0012

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

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

March 8, 2002

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P. O. Box 310
Huntington, Utah 84528

Re: Conditional Approval of Volume 9, PacifiCorp, Deer Creek Mine, C/015/018-AM02A, Outgoing File

Dear Mr. Semborski:

The above-referenced amendment is conditionally approved upon receipt of (7) clean copies prepared for incorporation. Please submit these copies by March 22, 2002.

Once we receive these copies, final approval will be granted and a stamped incorporated copy of the approved plans will be returned to you for insertion into your copy of the Mining and Reclamation Plan. A copy of our Technical Analysis is enclosed.

If you have any questions, please call me at (801) 538-5325 or Jim at (801) 538-5262.

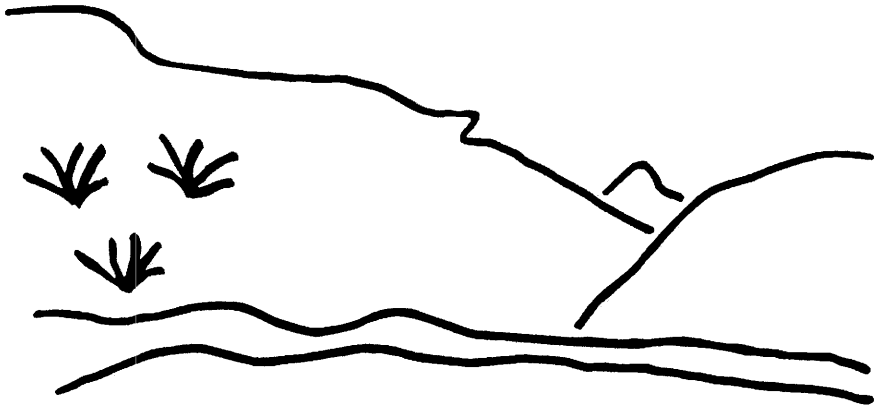
Sincerely,

Daron R. Haddock

Daron R. Haddock
Permit Supervisor

db
Enclosure
cc: Price Field Office
O:\015018.DER\FINAL\COND_APP02A.DOC

State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Deer Creek Mine
Volume 9
C/015/019-AM02A
Technical Analysis
March 7, 2002

TABLE OF CONTENTS

TABLE OF CONTENTS

TECHNICAL ANALYSIS

INTRODUCTION

This amendment to Appendix 9 (Hydrology) was received at the Division on January 12, 2002: Appendix 9 is common to the Deer Creek, Des-Bee-Dove, and Cottonwood-Wilberg MRPs. This amendment addresses temporary cessation of mining at Cottonwood/Wilberg Mine and relocation of UPDES 0022896 outfall 001 from Grimes Wash to the Trail Mountain Access intake portal in Cottonwood Canyon. Mining ceased on March 15, 2001 and all portals were sealed to MSHA specifications on May 28, 2001.

This amendment also clarifies that T-18 (Oliphant Mine Discharge) in Straight Canyon is monitored as a spring rather than as surface-water.

INTRODUCTION

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

Minimum Regulatory Requirements:

The objectives of this section is to ensure that the Division is provided with comprehensive and reliable information on proposed underground mining activities, and to ensure that those activities are allowed to be conducted only in compliance with the regulatory program.

Provide a general description of the mining operations proposed to be conducted during the life of the mine within the proposed permit area, including, at a minimum, the following: a narrative description of the type and method of coal mining procedures and proposed engineering techniques, anticipated annual and total production of coal, by tonnage, and the major equipment to be used for all aspects of those operations; and, a narrative explaining the construction, modification, use, maintenance, and removal of the following facilities (unless retention of such facility is necessary for postmining land use is specified.) The following facilities must be described: dams, embankments, and other impoundments; overburden and topsoil handling and storage areas and structures; coal removal, handling, storage, cleaning, and transportation areas and structures; spoil, coal processing waste, mine development waste, and noncoal waste removal, handling, storage, transportation, and disposal areas and structures; mine facilities; and, water pollution control facilities.

Analysis:

Facilities and Structures

For temporary cessation of mining at the Cottonwood/Wilberg Mine, the portals were sealed according to MSHA specifications. The Trail Mountain Access intake portal has been designed to serve as a drain during temporary cessation, and the Utah Division of Water Quality has approved relocation of UPDES 0022896 outfall 001 from Grimes Wash to this portal.

Findings:

Information in this amendment on Mining Operations and Facilities is adequate to meet the requirements of this section of the Coal Mining Rules.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Minimum Regulatory Requirements:

Groundwater Monitoring

In order to protect the hydrologic balance underground mining activities shall be conducted according to the hydrologic reclamation plan. Ground-water quality shall be protected by handling earth materials and runoff in a manner that minimizes acidic,

toxic, or other harmful infiltration to ground-water systems and by managing excavations and other disturbances to prevent or control the discharge of pollutants into the ground water.

