

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 23, 2003

TO: Internal File

THRU: James D. Smith, Environmental Scientist III/Hydrology, Team Lead

FROM: Karl R. Houskeeper, Environmental Scientist III

RE: Midterm Review (2003), Pacificorp, Deer Creek Mine, C/015/0018, Task ID #1694

SUMMARY:

Elements selected for review during the Midterm are outlined in the Division's letter to Energy West Mining Company dated September 16, 2003. Item #1 & portions of item #3 are discussed in this memo. An AVS check was conducted to ensure that the Ownership and Control information is current and correct. The violation and compliance information was checked to assure that the information is complete, updated, and correct.

Discussions with the operator and Division staff indicate that the operator has a pending application before the Division, Task ID #1647. This application deals with the legal and financial section of the permit. The permittee wants Volume 1 to be universal for several permits as indicated in Task ID# 1647. OSM found deficiencies with this document when compared to the AVS, for the officer and directors list.

A separate review of the AVS system for this application, Task ID #1694, was compared to the approved MRP. This review showed discrepancies. In short the discrepancies found in the midterm review for the officers and directors list will be addressed under a separate permitting action, Task ID #1647. This separate permitting action needs to include an updated list of violations for the three (3) previous years. This information was found to be outdated during the midterm review of the currently approved MRP.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The information contained in the currently approved MRP is outdated and has discrepancies when compared to the AVS system for the midterm review. The officers and directors list for the corporations associated with this permit has changed since this permit was re-issued.

Findings

The discrepancies found in the midterm review for the officers and directors list will be addressed under a separate permitting action, Task ID #1647 as indicated in the summary of this memo. Division supervision felt that this was the best way to address the deficiencies and not to run two permitting actions against each other.

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 list of violations for the three previous years in the approved MRP is outdated and needs to be updated.

Findings

The deficiencies found in the midterm review for three previous years of violation history will be addressed under a separate permitting action, Task ID #1647 as indicated in the summary of this memo. Division supervision felt that this was the best way to address the deficiencies and not to run two permitting actions against each other.

RECOMMENDATIONS:

Concerns regarding the legal and financial section of the Deer Creek Mine permit C/015/018 are currently being addressed under a separate permitting action Task ID #1647.

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