

0008



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Outgoing

C0150019

#3273

α

June 29, 2009

James Fulton, Chief
Office of Surface Mining
P.O. Box 46667
Denver, CO 80201-6667

Subject: OSM Concurrence on Phase II and III Bond Release of Reclaimed Areas, PacifiCorp, Cottonwood/Wilberg Mine, C/015/0019, Task ID #3273, Outgoing File

Dear Mr. Fulton:

PacifiCorp submitted an application for Phase II and III Bond Release on April 16, 2008 and requested bond release on approximately 13.81 acres of land at the Old Waste Rock Site at the Cottonwood/Wilberg Mine. The Permittee is not requesting a reduction in the bond amount at this time, so the bond will remain at \$3,252,000.00.

The Division of Oil, Gas and Mining finds that PacifiCorp has satisfactorily completed Phase II and III reclamation at the mine site as required. The Division received a letter concurring with Phase II and III bond release from the BLM on July 10, 2008. The Division seeks OSM's concurrence as well. Please provide a letter of concurrence by July 23, 2009. If you have any questions or need further information, please feel free to call Jim Smith at (801) 538-5262 or Daron Haddock at (801) 538-5325.

The areas covered by this bond release include the reclaimed Cottonwood/Wilberg Mine Old Waste Rock Site in Township 17 South, Range 7 East, Section 34, NE1/4 SE1/4 and Section 35, E1/2 SW1/4. The site, on BLM Right-of-Way U-37642, is located approximately 2 miles from the Cottonwood Mine and on the east side of State Highway 57.

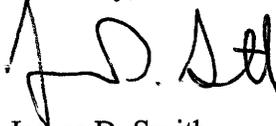
On November 19, 2008, the Division sent letters inviting interested parties to participate in an inspection of the Phase II and III Bond Release area, and the Division conducted the inspection on December 3, 2008. Representatives from BLM, the Permittee, and DOGM



Page 2
James Fulton
June 29, 2009

participated in the on-site inspection. Through an omission by the Division, OSM was not notified of this inspection. Representatives from Emery County had inspected the site earlier and did not participate in this inspection. A copy of the inspection report is enclosed for your information and records.

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Smith". The signature is written in a cursive style with a large initial "J" and "S".

James D. Smith
Permit Supervisor

JDS/sqs
Enclosure
cc: Daron Haddock
O:\015019.CWW\FINAL\WG3273\0008.doc



State of Utah
Department of
Natural Resources

MICHAEL R. STYLER
Executive Director

Division of
Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Inspection Report

Representatives Present During the Inspection:	
BLM	Connie Leschin
OGM	Jim Smith Environmental Scientist III
OGM	April Abate Hydrologist
OGM	Ingrid Wieser Environmental Scientist II
OGM	Pete Hess Environmental Scientist III
OGM	Joe Helfrich Environmental Scientist III
Company	Dennis Oakley Environmental Engineer
Company	Guy Davis Environmental Scientist
BLM	Sue Wiler
BLM	Mike Robinson
OGM	Priscilla Burton Environmental Scientist III

Permit Number:	C0150019
Inspection Type:	BOND RELEASE
Inspection Date:	Wednesday, December 03, 2008
Start Date/Time:	12/3/2008 10:00:00 AM
End Date/Time:	12/3/2008 11:30:00 AM
Last Inspection:	

Inspector: Jim Smith, Environmental Scientist III

Weather: Cold, clear

InspectionID Report Number: 1888

Accepted by: Jhelfric
 2/23/2009

Permitee: **PACIFICORP**
 Operator: **ENERGY WEST MINING CO**
 Site: **COTTONWOOD/ WILBERG**
 Address: **PO BOX 310, HUNTINGTON UT 84528**
 County: **EMERY**
 Permit Type: **PERMANENT COAL PROGRAM**
 Permit Status: **ACTIVE**

Current Acreages

6,286.20	Total Permitted
62.24	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- Federal
- State
- County
- Fee
- Other

Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

This was a Phase II and III bond release inspection. PacifiCorp submitted an application for Phase I bond release on 13.81 reclaimed acres on December 17, 1998, The Division approved the Phase I bond release on July 22, 1999. The Permittee published notification of the application for Phase II and III bond release in the Emery County Progress on June 24, July 1, 8 and 15, 2008. An invitation letter was sent to parties of interest on November 19, 2008, and the on-site inspection was done on Wednesday December 3, 2008. The Phase II and III bond release area consists of the "Old" waste rock site, except for the 1.81 acre soil and rock storage area in the northwest corner of the disturbed area.

Inspector's Signature _____

Date Thursday, January 15, 2009

Jim Smith, Environmental Scientist III

1594 West North Temple, Suite 1210, P.O. Box 14500, Salt Lake City, UT 84114-5801
 telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

2. Signs and Markers

All signs and markers were removed prior to the inspection.

4.a Hydrologic Balance: Diversions

There are no diversions.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

There are no sedimentation ponds or impoundments.

4.c Hydrologic Balance: Other Sediment Control Measures

The last sections of silt fence were removed prior to the inspection.

