

January 15, 2003

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

Re: Results of the Midterm Review, PacifiCorp, Cottonwood/Wilberg Mine, C/015/019-MT02, Outgoing File

Dear Mr. Semborski:

The Division has completed a review of the Cottonwood/Wilberg facility as required by R645-303-211. You should recall that the items under review were as follows:

1. An AVS check to ensure that Ownership and Control information is current and correct.
2. A review of the plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee initiated plan changes are appropriately incorporated into the plan document.
3. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
4. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars.

The results of the review are contained in the enclosed review documents. As there are no deficiencies this concludes the Midterm Review for the Cottonwood/Wilberg Mine. Your Midterm Review is conditionally approved upon receipt of the following items, as well as an updated C1/C2 form prepared for incorporation:

- 7 copies of Volume 3, Table of Contents
- 3 copies of Officer and Director Lists
- 7 copies of Page 40

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- 7 copies of Page 58
- 3 copies of Map 3-16 (WS449D)
- 3 copies of Volume 6, Map 7704-PP10
- 4 copies of Map 4-2 (CM-10821-WB)
- 4 copies of Map 4-8 (CM-10810-WB), sheets 1-6
- 4 copies of Map 4-9 (CM-10820-WB)
- 4 copies of Map 4-10 (CM-10811-WB), sheets 1-2
- 4 copies of Map 4-11A (CM-10815-WB)
- 4 copies of Map 4-11B (CM-10846-WB)
- 4 copies of Map 4-12 (CM-10830-WB)
- 4 copies of Map 4-13 (CM-10837-WB), sheets 1-2
- 4 copies of Map 9-1 (CM-10819-WB)

Please submit these copies by February 18, 2003. Once we receive these copies, final approval will be granted, at which time you may proceed with your plans.

A stamped incorporated copy of the approved plans will also be returned to you at that time, for insertion into your copy of the Mining and Reclamation Plan.

Thank you for your participation in this review process.

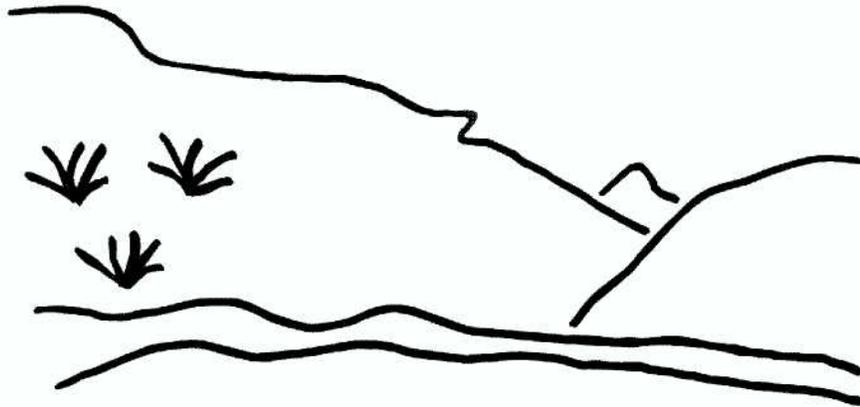
If you have any questions regarding these requirements or the Midterm Review please don't hesitate to call me at (801) 538-5325, or Joe Helfrich at (801) 538-5290.

Sincerely,

Daron R. Haddock
Permit Supervisor

an
cc: Dennis Oakley
Price Field Office
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State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Cottonwood/Wilberg
Midterm Permit Review
C/015/019-MT02-2
Technical Analysis
January 10, 2003

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TECHNICAL ANALYSIS

The Division ensures compliance with 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 midterm review for the Cottonwood/Wilberg Mine was initiated by way of Division correspondence to Chuck Semborski, Environmental Supervisor on March 26, 2002. The following items were chosen for review:

1. An AVS check to ensure that Ownership and Control information is current and correct.
2. A review of the plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee-initiated plan changes are appropriately incorporated into the plan document.
3. A review of the applicable portions of the permit to ensure that the plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
4. A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate year dollars.
5. The Division will conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

SUMMARY OF PERMIT CONDITIONS

SUMMARY OF PERMIT CONDITIONS

SPECIAL CONDITIONS OR STIPULATIONS TO THE PERMIT APPROVAL

Regulatory References: 30 CFR773.17; R645-300-140; R645-300-145.

Analysis:

The permit was renewed on August 10, 1999 and expires July 6, 2004. One stipulation is attached to the permit. The stipulation requires water-monitoring data to be submitted into the Division's Water Quality Database. Alyson Boye has nearly completed the backlog of data entry.

