

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

December 18, 2003

TO: Internal File

FROM: Stephen J. Demczak, Environmental Scientist III/Engineering, Team Lead
Wayne H. Western, Environmental Scientist III/Engineering

RE: Update to Volume 10, PacifiCorp, Deer Creek Mine, C/015/018, Task ID #1770

SUMMARY:

The permittee has submitted an amendment to update Volume 10, Deer Creek waste rock site. Besides updating Volume 10, the permittee has submitted information addressing the asphaltting of the primary road leading to the Waste Rock Site.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

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VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

RIGHT OF ENTRY

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

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

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 permittee has updated Chapter 10 to reflect the correct disturbed area of the waste rock site as 31.92 acres. This is now the same number used in Volume 1 in the MRP.

Findings

The permittee has met the minimum requirements of this section.

PERMIT TERM

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

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

FILING FEE

Regulatory Reference: 30 CFR 777.17; R645-301-118.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

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Analysis:

Changes to Volume 10 have been made. These changes meet the requirements for format and content.

Findings

The permittee has met the minimum requirements of this section.

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

Not all of the technical designs have been submitted. New primary road designs are required for the road to the waste rock site. A deficiency will be addressed in the engineering section of this review.

Findings

The permittee has met the minimum requirements of this section.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

COMPLETENESS

Regulatory Reference: 30 CFR 777.15; R645-301-150.

Analysis:

This amendment has been determined complete for review.

Findings

The permittee has met the minimum requirements of this section.

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

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

Analysis:

No changes.

Findings

The permittee has met the minimum requirements of this section.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

Analysis:

Road Classification System

The permittee in Volume 10 has not classified the road to the waste rock site. All roads must be classified as either primary or ancillary roads. This road should be classified as a primary road, since the road will be used in excess of six months. The coal mine waste area, including ramps and the immediate mining area, is not a road. But, from the gate to the topsoil stockpile (approx.) will be considered a road access to the mine waste disposal site. The elevation or route to the mine waste rock site has never changed, except for paving the road with

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asphalt in the summer. It is ¼ to ½ mile in distances to the disposal area. No coal mine waste can be placed on or near the road. It has metal culverts passing under the road and a side diversion to keep water off the road. No metal can be placed within a refuse pile (coal mine waste pile). On page 2 of 3 in the Hydrologic information of this letter, states “Waste Rock Site Access Road” and “Deer Creek Waste Access Road”. Further quotes in the approved MRP stating this is an access road. On Page 2-1 in Volume 10 gives a road design prior to asphaltting the road. An update of design and cross-section is necessary for approval of this amendment. The cross-section must be P.E. certified.

A MSHA inspector considers this to be an access road to the coal mine waste disposal site. If this area is not an access road, but is now considered the immediate mining area (waste rock site). MSHA could change the requirements for this area such as having a safety berm or guardrail for the total ¼ to ½ miles. The permittee would have to submit an amendment to address 30 CFR 77.214 and 30 CFR 77.215 with MSHA for reflecting this change. This is a requirement of R645-301-536.900. An approval from MSHA would have to come first prior to Division approval.

Plans and Drawings

The permittee has asphalted the road to the waste rock site. This road meets the requirements of a primary road in the R645 Coal Rules. Therefore, the permittee must update the cross sections of this road as required in R645-301-527.200 and R645-301-527.210.

Primary Road Certification

A professional engineer will certify the design and construction or reconstruction of primary roads as meeting the requirements of R645-301-534.200 and R645-301-742.420.

Findings:

The permittee did not meet the minimum requirements of this section. Prior to approval the permittee must address the following R645 Coal Rules.

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.

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

R645-301-527-200, R645-301-527.210, The plan must include a detailed description of each road and appropriate cross-section. The permittee must update the road design in Volume10, Chapter 2, Page 2-1.

SPOIL AND WASTE MATERIALS

Regulatory Reference: 30 CFR Sec. 701.5, 784.19, 784.25, 817.71, 817.72, 817.73, 817.74, 817.81, 817.83, 817.84, 817.87, 817.89; R645-100-200, -301-210, -301-211, -301-212, -301-412, -301-512, -301-513, -301-514, -301-521, -301-526, -301-528, -301-535, -301-536, -301-542, -301-553, -301-745, -301-746, -301-747.

Analysis:

Impounding Structures

The permittee has added the requirement of examine the impoundments four times per year. Structural weakness, erosion, and other hazardous conditions, if identified, will be reported

The permittee made a commitment in the MRP to do inspections of the sediment pond. Those reports will include the quarterly inspection by a qualified individual and a yearly inspection that is certified by a registered professional engineer.

Findings:

The permittee has met the minimum requirements of this section.

RECLAMATION PLAN

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 701.5, 784.24, 817.150, 817.151; R645-100-200, -301-513, -301-521, -301-527, -301-534, -301-537, -301-732.

Analysis:

Reclamation

This road will be reclaimed as stated on Page 3-3.

Findings:

The permittee has met the minimum requirements of this section.

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BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

Determination of Bond Amount

The Permittee added the cost for removing the asphalt from the waste rock road. The Division reviewed those costs and found them to be adequate.

The current bond amount is \$3,000,000. The reclamation cost estimate for the Deer Creek Mine is \$2,469,000. Since the bond amount exceeds the reclamation cost estimate no change to the bond amount is needed.

Findings:

The information submitted in the amendment is considered adequate to meet the minimum requirements of this section of the regulations.

RECOMMENDATIONS:

The Division should deny the amendment until the permittee adequately addresses all of the deficiencies.