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State of Utah

Department of
Natural Resources

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Lieutenant Governor

May 18, 2004

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

Re: Update Volume 10, PacifiCorp, Deer Creek Mine, C/015/018, Task ID
#1914, 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 June 18, 2004. Your application will be denied if a response is not received within 90 days of the date of this letter.

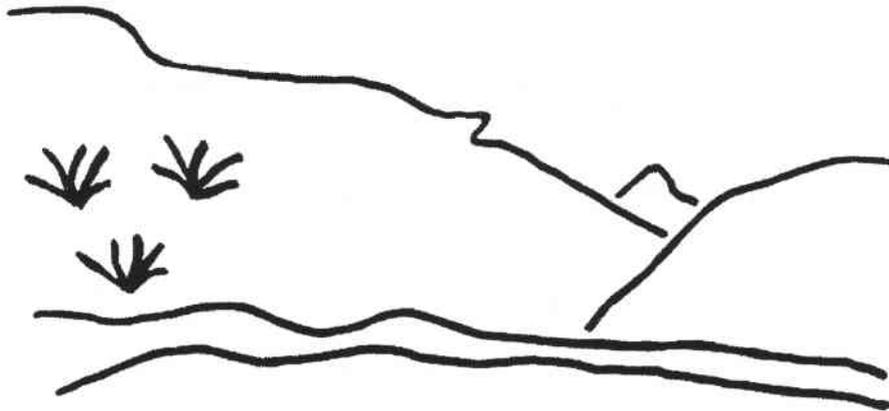
If you have any questions, please call me at (801) 538-5268 or
Stephen J. Demczak at (435) 613-5242.

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 to Volume 10
C/015/018
Task ID #1914
Technical Analysis
May 14, 2004

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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

Permittee's Action		DOGM's Action	
Original submittal	08/28/2003	Assigned Task # 1658	
		Tech Memo – Hydrology	09/30/2003
		TA	10/03/2003
Response to TA	11/11/2003	Assigned Task # 1770	
		Tech Memo – Hydrology	12/19/2003
		TA	12/22/2003
Response to TA	01/26/2004	Assigned Task # 1823	
		Tech Memo – Hydrology	02/23/2004
Withdrawal of Response to TA	03/02/2004		
Response to TA	04/23/2004	Assigned Task # 1914	
		Tech Memo – Hydrology	05/21/2004
		TA	05/21/2004

The road to the Deer Creek Mine waste rock disposal site has been reclassified as a primary road in accordance with R645-301-527. Previously, this road was permitted and maintained as a temporary access way to the waste disposal pile. Because this road is now designed, constructed and maintained in accordance with R645-301 and R645-302 and because there are no upstream disturbed areas, the road is no longer considered part of the disturbed area for the purposes of the sediment control measures in R645-301-742.200 through R645-301-742.240, and R645-301-763 (no sedimentation pond or “other treatment facility” is required); however, the requirements of R645-301-732 and R645-301-742 through R645-301-742.126 still apply.

Recently, the road was resurfaced with roto-milled 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 - addition of vegetation as a sediment control measure along portions of the road, changes in repair of rills and gullies, and alternatives to riprap at inlets and outlets to culverts - have been included in this amendment.

INTRODUCTION

Approval of the resurfacing is recommended as it will reduce air pollution and contribute to controlling sedimentation and erosion along the road. Approval of the changes regarding repair of rills and gullies and alternatives to riprap at culvert inlets and outlets is also recommended. However, the Permittee needs to provide additional information or clarification regarding the use of vegetation and silt fence as sediment control measures along the road before the proposed change can be approved.

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

R645-301-742, 121.200, To provide consistency and lessen the possibility of confusion, the Permittee needs to show in Table I that sediment control for the 0.11-acre portion of the Waste Rock Site Access Road and for the Waste Rock Site Berm Outslope is (or at least includes) silt fence..... 14

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SUMMARY OF DEFICIENCIES

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.

GENERAL CONTENTS

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 2 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 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:

All of the technical designs have been submitted. New primary road designs are submitted for the road to the waste rock site.

Findings:

The permittee has met the minimum requirements of this section.

GENERAL CONTENTS

MAPS AND PLANS

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

Analysis:

The permittee has updated the "Deer Creek Coal Mine Waste Rock Storage Facility Phase I" map showing ASCA areas with and without silt fences along the road. Exhibit I has been updated showing 3-inch roto-mill asphalt. These maps and Exhibits are P.E. certified.

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 has stated in Chapter 2 in the Mining and Reclamation Plan that the waste rock road as a primary road. The permittee has submitted an updated map and a typical cross-section of the road. These are P.E. certified.

Findings:

The permittee has met the minimum requirements of this section.

