

October 6, 2003

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

Re: Update Volume 10, PacifiCorp, Deer Creek Mine, C/015/0018, Task ID #1658, Outgoing File

Dear Mr. Semborski:

The above-referenced amendment has been reviewed. There are deficiencies that must be adequately addressed prior to approval. A copy of our Technical Analysis is enclosed for your information. In order for us to continue to process your application, please respond to these deficiencies by November 1, 2003.

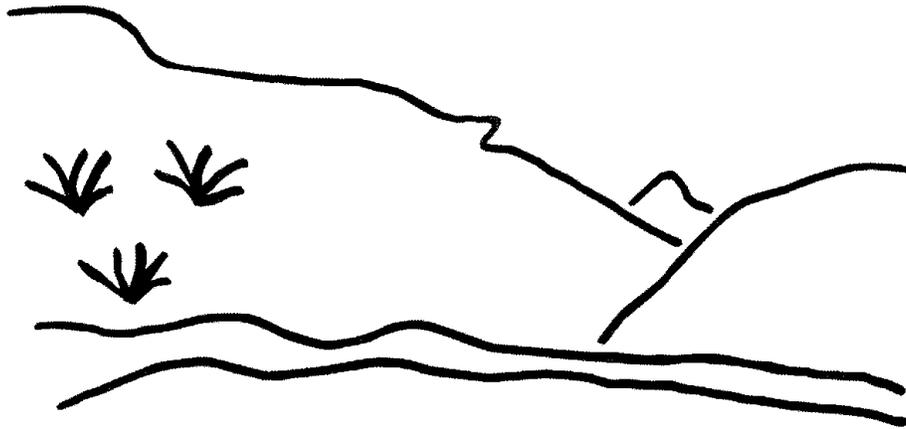
If you have any questions, please call me at (801) 538-5325 or Stephen J. Demczak at (435) 613-5242.

Sincerely,

Daron R. Haddock
Permit Supervisor

SJD/sd
Enclosure
cc: Price Field Office
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State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Deer Creek Mine
Update Volume 10
C/015/018
Task ID #1658
Technical Analysis
October 3, 2003

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TECHNICAL ANALYSIS

TECHNICAL ANALYSIS

The Division regulates the Surface Mining Control and Reclamation Act of 1977 (SMCRA). When mines submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at <http://ogm.utah.gov/coal>

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings which comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application finds that the application contains some deficiencies. The deficiencies are discussed in the body of the TA and are identified by a regulatory reference which describes the minimum requirements. In this Technical Analysis we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA will be considered final for the permitting action.

It may be that not every topic or regulatory requirement is discussed in this version of the TA. Generally only those sections are analyzed that pertain to a particular permitting action. TA's may have been completed previously and the revised information has not altered the original findings. Those sections that are not discussed in this document are generally considered to be in compliance.

INTRODUCTION

INTRODUCTION

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

The road to the Deer Creek Mine waste rock disposal site has been surfaced with rotomilled asphalt, which was recycled from a road-resurfacing project in Huntington Canyon. This new surface will greatly reduce dust and reduce or eliminate the need for application of magnesium chloride.

Several other changes have been included in this amendment that are not related to the resurfacing of the road. These include removal of silt fences, changes in repair of rills and gullies, and alternatives to riprap at inlets and outlets to culverts.

Approval of the resurfacing is recommended as it will reduce air pollution and contribute to controlling sedimentation and erosion along the road. However, the Permittee needs to provide additional information before the other proposed changes can be approved.

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INTRODUCTION

SUMMARY OF DEFICIENCIES

SUMMARY OF DEFICIENCIES

The Technical analysis of the proposed permit changes cannot be completed at this time. Additional information is requested of the permittee to address deficiencies in the proposal. A summary of deficiencies is provided below. Additional comments and concerns may also be found within the analysis and findings made in this Draft Technical Analysis. Upon finalization of this review, any deficiencies will be evaluated for compliance with the regulatory requirements. Such deficiencies may be conditioned to the requirements of the permit issued by the division, result in denial of the proposed permit changes, or may result in other executive or enforcement action and deemed necessary by the Division at that time to achieve compliance with the Utah Coal Regulatory Program.

Accordingly, the permittee must address those deficiencies as found within this Draft Technical Analysis and provide the following, prior to approval, in accordance with the requirements of:

Regulations

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..... 14

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..... 15

R645-301-514.320, The MRP will contain commitments to have the ponds inspected quarterly by a qualified individual and once a year by a registered professional engineer. 15

R645-301-527.100, The permittee must classify each road. 14

R645-301-527-200, R645-301-527.210, The plan must include a detailed description of each road and appropriate cross-section..... 14

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)..... 17

SUMMARY OF DEFICIENCIES

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. 17

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 Outslope. 17

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. 20

GENERAL CONTENTS

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.

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.

GENERAL CONTENTS

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.

Analysis:

Changes to Chapter 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

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 Chapter 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.

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.

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 deleted the requirement of examine the impoundments four times per year. Structural weakness, erosion, and other hazardous conditions, if identified, will be reported See Page 2-18. R645-301-514.311 requires the permittee to do at least yearly inspections until the structures are removed. This information will be provided to the Division as a certified report as required in R645-301514.312. In addition to a yearly-certified report, the permittee is also required to do quarterly reports as required by R645-301-514.320. This information will be retained at or near the mine site.

