



November 11, 2003

Utah Coal Program  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

Subject: **Response to Deficiencies in the Deer Creek Mine, Volume 10 Update, PacifiCorp, Deer Creek Mine, C015/018, Task ID 1658, Emery County, Utah**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits responses to the deficiencies of the Deer Creek Mine, Volume 10 amendment.

Energy West received the Technical Analysis document on October 6, 2003. This document found the amendment application contained deficiencies to the Utah R645 Coal Regulations. Energy West requested an extension to respond to these deficiencies on October 31, 2003. The Division granted the request until November 17, 2003.

Attached with this document are the permittee's responses to the deficiencies accompanied with amended text to the permit. Four (4) copies are attached as required along with the required C1/C2 forms for the correct placement of the amended text into the MRP.

If you have any questions or concerns regarding this document, please contact myself at (435) 687-4720 or Dennis Oakley at (435) 687-4825.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles A. Semborski'.

Charles A. Semborski  
Permitting/Geology Supervisor

Enclosure: Response to Technical Analysis Deficiencies  
C1/C2 Forms

Cc: Carl Pollastro (EWMC, w/o encl.)  
File

RECEIVED

NOV 17 2003

DIV. OF OIL, GAS & MINING

Huntington Office:  
(801) 687-9821  
Fax (801) 687-2695  
Purchasing Fax (801) 687-9092

Deer Creek Mine:  
(801) 381-2317  
Fax (801) 381-2285

Cottonwood Mine:  
(801) 748-2319  
Fax (801) 748-2380

The following responses to deficiencies are formatted as found in the technical analysis document. They are broken down into logical section headings similar to the R645 regulations. In each section, the regulation number along with the associated deficiency is followed by the permittee's italicized response.

## **OPERATION PLAN**

### **Road Systems and Other Transportation Facilities**

**R645-301-512.250**, The professional engineer will certify the design and construction or reconstruction of primary road as meeting the requirements of R645-301-534.200 and R645-301-742.420.

*The deficiency listed above is not applicable. See explanation in deficiency R645-301-527.100 below.*

**R645-301-527.100**, The permittee must classify each road.

*R645-301-527.100 states that "the permittee must classify each road". It goes on to state in R645-301-527.110 that "each road will be classified as either a primary road or an ancillary road. When reviewing the definition of "Road" in R645-100-200, "Road" means a surface right-of-way for the purposes of travel by land vehicles used in coal mining and reclamation operations of coal exploration. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, and surface. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from transfer, processing, or storage areas. **The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.***

*Therefore, because State regulations do not recognize the travelway into a waste rock site as a "road", no classification is needed.*

**R645-301-527.200, R645-301-527.210**, The plan must include a detailed description of each road and appropriate cross-sections.

*See above explanation in deficiency R645-301-527.100.*

*Exhibit I (typical road cross-section) in Chapter IV has been modified to include the addition of a 3" rotomilled asphalt layer.*

### **Spoil and Waste Materials**

**R645-301-514.311**, Inspections will be made regularly during construction, upon completion of construction, and at least yearly until removal of the structure or release of the performance bond.

*The text on page 2-18 will be unstricken and returned to its previous condition.*

### **Hydrologic Information**

**R645-301-742.110**, There are no data, inspection reports, or other information presented to support the proposed removal of silt fence from along the Waste Rock Site Access Road and at the Waste Rock Site Berm Out slopes.

