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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 19, 2001

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

Re: Notice of Temporary Cessation, PacifiCorp, Cottonwood/Wilberg Mine, C/015/019-TC01B, Outgoing File

Dear Mr. Semborski:

The above-referenced amendment has been reviewed. There is a deficiency that must be adequately addressed prior to approval. A copy of our Technical Analysis is enclosed for your information. Please respond to this deficiency by July 30, 2001.

If you have any questions, please call me at (801) 538-5268 or Pete Hess at (435) 613-5622.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

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Enclosure
cc: Price Field Office
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State of Utah

Utah Oil Gas and Mining

Coal Regulatory Program

Cottonwood/Wilberg Mine
Temporary Cessation
C/015/019-TC01B
Technical Analysis
June 11, 2001

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TECHNICAL ANALYSIS

INTRODUCTION

On March 15, 2001, underground coal extraction operations at the Trail Mountain Mine ceased. At that time, the permittee began the removal of mining machinery and related support systems from the Trail Mountain as well as the Cottonwood/Wilberg Mine workings. The Trail Mountain Mine and the Cottonwood/Wilberg Mine were linked in that the mainline conveyor system of the Cottonwood Mine and was used to convey Trail Mountain product through East Mountain to the truck load-out located in the Cottonwood Mine main facilities area.

On May 22, 2001, the permittee notified the Utah Division of Oil, Gas and Mining of its intent to enter the Cottonwood/Wilberg Mine into temporary cessation status. That document was received in the Division's Price Field Office on May 25, 2001. It should be noted within this summary that prior to the sealing of the Cottonwood Mine, an underground evaluation of mining related apparatus was performed on May 4, 2001 to quantify and evaluate the types of material that the permittee was intending to abandon in-mine. It is Division policy that this evaluation of mining related material to be abandoned in-mine be performed such that a written finding can be made relative to the potential for impact to the hydrologic regime. To date, no amendment to the Cottonwood/Wilberg Mine MRP relative to the Division's requirements for abandonment of material in-mine has been submitted.

At the beginning of this review, it was determined that the current mining and reclamation plan for the Cottonwood/Wilberg Mine does not include a description of procedures for the temporary cessation of operations, as required in R645-301-515.300 through -515.321. It is the permittee's intent to submit an amendment to correct this oversight.

This document has been prepared to determine the adequacy of the permittee's notification that the Cottonwood/Wilberg Mine and its associated facilities have met the requirements of the R645 coal rules relative to temporary cessation status.

SUMMARY OF OUTSTANDING DEFICIENCIES

The Technical Analysis regarding the proposed permit changes is not complete at this time, pending submittal of additional information by the permittee and further review by the Division, to address outstanding deficiencies in the proposal. A summary of those outstanding deficiencies is provided below. Additional comments, concerns and deficiencies may also be found within the analysis and findings made in this Draft Technical Analysis which have not been presented in this summary. Upon finalization of this review, any outstanding 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 as 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

R645-301-515.300, procedures for temporary cessation of operations have not been addressed within the Cottonwood/Wilberg mining and reclamation plan. The information provided does not meet the minimum regulatory requirements of R645-301-515.300. 11

SUMMARY OF OUTSTANDING DEFICIENCIES

RECLAMATION PLAN

CESSATION OF OPERATIONS

Regulatory Reference: 30 CFR Sec. 817.131, 817.132; R645-301-515, -301-541.

Analysis:

As noted above, underground coal extraction ceased at the Trail Mountain Mine on March 15, 2001. As the Trail Mountain Mine and the Cottonwood/Wilberg Mine were linked prior to the cessation of mining, and have the potential to be linked in the future, the permittee was desirous to also place the Cottonwood/Wilberg Mine under temporary cessation status.

Regulation **R645-301-515.300** requires that the mining and reclamation plan for a permitted mine site incorporate a description of the procedures for the temporary cessation of operations. This requirement was not addressed in the Cottonwood/Wilberg Mine mining and reclamation plan.

As noted within the summary, Energy West Mining Company submitted a notice of intent to the Division on May 22, 2001, to enter the Cottonwood/Wilberg Mine into temporary cessation status.

Regulation **R645-301-515.310** requires that the permittee meet all of the terms and conditions of the currently approved mining permit, irregardless of the fact that the permitted site is considered to be under temporary cessation. The permittee's notice-of-intent letter of May 22, 2001 includes a description of the "mitigation measures to be employed in accordance with the terms and conditions of the permit approval, such as a statement of the number of surface acres involved in the cessation, extent of sub-surface strata, prior reclamation efforts accomplished on the property, and identification of all backfilling, regrading, revegetation, environmental monitoring, underground opening closures and water treatment activities that will continue during the temporary cessation."