The permittee made a commitment in the MRP to do inspections of the sediment pond. A commitment should be left in the MRP since it is a requirement of the R645 Coal Rules. The Division would allow the Permittee to change the commitment to do quarterly inspection under R645-301-514.320 and a minimum of one yearly P.E. certified inspection required under R645-301-514.311. All reports will be retained at or near the mine site. Those reports will include the quarterly inspection by a qualified individual and a yearly inspection that is certified by a registered professional engineer.

Findings:

OPERATION PLAN

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

R645-301-514.311, 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.

R645-301-514.320, The MRP will contain commitments to have the ponds inspected quarterly by a qualified individual and once a year by a registered professional engineer.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 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.

Analysis:

Sediment Control Measures

In the proposed revision of Table I, the Permittee has changed Sediment Control at the Waste Rock Site Access Road and at the Waste Rock Site Berm Outslope from Silt Fence to Vegetation. Drawing 4-5 (CM-10778-DR) and the current Table I show both vegetation and silt fence are used as sediment control measures along the access road: 0.11 acre treated with silt fence and 0.58 acre treated by revegetation. Table I proposes silt fence as the only sediment control measure for the Waste Rock Site Berm Outslope (1.72 acres).

DOGM approved removal of most of the silt fence along Waste Rock Site access road effective May 13, 1997 (ACT/015/018-97A). However, based on a review of revegetation cover, done by both DOGM and Energy West personnel during the summer of 1996, revegetation had been found deficient to control sedimentation and erosion along specific sections of the waste rock disposal site access road. Silt fence was therefore retained as the sediment control measure in specific locations, providing sediment control for a combined area of 0.11 acre. The proposed revised Table I would change the sediment control measure for these locations (0.11 acre) along the road from silt fence to revegetation.

Pages 2-5 and 2-6 of the MRP state that, during both Phase I and Phase II of the waste rock disposal site, silt fence filter will be installed and maintained along the outside toe of the fill or "berm fill". The proposed revision still contains these commitments, on pages 2-6 and 2-8.

The 1996 review produced a determination that the silt fence was to be retained around the base of this soil berm. Table I on page 2-10.0 (revised March 26, 1997) shows that sediment control for the 1.72 acres of the Waste Rock Site Berm Outslope ASCA is to be silt fence.

Page 2-10 was revised March 26, 1997 to state, "When revegetation, as outlined in volume 10, page 3-7, chapter 3, has met those requirements, silt fencing ... can be removed (with DOGM approval) and vegetation will become the primary treatment method." The Permittee has submitted a proposed change to remove the silt fence and use vegetation as the sediment control measure at all locations along the Waste Rock Site Access Road and the Waste Rock Site Berm Outslope. The Permittee has not submitted data, inspection reports, or other information to show that vegetation now meets the requirements outlined on page 3-7, that vegetation is adequate to control sedimentation, and that the silt fence can be removed.

Commitments - to control sedimentation and erosion on fill slopes by backfilling where erosion is over 9 inches deep, riprapping small channels that develop where drainage concentrates, and cleaning silt fences - have been stricken in the proposed amendment (page 2-4 of the current MRP). These specific commitments have been replaced by a general commitment (page 2-5 of the proposed amendment) that "Sediment control measures will conform to the requirements of R645-301-742". Although R645-301-742 does not provide the same specificity as the commitments that are being removed, the expected performance results remain: minimize erosion, meet effluent limitations, and prevent additional contributions of sediment to stream flow or runoff outside the permit area.

Discharge Structures

Under the discussion of access-road drainage controls on page 2-5 of the current MRP is the commitment to use riprap to control erosion at the inlets and outlets of all culverts. In the proposed change, the words "or other method" have been inserted after "riprap". "Sediment control measures will conform to the requirements of R645-301-742" has also been added.

There are undoubtedly other acceptable methods than riprap to control erosion at these inlets and outlets, but the Permittee needs to clarify that before any "other methods" are implemented an amendment to the MRP - with the proposed changes in methods or materials - will be submitted to the Division for approval.

Findings:

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

OPERATION PLAN

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 Outslope.

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.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

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

Analysis:

Mining Facilities Maps

Drawing CM-10778-DR (Map Packet 4-5) and the current Table I show both vegetation and silt fence are used as sediment control measures along the access road: 0.11 acre treated with silt fence and 0.58 acre treated by revegetation. 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).

Findings:

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

R645-301-741, 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).

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OPERATION PLAN

RECLAMATION PLAN

RECLAMATION PLAN

BACKFILLING AND GRADING

Regulatory Reference: 30 CFR Sec. 785.15, 817.102, 817.107; R645-301-234, -301-537, -301-552, -301-553, -302-230, -302-231, -302-232, -302-233.

Analysis:

General

The plan indicates on page 3-3 that asphalt stripped from the road surface will be buried four feet in the fill at the waste rock site.

Findings:

Information provided in the application meets the requirements of the Regulations.

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.

STABILIZATION OF SURFACE AREAS

Regulatory Reference: 30 CFR Sec. 817.95; R645-301-244.

Analysis:

Page 2-5 of the application indicates that during operations, sediment control measures will conform to the requirements of R645-301-742. Conformance with the requirements of R645-301-244 is indicated under Section VII Monitoring and Maintenance, FINAL REVEGETATION, item 5 (p 3-11, Vol. 10).

Findings:

Information provided in the application meets the requirements of this section of the Regulations.

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.

The current MRP has reclamation cost estimates that go back to 1988 in Chapter X of the MRP, page 4-17 through 4-29. Since those costs are no longer relevant they need to be removed.

Findings:

The information submitted in the amendment is not considered adequate to meet the minimum requirements of this section of the regulations. Before, the Division can approve the amendment the Permittee must provide the following information in accordance with:

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.