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

Act/015/025
2

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September 6, 1995

TO: Lowell P. Braxton, Associate Director, Mining

FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

RE: Permit Renewal and Updated PHC and CHIA Information, Bear Canyon Mine, Co-Op Mining Company, ACT/015/025, Folder #2, Emery County, Utah

The permit renewal for the Bear Canyon Mine is currently underway, the permit expires November 1, 1995. A response in the near future to my memo (attached) about clarification on the permit renewal directive is respectfully requested.

Thank you.

Attachment
cc: James Carter





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August 7, 1995

TO: Lowell P. Braxton, Associate Director, Mining

FROM: Pamela Grubaugh-Littig, Permit Supervisor *egl*

Re: Permit Renewal Directive Clarification

Attached is the permit renewal directive, effective January 12, 1994 and then renumbered, effective June 7, 1995. This permit renewal directive has essentially streamlined the permit renewal administrative process and the decision to renew has been based upon adequate bonding, insurance and updated violation information as well as an AVS check.

At a public hearing held on May 1, 1995 conducted by the Office of Surface Mining, permit renewals were discussed. A discussion by the Division Director noted that at the time of the permit renewal (see attached page 46), the Division reviews water monitoring information and a new factual determination about the cumulative hydrologic impact assessment (CHIA) is made.

To my knowledge, the water monitoring review and the new factual determination about the CHIA is not currently included in the permit renewal directive.

Please advise. Thank you.

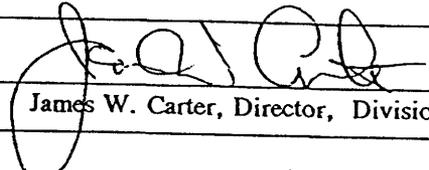
Enclosures



State of Utah
 Department of Natural Resources
 Division of Oil, Gas and Mining
Coal Regulatory Program Directive

Directive Number: Adm - 001
Effective Date: June 7, 1995
Supersedes: Permit Renewals Directive Dated 1/12/94

Subject: **Permit Renewals**

Approved: 
 James W. Carter, Director, Division of Oil, Gas, and Mining

On: June 7, 1995

ABSTRACT

This document provides directions to persons involved in the permit renewal process, and clarifies the manner in which a permit, with a right of successive renewal, will be evaluated by Division staff.

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1. Purpose

Establishment of a review policy for permit renewals under Utah Admin. R645-303-230.

2. Regulatory Basis

R645-303-230; Permit Renewals.

303-231. A valid permit, issued pursuant to the state program, will carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

232. Application Requirements and Procedures.

232.100. An application for renewal of a permit will be filed with the Division at least 120 days before expiration of the existing permit term.

232.200. An application for renewal of a permit will be in the form required by the Division and will include at a minimum:

232.220. Evidence that a liability insurance policy or adequate self-insurance under R645-301-800 will be provided by the applicant for the proposed period of renewal;

232.230. Evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested, as well as any additional bond required by the Division pursuant to R645-301-800;

232.240. A copy of the proposed newspaper notice and proof of publication of same, as required by R645-300-121.100; and

232.250. Additional, revised, or updated information required by the Division.

232.300. Applications for renewal will be subject to the requirements of public notification and public participation contained in R645-300-120 and R645-300-152.

232.400. If an application for renewal includes any proposed revisions to the permit, such revisions will be identified and subject to the requirements of R645-303-220.

232.500. Irrespective of any other R645 rule requirements for permitting coal mining and reclamation operations, a permittee may renew a permit for the purpose of reclamation only if solely reclamation activities remain to be done and no coal will be extracted, processed, or handled. Obligations established under a permit will continue regardless of whether the authorization to extract, process, or handle coal has expired, or has been terminated, revoked, or suspended.

233. Approval Process.

233.100. **Criteria for Approval.** The Division will approve a complete and accurate application for permit renewal unless it finds, in writing, that:

233.110. The terms and conditions of the existing permit are not being satisfactorily met;

233.120. The present coal mining and reclamation operations are not in compliance with the environmental protection standards of the state program;

233.130. The requested renewal substantially jeopardizes the operator's continuing ability to comply with the state program on existing permit areas;

233.140. The operator has not provided evidence of having liability insurance or self-insurance as required in R645-301-890;

233.150. The operator has not provided evidence that any performance bond required to be in effect for the operation will continue in full force and effect for the proposed period of renewal, as well as any additional bond the Division might require pursuant to R645-301-800; or

233.160. Additional, revised or updated information required by the Division under R645-303-232.250 has not been provided by the applicant.

233.200. **Burden of Proof.** In the determination of whether to approve or deny a renewal of a permit, the burden of proof will be on the opponents of renewal.

233.300. **Alluvial Valley Floor Variance.** If the coal mining and reclamation operation authorized by the original permit was not subject to the standards contained in sections 40-10-11(2)(e)(i) and (ii) of the Act and R645-302-320, because the permittee complied with the exceptions in the proviso to section 40-10-11(2)(e)(ii) of the Act, the portion of the application for renewal of the

A. For complete and accurate applications as defined in section three of this directive, the permit supervisor will ensure that the requirements of

R645-303-232.100 through 232.240 have been met.

B. At the conclusion of the public comment period, if:

(1) Timely comments opposing the renewal have been received by the Division, the Permit Supervisor will notify the Division Director of the need to hold an informal conference under R645-300-123; or,

(2) No comments opposing the permit renewal have been received by the Division, the Permit Supervisor will prepare written Findings addressing the requirements of R645-300-131.1 through 133.740; R645-303 232.1 through 322.300, and if appropriate, will prepare the finding required by section 4(A)(3) of this directive.

6. Delegated Responsibilities

A. Determination of requirement for reformatted permit: Division Director.

B. Formation of permit review team and establishment of review schedule: Permit Supervisor.

C. Tabular presentation of Division Orders in process and unabated notices of violation at the time of successive renewal, and preparation of supporting narrative, if required: Compliance Supervisor.

7. Reporting Requirements

A. Informal conference notice as discussed at 4(B)(2)(a).

B. Findings discussed at 4(B)(2)(b).

8. References

See Section 1, above.

9. Effect on Other Documents

Supersedes Permit Renewals directive dated January 12, 1994.

10. Division Contact/Work Group

Lowell P. Braxton, Pamela Grubaugh-Littig.

11. Key Words

Application for Permit Renewal, Complete and Accurate Application, Permit Renewals, Coal Permit Renewals, Successive Permit Renewal.

12. Appendices

None.

1 additional ruling. But I continue to believe that
2 there's not a necessity even for State legislation,
3 let alone creation of a federal regulatory program
4 to administer Energy Policy Act provisions.

5 Those are the main things and again, I'm
6 available for questions basically from anybody, and
7 for all of us are here to understand clearly what
8 the Division's been doing and what it's working on.

9 MS. DRAGOO: Jim, Craig Smith had raised
10 the question of whether you were doing monitoring.
11 During your five-year permit reviews, were the
12 hydrological consequences reviewed at that time?

13 MR. CARTER: Right. At the time of
14 permit renewal, the Division needs to make a
15 finding -- it needs to make the same findings under
16 its probable hydrological consequences -- excuse
17 me. Its cumulative hydrologic impact assessment.
18 It needs to find again that that assessment is
19 correct or is accurate, so there is a window during
20 which we make a new factual determination which
21 those who are concerned could appeal if they wanted
22 to. And we're also looking at the monitoring
23 information that we've received at that time.

24 MR. EHMETT: Could we let the record
25 show that the question came from Denise Dragoo.

May 1, 1995 Hearing

Kelly Sommerville, R.P.R.