4.d Hydrologic Balance: Water Monitoring

There has been no water monitoring at this site.

4.e Hydrologic Balance: Effluent Limitations

There has been no UPDES permit or other water monitoring at this site.

7. Coal Mine Waste, Refuse Piles, Impoundments

This is a reclaimed refuse pile.

8. Noncoal Waste

The area was clear of non-coal waste.

12. Backfilling And Grading

Backfilling and grading was completed in 1993, and Phase I bond release granted in 1999.

13. Revegetation

Vegetation appears adequate, but Mt. Nebo Scientific has prepared vegetation studies for 2005 and 2006 that will determine if reclamation standards have been met.

21. Bonding and Insurance

The Permittee is not requesting a reduction of bond at this time because the bond also covers reclamation of the New Waste Rock Site on the west side of Highway 57 and the rock and soil storage area that abuts this reclaimed area.



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Inspection Report

Representatives Present During the Inspection:	
	Jim Smith Environmental Scientist III
OGM	Pete Hess Environmental Scientist III
OGM	Wayne Western Environmental Scientist III
OGM	Priscilla Burton Environmental Scientist III
Company	Dennis Oakley Environmental Engineer
BLM	Sue Wiler
Other	Gary Kofford
Other	Ray D. Petersen Administrator

Permit Number:	C0150019
Inspection Type:	TECHNICAL
Inspection Date:	Wednesday, July 02, 2008
Start Date/Time:	7/2/2008
End Date/Time:	7/2/2008
Last Inspection:	Monday, June 15, 2009

Inspector: Jim Smith, Environmental Scientist III

Weather: clear, warm

InspectionID Report Number: 2053

Accepted by:

Permittee: **PACIFICORP**
 Operator: **ENERGY WEST MINING CO**
 Site: **COTTONWOOD/ WILBERG**
 Address: **PO BOX 310, HUNTINGTON UT 84528**
 County: **EMERY**
 Permit Type: **PERMANENT COAL PROGRAM**
 Permit Status: **ACTIVE**

Current Acreages

6,286.20	Total Permitted
62.24	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- Federal
- State
- County
- Fee
- Other

Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

This was a "pre" bond release inspection of the Old Waste Rock Site, to identify issues that could prevent Phase II and III Bond Release, in anticipation of an "official" bond release inspection (which was held 12/3/2008). The Permittee had applied for Phase II and III Bond Release on the Old Waste Rock Site, and parties with a potential interest were invited. BLM considered this inspection adequate to reach a decision on bond release, and sent the Division a letter concurring to the Phase II and III Bond Release on July 10, 2008. BLM also attended the Final inspection in December. Gary Koford and Ray Peterson of Emery County attended this July pre-inspection and did not participate in the December final inspection.

Inspector's Signature

Jim Smith, Environmental Scientist III

Inspector ID Number: 43

Date

Tuesday, June 30, 2009

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Signs and Markers

Remaining signs and markers will be removed for the final inspection. The unreclaimed rock and soil storage area is separated from the reclaimed area by a fence, and has a separate entry and sign.

4.a Hydrologic Balance: Diversions

There are no, and never have been, diversions at the Old Waste Rock Site.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

There are no, and never have been, sedimentation ponds or impoundments at the Old Waste Rock Site. A basin that was excavated into the surface over Cell 3 remains. It is vegetated, appears stable, and does not show signs of having retained any significant amount of water. Filling of this depression was discussed, the conclusion being that anything gained from filling it would be minor and would not justify the disruption to the vegetation and soils.

4.c Hydrologic Balance: Other Sediment Control Measures

A berm remains on the east, south, and west edges of the reclaimed area. This berm retains any runoff that does not infiltrate, and has effectively prevented any sediment from leaving the site. The berm is well vegetated and appears stable. RUSLE modeling shows the soil loss and sediment contribution from the outslope of the berm are comparable to those from the reference area. Leaving this berm was in the approved reclamation plan.

4.d Hydrologic Balance: Water Monitoring

There was never water monitoring at this site.

4.e Hydrologic Balance: Effluent Limitations

There has been no UPDES permit for this site. The berm on the east, south, and west sides retains any runoff that does not infiltrate, and has effectively prevented any sediment from leaving the site. The berm is well vegetated and appears stable. RUSLE modeling shows the soil loss and sediment contribution from the outslope of the berm are comparable to those from the reference area.

7. Coal Mine Waste, Refuse Piles, Impoundments

The site is a reclaimed refuse pile. There was no impoundment.

8. Noncoal Waste

The surface is free of non coal waste.

9. Protection of Fish, Wildlife and Related Environmental Issues

Test plots were still fenced to exclude wildlife. Visual comparison of growth inside and outside the fences indicated that wildlife were feeding on the reclaimed surface. The fences will be removed before the final inspection.

12. Backfilling And Grading

Backfilling and regrading were completed in 1993.

13. Revegetation

Mt. Nebo Scientific evaluated the vegetation for final bond release in 2005 and 2006; the results are in the application package. General appearance of the site indicates revegetation has been successful. Cryptogammic soils are well established over the reclaimed surface.