employed to ensure that the permittee would not be held liable for previous disturbances to the drainage. This concluded the inspection.

Subsequent to the inspection, an August 29, 2001, letter from DOGM to the permittee addresses the permitting of this drainage (This letter is incorporated by reference.) DOGM finds in the letter that the drainage in question was not discussed in the original technical analysis to permit the mine completed by OSM twenty years ago, and the approved permit area(s) have been inspected for twenty years. DOGM finds that should the mine be reactivated at any time to produce coal, the connecting wash would be permitted, assuming the configuration of the pad and sediment pond remain the same. The letter also finds that DOGM will remove the current technical deficiency (The current technical deficiency requires the permittee to make an appropriate sediment control demonstration for the mine disturbed areas, or permit the drainage to the sediment pond.) during the next round of MRP amendment review.

The DOGM / OSM Evaluation Team discussed both this inspection and the above DOGM letter during a September 19, 2001, telephone conference call. OSM indicated during the call that the above DOGM letter does not provide a technical basis for removal of the existing technical deficiency, that is in accordance with DOGM's approved regulatory program. OSM further indicated the ongoing technical review and approval of the permittee's reclamation plan amendment will be evaluated by OSM for compliance with DOGM's approved regulatory program.

Please address any questions concerning this inspection report to Henry Austin at [haustin@osmre.gov](mailto:haustin@osmre.gov) or to (303) 844-1400 x1466.