Ground-water monitoring shall be conducted according to the ground-water monitoring plan. The Division may require additional monitoring when necessary. Ground-water monitoring data shall be submitted every 3 months to the Division or more frequently as prescribed by the Division. Monitoring reports shall include analytical results from each sample taken during the reporting period. When the analysis of any ground-water sample indicates noncompliance with the permit conditions, the operator shall promptly notify the Division and immediately provide for any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance. Plans and hydrologic information to evaluate and mitigate the noncompliance situation and information relevant to the PHC shall be submitted to the Division as required.

Ground-water monitoring shall proceed through mining and continue during reclamation until bond release. The Division may modify the monitoring requirements including the parameters covered and the sampling frequency if the operator demonstrates, using the monitoring data obtained, that: the operation has minimized disturbance to the prevailing hydrologic balance in the permit and adjacent areas and prevented material damage to the hydrologic balance outside the permit area; water quantity and quality are suitable to support approved postmining land uses; or, monitoring is no longer necessary to achieve the purposes set forth in the monitoring plan.

Equipment, structures, and other devices used in conjunction with monitoring the quality and quantity of ground water onsite and offsite shall be properly installed, maintained, and operated and shall be removed by the operator when no longer needed.

Surface Water Monitoring

In order to protect the hydrologic balance, underground mining activities shall be conducted according to the approved plan, and the following: surface-water quality shall be protected by handling earth materials, ground-water discharges, and runoff in a manner that minimizes the formation of acidic or toxic drainage; prevents, to the extent possible using the best technology currently available, additional contribution of suspended solids to streamflow outside the permit area; and otherwise prevent water pollution. If drainage control, restabilization and revegetation of disturbed areas, diversion of runoff, mulching, or other reclamation and remedial practices are not adequate to meet water-quality standards and effluent limitations, the operator shall use and maintain the necessary water-treatment facilities or water-quality controls. Surface-water quantity and flow rates shall be protected by handling earth materials and runoff in accordance with the steps outlined in the approved plan.

Surface-water monitoring shall be conducted according to the approved surface-water monitoring plan. The Division may require additional monitoring when necessary. Surface-water monitoring data shall be submitted every 3 months to the Division or more frequently as prescribed by the Division. Monitoring reports shall include analytical results from each sample taken during the reporting period. When the analysis of any surface-water sample indicates noncompliance with the permit conditions, the operator shall promptly notify the Division and immediately provide for any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance. Plans and hydrologic information to evaluate and mitigate the noncompliance situation and information relevant to the PHC shall be submitted to the Division as required. The reporting requirements of the water monitoring plan do not exempt the operator from meeting any National Pollutant Discharge Elimination System (NPDES) reporting requirements.

Surface-water monitoring shall proceed through mining and continue during reclamation until bond release. The Division may modify the monitoring requirements, except those required by the NPDES permitting authority, including the parameters covered and sampling frequency if the operator demonstrates, using the monitoring data obtained, that: the operation has minimized disturbance to the hydrologic balance in the permit and adjacent areas and prevented material damage to the hydrologic balance outside the permit area; water quantity and quality are suitable to support approved postmining land uses; and, monitoring is no longer necessary to achieve the purposes set forth in the approved monitoring plan.

Equipment, structures, and other devices used in conjunction with monitoring the quality and quantity of surface water onsite and offsite shall be properly installed, maintained, and operated and shall be removed by the operator when no longer needed.

Gravity discharges from underground mines

Surface entries and accesses to underground workings shall be located and managed to prevent or control gravity discharge of water from the mine. The surface entries and accesses of drift mines first used after the implementation of a State, Federal, or Federal Lands Program and located in acid-producing or iron-producing coal seams shall be located in such a manner as to prevent any gravity discharge from the mine. Gravity discharges of water from an underground mine first used before the implementation of a State, Federal, or Federal Lands Program, may be allowed by the Division if it is demonstrated that the untreated or treated discharge complies with the performance standards and any additional NPDES permit requirements.

Water-quality standards and effluent limitations

Compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434.

Analysis:

Ground-Water Monitoring

T-18 (Oliphant Mine Discharge) has been listed with the surface-water monitoring sites, although it is discharge of ground water from a mine opening, and water analyses have been done according to the ground-water parameter list. This amendment clarifies it is considered to be a spring and is a ground-water monitoring site.