Findings:

There are no special conditions or stipulations attached to the current permit. The permittee-initiated plan changes have been incorporated into the plan document. The Cottonwood/Wilberg facility has met the regulatory requirements for this portion (item#2) of the midterm review.

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

Volume one of the MRP contains ownership and control information dated 1996. The 2000 annual report is somewhat more current with ownership and control information from 1999-2000. The information provided in the latest submittal includes the end dates for those individuals no longer affiliated with companies within the corporate structure. The end dates for individuals who have left their respective companies have been provided. The MRP and the AVS have been updated.

Findings:

The information provided is adequate to meet the requirements of this section of the regulations

OPERATION PLAN

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR 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:

Water-Quality Standards And Effluent Limitations

Volume2, Part 3, Page 58 has been updated. UPDES discharge point 004 has been removed from the text. This UPDES monitoring point was dropped from UPDES permit UT-022896 when it was renewed in November 2002.

Alternate Sediment Control Areas (ASCA)

There are ten ASCAs in the permit area. A total of 17.06 acres is disturbed by these ASCAs according to Table 5 in Part 3 of the MRP. Information on the Sewer Absorption Field and the Guard Station has been updated to match GPS surveys done to respond to deficiencies identified during the mid-term review.

1 - Miller Canyon – 0.02 acre. Sediment control at this reclaimed area is by surface roughening and deep pocking. This is discussed in Appendix XXII. Locations of the three small disturbed areas are shown on a map in Attachment # 4, but there are no detailed maps or plans. A photo essay in Attachment #5 and other photos in Appendix XXII document the nature of the ASCAs and BTCA used for sediment control. Detailed maps or drawings would provide no additional useful information.

2 – Sewer Absorption Field – 2.0 acres. Silt fence and vegetation provide sediment control. Map 1-3 shows the general location at a small-scale. Plate 3-18, Map 7704-PP10 in Volume 6 details the placement of the silt fence at a larger scale. The Sewer Absorption Field covers approximately 3.7 acres. The disturbed area boundary (which encloses an island of undisturbed land) is shown on Drawing 7704-PP10: the total area within the disturbed area boundary, resurveyed in October 2002, is 2.0 acres.

3 – Proposed Cottonwood Fan-Portal Reclamation – 8.4 acres. This site is being reclaimed, and surface roughening, deep pocking, strawbales, silt fence, sedimentation basins, berms, and rock gabions provide sediment control. Although not specified in the MRP, vegetation is becoming established and provides substantial sediment control. Sedimentation ponds were removed in 2002. Silt fences may be removed in the near future. Map 3-13 of

Volume 11 shows the features of this ASCA.

4 – Waste Rock Site – Outslope – 0.93 acre. Strawbales and silt fence provide sediment control at this ASCA, which is the outslope of a reclaimed waste rock pile. Plate 4-1 (Drawing CM-10826-WB) in Appendix VII shows the location of this ASCA.

5 – Guard Station – 0.88 acre. Silt fence and vegetation provide sediment control. Map 3-16 (Drawing WS449D) shows details of this area, including the silt fences and disturbed area boundary. An inspection of the mine on September 19, 2002 revealed several discrepancies between the existing map 3-16 and actual locations of siltation structures and the permit and ASCA boundaries around the Guard Station. These have been resolved satisfactorily on the revised Map 3-16. The total area of this ASCA, resurveyed in October 2002, is 0.88 acre.

Behind the Guard Station there is a large silt fence across the main drainage, just above the outlet of the 90-inch main by-pass culvert. According to the permittee, this silt fence requires frequent cleaning and maintenance, which is understandable as this silt fence mainly treats road drainage and runoff from a large undisturbed area.

However, this silt fence near the by-pass outlet also treats runoff from:

- Sections of road that do not report to the South Pond (below the slot drains that report to the pond);
- The outslopes of the South Pond; and
- The outslope of the berm around the boulder pile located below the South Pond.

Straw bales filter runoff from these three areas before it enters the drain reporting to the silt fence. The bales are shown on Map 3-16. As long as the straw bales are maintained, the silt fence is not needed to treat runoff from the three described areas (the portion of runoff that comes from the road does not require treatment anyway).

6 – Conveyor Bent Pad – 0.04 acre. Sediment control is by strawbales. Map 3-16 shows this ASCA surrounds the base of a conveyor bent located inside the disturbed area boundary. This ASCA is a relatively flat area cut into the side of a steep escarpment. The drainage from the area around this ASCA reports to the sedimentation ponds, but runoff from the ASCA itself is directed toward the adjacent 30-inch bypass culvert rather than to the disturbed area, and is filtered by straw bales at the edge of the ASCA.

