

4/15/018 Incoming  
cc: Keenan



# United States Department of the Interior



#5358

## OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Western Region Office  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050

UT-0003

March 7, 2017

RECEIVED  
MAR 10 2017  
DIV. OF OIL, GAS & MINING

Daron R. Haddock  
Coal Program Manager  
Utah Division of Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84116

Re: Deer Creek Mine, Add Post Mining Water Discharge, C/015/0018, Task #5358, Mining Plan Decision Document Determination

Dear Mr. Haddock,

This letter is in response to the Utah Division of Oil, Gas & Mining's January 25, 2017, request for a determination, under 30 Code of Federal Regulations (C.F.R.) § 944.30, whether Task #5358 for the Deer Creek Mine constitutes a mining plan modification. Mining plan approvals and modifications by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on federal lands. *See also* 30 C.F.R. Part 746. This response serves to document the Office of Surface Mining Reclamation and Enforcement's (OSMRE) determination whether or not a mining plan approval from the Secretary is required for the permitting action of Task #5358.

As described in the permit application package submitted to the Utah Division of Oil, Gas & Mining (DOGGM), PacifiCorp is proposing to install a permanent mine water discharge system in each of the two portals of the Rilda Canyon Portal facility located at the Deer Creek Mine in Emery County, Utah. Two double French drains will be installed at each portal and will collect and route the mine water out of the mine. The double French Drains include a safety overflow system. The pipes will be installed through the portal plug connecting the French drain system to the main drainage pipeline. Each plug will be 25 feet of solid concrete and at least 25 feet of non-combustible backfill immediately out by the concrete portal plugs. The pipeline will rely on gravity to move the water and will not require pumps. The pipeline will follow adjacent to Emery County Road #306, then follow adjacent to State Highway 31 and end at the Huntington Power Plant's Raw Water pond. All sections of the pipeline below the mine site will be confined to the boundaries of the county and state road right-of-ways. Flow meters will be placed on each end of the pipeline for flow comparison and leak detection. Vent pipes will be placed strategically along the pipeline to ensure no vapor locking occurs and water continues to flow freely. The pipeline will remain installed in perpetuity; no reclamation is planned for this structure.

The Huntington Power Plant will consume the water in its operations. If for any reason the water must be discharged into Huntington Creek, the discharge will meet Utah Pollutant Discharge Elimination System (UPDES) standards and/or be treated to meet UPDES standards. Currently, elevated iron in excess of the UPDES limitation of 1.0 mg/l has been detected from the mine water sampling sites. The pipeline will be a new discharge point under PacifiCorp's current UPDES permit. The mine completed its application submittal in October 2017, to add the discharge point to their currently approved UPDES permit. The application is currently under review with the Utah Department of Environmental Quality. Once the water meets the effluent limitations and is of a quality where it can be used for irrigation purposes, PacifiCorp will deed the pipeline corridor, in its entirety, and the water to the North Emery Water Special Services District. The pipeline corridor will then be removed from the SUFCO Mine's permit area. Additionally, PacifiCorp will be required to submit an application for a permit reduction to DOGM.

An archeologist will remain on the construction site at all times during construction within culturally sensitive areas. PacifiCorp has paid performance and maintenance bonds to the Utah Department of Transportation and to the Emery County Road Department; PacifiCorp will follow both departments' construction requirements.

After reviewing the Deer Creek Mine Amendment, the OSMRE has determined that the proposed action to add a post-mining water discharge system at the Rilda Canyon portals and associated pipeline does not constitute a mining plan modification under 30 C.F.R. § 746.18. While the proposed action contemplates a permit area change to include the discharge pipeline route and a potential treatment facility area permit application, this OSMRE decision applies only to the discharge pipeline route, which does not constitute a mining plan modification. Task #5358 does not propose to build a water treatment facility. Instead, Task #5358 offers the option of a water treatment facility as a contingency plan in the event that the Huntington Power Plant is permanently taken offline, and the mine's discharge water does not meet UPDES standards. If a water treatment facility were to occur in the future, PacifiCorp would submit an amendment to DOGM with facility designs and an explanation of how they will treat the water. The reasons for OSMRE's decision that this does not constitute a mining plan modification are:

1. There is no change to the mining plan because the Deer Creek Mine ceased production on January 7, 2015. Accordingly, PacifiCorp is not mining coal at the Deer Creek Mine and thus there is not a change that would affect the conditions of the mining plan approval.
2. No change would occur to affect the level of protection to land, facilities and places designated unsuitable for mining because the water discharge pipe will follow road right-of-ways to the discharge pond and water will be recycled at the Huntington Power Plant. The pipeline corridor will be part of the Deer Creek Mine permit area and DOGM will be responsible for regulating the pipeline through bond release, or until the water is clean enough to meet UPDES standards and be used for other purposes.
3. There is no change in the location of coal because Task #5358 does not propose any coal mining.

4. No new federal coal lease or reclamation activities are associated with Task # 5358, and the discharge pipe will remain within the ground in perpetuity. DOGM will be responsible for regulating the pipeline as explained above.
5. Task #5358 does not meet OSMRE's standards (516 DM 13.4) of a major federal action normally requiring an Environmental Impact Statement.
6. There is no change proposed to the mining operations and reclamation plan that would result in a change to the post mining land use of federally owned surface. The current post mining land use is wildlife habitat and livestock grazing and the addition of the pipeline would not require a change to these uses.

Therefore, a mining plan approval from the Assistant Secretary of Land and Minerals Management is not required for Task #5358. OSMRE's decision is based upon consideration of the PAP and 30 C.F.R. Parts 740 and 746. Consequently, OSMRE's decision does not relieve DOGM from coordinating the review and approval of Task #5358 with other Federal agencies for compliance.

Sincerely,



Elizabeth Shaeffer, Manager  
Field Operations Branch

cc: BLM Price Field Office  
FS Manti-La Sal National Forest