UPDES 0022896 outfall 001 has been relocated from Grimes Wash to the Trail Mountain Access intake portal in Cottonwood Canyon. A new UPDES permit has been issued and a copy is included with the amendment. Discharge at UPDES outfall 001 to Grimes Wash was bioassayed from 1988 through 1992.

Surface-Water Monitoring

T-18 is being moved from the surface-water monitoring list to the ground-water monitoring list.

Gravity Discharges

The Utah Division of Water Quality approved relocation of UPDES 0022896 outfall 001 from Grimes Wash to the Trail Mountain Access intake tunnel in Cottonwood Canyon on July 30, 2001. This portal is the lowest point for the Hiawatha Seam in the Cottonwood/Wilberg Mine, and during temporary cessation (mining ceased March 15, 2001) it has been designed as a drain for the mine. Seals within the mine restrict ground-water movement towards this portal.

The lowest portal for the Blind Canyon Seam is the intake portal in Deer Creek Canyon. This portal is located updip of nearby mine workings, and there is no direct flow path from higher elevation sections of the mine to the south, so gravity discharge from this portal is not anticipated.

Water Quality Standards and Effluent Limitations

The Utah Division of Water Quality approved relocation of UPDES 0022896 outfall 001 from Grimes Wash to the Trail Mountain Access intake tunnel in Cottonwood Canyon on July 30, 2001. There are no other changes in the monitoring plan or requirements for this location. A new UPDES permit has been issued and a copy is included with the amendment.

Findings:

Operational Hydrologic Information in this amendment is adequate to meet the requirements of this section of the Coal Mining Rules.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: 30 CFR 784.23; R645-301-512, -301-521, -301-542, -301-632, -301-731, -302-323.

Minimum Regulatory Requirements:

Each application shall contain maps, plans, and cross sections which show the mining activities to be conducted, the lands to be affected throughout the operation, and any change in a facility or feature to be caused by the proposed operations, if the facility or feature was shown and described as an existing structure.

The following shall be shown for the proposed permit area:

Monitoring and sampling location maps

Elevations and locations of test borings and core samplings. Elevations and locations of monitoring stations used to gather data on water quality and quantity, subsidence, fish and wildlife, and air quality, as required during mining operations.

Certification Requirements

Cross sections, maps, and plans required to show the design, location, elevation, or horizontal or vertical extent of the land surface or of a structure or facility used to conduct mining and reclamation operations shall be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, a professional geologist, or in any State which authorizes land surveyors to prepare and certify such cross sections, maps, and plans, a qualified, registered, professional land surveyor, with assistance from experts in related fields such as landscape architecture.

Each detailed design plan for an impounding structure that meets or exceeds the size or other criteria of the Mine Safety and Health Administration, 30 CFR Section 77.216(a) shall: be prepared by, or under the direction of, and certified by a qualified registered professional engineer with assistance from experts in related fields such as geology, land surveying, and landscape architecture; include any geotechnical investigation, design, and construction requirements for the structure; describe the operation and maintenance requirements for each structure; and, describe the timetable and plans to remove each structure, if appropriate.

Each detailed design plan for an impounding structure that does not meet the size or other criteria of 30 CFR Section 77.216(a) shall: be prepared by, or under the direction of, and certified by a qualified, registered, professional engineer, or in any State which authorizes land surveyors to prepare and certify such plans, a qualified, registered, professional land surveyor, except that all coal processing waste dams and embankments shall be certified by a qualified, registered, professional engineer; include any design and construction requirements for the structure, including any required geotechnical information; describe the operation and maintenance requirements for each structure; and, describe the timetable and plans to remove each structure, if appropriate.

Analysis:

Monitoring and sample location maps

Maps HM-1 and HM-4 have been updated to show the new location of UPDES 0022896 outfall 001 at the Trail Mountain Access intake tunnel. These maps already indicated T-18 as a spring rather than a surface-water monitoring site, so there has been no change for T-18.

Findings:

Operational Maps, Plans, and Cross Sections of Mining Operations in this amendment is adequate to meet the requirements of this section of the Coal Mining Rules.

CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT

Regulatory Reference: 30 CFR 784.14; R645-301-730.

Minimum Regulatory Requirements:

The Division must provide an assessment of the probable cumulative hydrologic impacts (CHIA) of the proposed operation and all anticipated mining upon surface- and ground-water systems in the cumulative impact area. The CHIA shall be sufficient to determine, for purposes of permit approval, whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Division may allow the applicant to submit data and analyses relevant to the CHIA with the permit application. An application for a permit revision shall be reviewed by the Division to determine whether a new or updated CHIA shall be required.

This amendment has no impact on the findings of the current East Mountain CHIA, which was prepared September 1994.

RULES INDEX