7 – Tube Conveyor Access Road - 0.24 acre. Sediment control is by silt fence, strawbales, and berms. Map 3-16 shows this ASCA.

8 – Wilberg Fan - 0.67 acre. A sediment trap and berm provide sediment control. Map 3-16 shows this site.

OPERATION PLAN

9 – Deer Creek Mine 9th East Breakouts – 0.60 acre. Reclamation of this site was completed in 1999, and surface roughening and deep pocking provide sediment control. The ASCA is shown on Map 3-16.

10 – Waste Rock Site –65027 – 3.28 acres. Map 4-2 in Volume 10 indicates the general location of this ASCA, and Map 4-1 details the location of the ASCA and the silt fences.

Other

Map 3-16 shows a small permitted, disturbed area centered on four concrete footings that support the bent on the north-south conveyor, which runs from the Wilberg Mine belt portal-C to the silo. This small disturbed area is an island surrounded by non-permitted pre-SMCRA disturbance. The footings themselves are pre-SMCRA structures. There has been no post-SMCRA disturbance of this small area, but it is included in the disturbed area because the conveyor system supported by these footings is part of the permitted operation: the reclamation plan is not clear as to whether these footings will be removed during reclamation. The concrete supports take up a large portion of this small area, and the remainder is the same as the pre-SMCRA disturbed surface outside the disturbed area boundary - mostly bare rock, rubble, and coalmine waste. Erosion appears to be minimized to the extent possible, with no contribution of additional sediment to stream flow or to runoff outside the permit area.

This small area is not designated as an ASCA or SAE. Runoff from this small disturbed area can flow down onto disturbed, unpermitted, pre-SMCRA land, and drainage from this pre-SMCRA area reports to the main 72-inch by-pass culvert without treatment. Exemptions to the Siltation Structures requirements of R645-301-742.200 and R645-301-763 may be granted if the disturbed drainage area within the total disturbed area is small and the operator demonstrates that siltation structures and alternate sediment control measures are not necessary for drainage from the disturbed areas to meet the effluent limitations under R645-301-751 or the applicable Utah and federal water quality standards for the receiving waters. The MRP contains no such demonstration from the operator, but this has apparently been accepted as *de facto* since the permit for this mine was issued.

Findings:

Information on the use of BTCA to prevent additional contributions of suspended solids to stream flows outside of the permit area is sufficient to meet the requirements of the Coal Mining Rules.

MAPS, PLANS, AND CROSS SECTIONS OF MINING OPERATIONS

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

Analysis:

Mining Facilities Maps

ASCAs are shown on various maps, plans, or drawings in the MRP.

1 - Miller Canyon – Locations of the three small disturbed areas are shown on a map in Attachment # 4, but there are no detailed maps or plans. A photo essay in Attachment #5 and other photos in Appendix XXII adequately document the nature of the ASCAs and BTCA used for sediment control. Detailed maps or drawings would provide no additional useful information.

2 – Sewer Absorption Field – 2.0 acres. Silt fence and vegetation provide sediment control. Map 1-3 shows the general location at a small-scale. Plate 3-18, Map 7704-PP10 in Volume 6 details the placement of the silt fence at a larger scale. The Sewer Absorption Field covers approximately 3.7 acres. The disturbed area boundary (which encloses an island of undisturbed land) is shown on Drawing 7704-PP10: the total area within the disturbed area boundary, resurveyed in October 2002, is 2.0 acres.

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5 – Guard Station. Silt fence and vegetation provide sediment control. Map 3-16 (Drawing WS449D) shows details of this area, including the silt fences and disturbed area boundary. An inspection of the mine on September 19, 2002 revealed several discrepancies between the then existing Map3-16 and actual locations of siltation structures and the permit and ASCA boundaries around the Guard Station. This area was resurveyed in October 2002 and the discrepancies have been resolved on the revised Map 3-16.

The inspection on September 19, 2002 also identified an area adjacent to the road, on the east side near the entry gate and beginning between the first and second sections of guardrail, that is used for access to clean-out the silt fence. This access area is also part of the ASCA and is treated by a second silt fence adjacent to and perpendicular to the large one across the drainage. This area is included in the Guard House ASCA on Map 3-16.

Behind the Guard Station there is a large silt fence across the main drainage, just above the outlet of the 90-inch main by-pass culvert. This silt fence mainly treats road drainage and runoff from a large undisturbed area. However, this silt fence also treats runoff from:

OPERATION PLAN

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Findings:

Information on the use of BTCA to prevent additional contributions of suspended solids to stream flows outside of the permit area is sufficient to meet the requirements of the Coal Mining Rules.

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