The permittee's May 22, 2001 notice of intent commits the permittee to continue to conduct compliance maintenance as necessary as stated in the approved mining and reclamation plan in order to meet all permit conditions, as required under **R645-301-515.310**. However, as stated in the summary, the requirements mandated by R645 coal rules relative to "temporary cessation" have never been addressed within the Cottonwood/Wilberg Mine mining and reclamation plan. Therefore, the notice of intent letter is committing to maintain, as required by the MRP, something that has not been addressed within the MRP.

Regulation **R645-301-515.311** requires that the permittee will effectively support and maintain all surface access openings to underground operations, as well as all surface facilities in which there are no current operations, but operations are to be resumed under an approved permit. This regulation applies to all of the portals associated with the Cottonwood/Wilberg Mine. The May 22, 2001 documents that the portals were effectively sealed according to the requirements of 30 CFR Part 75.335, or in accordance with the MSHA approved sealing plan. Effective support remains in place at the outcrop areas through the use of concrete archways and other standard methods of ground control. As the portals have been "temporarily sealed" with solid cement block seals but not backfilled with incombustible material, the permittee has installed secure chain link fencing over same in accordance with 30 CFR 75.1711-3 to prevent unauthorized access to the seals. This chain link fencing was observed to be in place on the Wilberg Mine portals located in Grimes Wash on May 25, 2001. On that date, the Cottonwood portal seals were being completed.

All other surface facilities including the mine buildings and shops, coal storage handling/loading facilities, and sediment containment structures are covered under R645-301-515.311.

Regulation **R645-301-515.312** is relative to a surface coal mining and reclamation operation. The Cottonwood/Wilberg Mine was an underground operation. This regulation is not applicable.

Regulation **R645-301-515.320** requires the permittee to submit a notice of intent to cease or abandon operations, as soon as it is determined that the period of temporary cessation will extend beyond thirty days. Energy West Mining Company notified the UDNR/OGM with its notice of intent to enter the Cottonwood/Wilberg Mine into temporary cessation status on May 22, 2001. The portal seals at the mine were completed on May 25, 2001.

Regulation **R645-301-515.321** requires any permittee, who conducts underground coal mining and reclamation activities and who has submitted a notice of intent to enter into temporary cessation, to include with said notice a statement of the exact number of surface acres and the horizontal and vertical extent of subsurface strata which have been in the permit area prior to cessation or abandonment, the extent and kind of reclamation of surface area which will have been accomplished, and identification of the backfilling, regrading, revegetation, environmental monitoring, underground opening closures, and water treatment activities that will continue during the temporary cessation.

Energy West Mining Company's letter of intent to enter the Cottonwood/Wilberg Mine into temporary cessation dated May 22, 2001, lists 101.74 acres of disturbed area and 10,600 acres within the permit area. No reclamation activities have been undertaken by the permittee; all surface facilities will remain intact at this time to enhance the potential for the development of the Cottonwood Canyon tract that will be accessed from the Trail Mountain Mine.

There has not been any backfilling or regrading conducted within the disturbed area of the Trail Mountain Mine. The notice of intent letter does not identify any backfilling or regrading activities that will occur during the temporary cessation period.

All revegetation work that has been performed is relative to the stabilization of topsoil storage areas, as well as the stabilization of reclaimed areas including the Cottonwood Fan Portal area, and the Miller Canyon portals. The notice of intent letter does not identify any revegetation activities that will be conducted during the period of temporary cessation.

The permittee's notice of intent letter commits to the maintenance and monitoring of all hydrologic conveyance structures as specified in the Cottonwood/Wilberg Mine mining and reclamation plan. The only water treatment activities that will occur during the period of temporary cessation will be the physical methods of treatment (allowing sediment to drop out via retention time) utilized by sediment ponds. The relocation of UPDES point 001A to the Trail Mountain Access intake portal seal will treat mine water discharge via three sediment dams and granite pea gravel filtration. This physical treatment method will occur inby the TMA intake portal seal. UPDES outfall parameters will be monitored according to the current permit, UT0022896, for all treatment locations.

The closure of openings to access the underground workings has been previously addressed under **R645-301-515.311.**

The continuation of environmental monitoring has been committed to by the permittee and has been discussed previously under **R645-301-515.310.**

Regulation **R645-301-515.322** is relative to a surface coal mining and reclamation operations. Cottonwood/Wilberg Mine was an underground operation. This regulation is not applicable.

Findings:

The permittee's May 22, 2001 notice of intent letter to enter the Cottonwood/Wilberg Mine into temporary cessation status makes several commitments that refer to "as stated in the approved MRP" or "as specified in the MRP". As the permittee has temporarily ceased operations at the Cottonwood/Wilberg Mine, these commitments must be addressed within the mining and reclamation plan under R645-301-515.300, procedures for temporary cessation of operations, as well as within the specific disciplines. No procedures for the temporary cessations of operations have been addressed within the Cottonwood/Wilberg mining and reclamation plan.

R645-301-515.300, procedures for temporary cessation of operations have not been addressed within the Cottonwood/Wilberg mining and reclamation plan. The information provided does not meet the minimum regulatory requirements of R645-301-515.300.