*The referenced data (Cover Comparison: Deer Creek Waste Access Road vs. Reference Area, Mt. Nebo Scientific, 4/97) is located in Appendix XIII of Volume 3. The silt fence removal was approved on May 13, 1997.*

*The report indicates that the area along the out-slope of the access road had a mean total cover (vegetation, litter, and rock, etc.) of 74.17%. In comparison, total cover from the reference area was 54.83%. These figures provide positive evidence that vegetative cover is adequate to satisfy the regulations and permit requirements. The Division's review team, however, required that in certain areas, silt fence would need to remain since coverage (by visual examination) appeared to be deficient. These areas of remaining silt fence is depicted on Map 4-5 in Volume 10.*

*With this data available in the MRP, PacifiCorp will request that the remainder of the silt fence be removed. This permitting action will occur at a later date.*

*It was determined that the silt fence along the soil berm out slopes should be left in place. The silt fence is currently in place.*

**R645-301-742.110**, Regarding any "other method" for controlling erosion at culvert inlets and outlets, the Permittee needs to clarify that an amendment to the MRP with the proposed changes in methods or materials will be submitted to the Division for approval before such changes are implemented.

*The statement on page 2-5 will include the following: "Rock riprap or other methods will be used to control erosion. Other methods will be approve by the Division prior to implementation. Sediment control measures will conform to the requirements of R645-301-742."*

### **Maps, Plans, and Cross-Sections of Mining Operations**

**R645-301-741**, The silt fence along the outside toe of the fill or "berm fill" at the Waste Rock Site is not clearly shown on either Drawing CM-10778-DR (Map Packet 4-5) or CM-10779-DR (Map Packet 4-6).

*The location of the silt fence is explained on page 2-17. The permittee, however, replaced the text "silt fence" for "vegetation" to describe the type of sediment control used. The control of sedimentation will be returned to "silt fences" for the berm fill ASCA area.*

*As stated in the deficiency R645-301-742.110 above, PacifiCorp will request a permitting action to remove the silt fence along the access road. At that time, Map 4-5 will be updated to remove the silt fence in this area and add the silt fence along the berm fill ASCA area.*

## RECLAMATION PLAN

### Bonding and Insurance Requirements

**R645-301-830.140, R645-301-121.200 and R645-301-121.300**, The Permittee needs to remove all outdated reclamation cost estimates from the MRP.

*Refer to C1/C2 forms for the removal of this text.*

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

**Permittee:** PacifiCorp

**Mine:** Deer Creek Mine

**Permit Number:** C/015/018

**Title:** Amendment to Update Volume 10, Deer Creek MRP, PacifiCorp, Deer Creek Mine, C/015/018, Task ID 1658, Emery County, Utah

**Description,** Include reason for application and timing required to implement:

Improved road surface at waste rock site.

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes  No 1. Change in the size of the Permit Area? Acres: \_\_\_\_\_ Disturbed Area: \_\_\_\_\_  increase  decrease.
- Yes  No 2. Is the application submitted as a result of a Division Order? DO#
- Yes  No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes  No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes  No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes  No 6. Does the application require or include public notice publication?
- Yes  No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes  No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes  No 9. Is the application submitted as a result of a Violation? NOV #
- Yes  No 10. Is the application submitted as a result of other laws or regulations or policies?

*Explain:* \_\_\_\_\_

- Yes  No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes  No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes  No 13. Does the application require or include collection and reporting of any baseline information?
- Yes  No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes  No 15. Does the application require or include soil removal, storage or placement?
- Yes  No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes  No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes  No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes  No 19. Does the application require or include certified designs, maps or calculation?
- Yes  No 20. Does the application require or include subsidence control or monitoring?
- Yes  No 21. Have reclamation costs for bonding been provided?
- Yes  No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes  No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

**Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you.** (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings and obligations, herein.

Charles A. Semborski  
Print Name

Charles A. Semborski Geology/Permitting Supervisor 11/13/03  
Sign Name, Position, Date

Subscribed and sworn to before me this 13<sup>th</sup> day of November, 2003

Lori Ann Anderson  
Notary Public

My commission Expires: 12/22, 2005  
Attest: State of Utah } ss:  
County of Emery



<b>For Office Use Only:</b>	<b>Assigned Tracking Number:</b>	<b>Received by Oil, Gas &amp; Mining</b>
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Form DOGM- C1 (Revised March 12, 2002)