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

Silt Fence and Vegetation

Work done by Dr. Patrick Collins in 1995 and field investigations by DOGM personnel in 1996 determined that all silt fencing should be retained along the top of the topsoil berm around the Waste Rock Area. Also, that silt fence could be removed along many areas of the Waste Rock Access Road but needed to remain at certain areas of concern.

Effective May 13, 1997, the Division approved an amendment to remove silt fence along portions of the Waste Rock Access Road (ACT/015/018-97A). Drawing CM-10778-DR, Plate 4-5, Phase I shows the ASCAs and the areas treated by silt fence and those where vegetation alone was determined adequate. Page 2-10 of the Volume 10 and Table I on page 2-11 were amended to describe the changes, and the following statement was added to page 2-10 of the MRP: "When revegetation [of ASCAs], 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". This statement has been removed from this latest revision, but the standard for revegetation success on page 3-7 still applies: as determined by spring and fall inspections, there is a reproducing vegetative cover, on a majority of the slope or area, that prevents or minimizes erosion.

The revised plan still includes, on pages 2-7 and 2-8, a commitment that "Maintenance work on the ditches, sediment basin and silt fences will be done as the need arises. Sediment and debris accumulation will be removed by mechanical and hand methods".

Waste Rock Access Road ASCA

The ASCA along the Waste Rock Access Road, shown on drawing CM-10778-DR, Plate 4-5, Phase I, covers 0.69 acre. Based on reviews of revegetation cover in 1995 and 1996, vegetation was determined to be adequate to control sedimentation and erosion along most of the road. However, vegetation was found to be inadequate at four small areas, totaling 0.11 acre, and silt fence was retained for sediment and erosion control at those sites. Both the current and revised Drawing CM-10778-DR and the current Table I of Chapter II show Sediment Control along the access road consists of silt fence at the four areas and revegetation for the remaining 0.58 acre.

In the proposed revision of Table I, the Permittee has changed all Sediment Control in this ASCA to vegetation only, with no silt fence. The Permittee has not submitted data, inspection reports, or other information to show that vegetation in these four areas now meets the

OPERATION PLAN

requirements outlined on page 3-7 and that the silt fence can be removed. The silt fences must be retained and maintained until it is demonstrated that vegetation meets the requirements on page 3-7, and Table I should continue to include silt fence as Sediment Control for the four areas along the Waste Rock Access Road.

Waste Rock Site Berm Outslope ASCA

The current Table I on page 2-10 shows that Sediment Control for the 1.72 acres of the Waste Rock Site Berm Outslope ASCA is silt fence. The 1996 review of revegetation also produced the determination that silt fence was to be retained around the base of this soil berm. In the proposed revision of Table I, the Permittee has changed Sediment Control for this area from silt fence to vegetation. However, inconsistent with this proposed change to Table I, the revised Drawing 4-5 (CM-10778-DR) shows silt fence as the sediment control for this ASCA (and conversely, the current version of this drawing does not show the silt fence).

The MRP states (pages 2-7 and 2-8) 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 Permittee has changed Table I so that only vegetation rather than silt fence is indicated as sediment control at the Waste Rock Site Berm Outslope ASCA.

The Permittee has not submitted data, inspection reports, or other information to show that vegetation now meets the requirements outlined on page 3-7 and that the silt fence is not needed. The silt fences must be retained and maintained until it is demonstrated that vegetation meets the requirements on page 3-7: as determined by spring and fall inspections, there is a reproducing vegetative cover, on a majority of the slope or area, that prevents or minimizes erosion. Table I should continue to include silt fence as Sediment Control for the Waste Rock Berm.

Repair of Rills and Gullies

As the road surface deteriorates, rills and gullies will be backfilled and a smooth surface developed (page 2-5). Specific 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 on page 2-5 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 standards remain: minimize erosion, meet effluent limitations, and prevent additional contributions of sediment to streamflow or runoff outside the permit area.

Discharge Structures

Under the discussion of access-road drainage controls on page 2-4 of the current MRP is the commitment to use riprap to control erosion at the inlets and outlets of all culverts. On page 2-5 of the proposed change, the words "or other method" have been inserted after "riprap".

Findings:

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

R645-301-742, 121.200, To provide consistency and lessen the possibility of confusion, the Permittee needs to show in Table I that sediment control for the 0.11-acre portion of the Waste Rock Site Access Road and for the Waste Rock Site Berm Outslope is (or at least includes) silt fence.

RECLAMATION PLAN

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

This road will be reclaimed as stated on Page 3-3. The roto-milled material will be taken to the waste rock site upon reclamation of the Deer Creek Waste Rock Road.

Findings:

The permittee has met the minimum requirements of this section.

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 seems to indicate 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.

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).

Table 1 (page 2-17 of Section R645-301-751) indicates that the waste rock site access road will be treated with silt fences/vegetation. The same table indicates that silt fences will be in use on the waste rock site berm out slopes.

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.

Findings:

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