

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

April 9, 2004

TO: Internal File

FROM: Joseph C. Helfrich, Team Lead

RE: Reformatted MRP, CO-Op Mining Company, Bear Canyon Mine, C/015/0025,
Task ID #1863

SUMMARY:

On December 1, 2002 Co-op Mining Company submitted an amendment that included a reformatted MRP for the Bear Canyon Mine. The proposal was intended to parallel the format for the current coal rules. Five CD's and one hard copy of the amendment were provided for review. On July 30, 2003 the Division submitted to Co-op Mining Co. a copy of the technical analysis of the proposal. The analysis contained a number of deficiencies. These deficiencies were addressed in the response to the technical analysis dated February 11, 2004. This memo will include a technical analysis of the Administrative section of the response to the technical analysis.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

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

Analysis:

The Division conducted an examination of the Applicant Violator System for the Co-Op Mining Company by examining the organizational family tree on April 17, 2003.

The permittee submitted an Annual Report of Officers as submitted to the Utah Department of Commerce as part of the 2002 Annual Report, **APPENDIX C** to the Division on April 17, 2003.

A review of the currently approved mining and reclamation plan **Volume 1, Chapter 2, Ownership and Control, page 2-4**, section **2.2.6, Business Designation**, designates C.W. Mining a corporation in the State of Utah, and the payer of the abandoned mine reclamation fee. A Federal identification number of the corporation is listed as 87-0399230. The applicant has reformatted this information to Chapter one.

The Officers and Directors listed within this same section of the application are identical to the information found in both the AVS check and the 2002 Annual Report of Officers to the Utah Department of Commerce.

Findings:

The information provided in the identification of interests section of the application is adequate to meet the requirements of this section of the regulations.

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

There is one notice of violation pending # N03-40-01-01 related to the monitoring of wells SDH-2, SDH-3, MW114, and MW117. There are no abatement plans required by the

notice other than to monitor in accordance with the approved MRP by no later than May 12, 2003. The notice of violation does not require any information to be incorporated into the approved MRP. Since the application was prepared on August 01, 2002 this violation was not included. Prior to final approval a copy of the violation and any pertinent information should be included in appendix 1-A. There have been no coal mining and reclamation operations in the name of Co-op Mining Company neither revoked or suspended nor has there been a performance bond forfeited in the five years preceding this review.

Findings:

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

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The right of entry is based on the following documents; Title or Title Insurance Policy, Deed or Trust Deed, Utah Business License, County Business License, Tax Commission License, and Coal Leases. This information was formerly included in chapter two.

A statement regarding the lease between C. O. P. and Co-Op to mine coal is provided for in Appendix 1-B, formerly included in chapter two. The letter is dated December 21, 1990 and notes that C. O. P. Coal Development Company is record of owner of the fee ground and Federal Coal leases 024316 and 024318. The property is leased to Co-op Mining Company for mining and related activities.

Findings:

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

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

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Analysis:

The legal description for the Bear Canyon and Wildhorse Ridge facilities is provided for in the reformatted application. The description is accurate and matches the legal description provided for in the former MRP.

Findings:

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

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

The permit term is for five years with the consecutive right of renewal. The permit renewal was issued in November 1, 2000 and expires November 1, 2005. The surface acreage disturbed by the mine encompasses approximately 24.92 acres and is provided for in table 1-4. Mining is expected to last for 33 years approximately 2012 with a mineable reserve of 18 million tons of coal in the Blackhawk formation. Plates 1-1 and 5-2 identify the permit area, surface facilities and disturbed area.

Findings:

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

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

Proof of publication is provided for in Appendix 1-D. The public notice was filed as an advertisement with the Emery county Progress and Salt Lake Tribune in accordance with the R645 rules and contains the required information. The current general liability insurance provides effective coverage for the permittee through January 1, 2004. An aggregate amount of

\$2,000,000 is provided for bodily injury and property damage; \$1,000,000 is the amount of provided coverage for each occurrence.

Findings:

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

FILING FEE

Regulatory Reference: 30 CFR 777.17; R645-301-118.

Analysis:

There is no longer a requirement to submit a filing fee with the application.

Findings:

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

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The application is formatted in accordance with the R645 coal rules.

Findings:

The information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to final approval the applicant must provide the following in accordance with **R645-301-130**, the applicant must move the reporting of technical data information to section R645-301-130 of the application. It is currently listed under section **R645-301-120** that should contain information about the permit application format and contents.

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

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Analysis:

The applicant has addressed this section of the regulations. This section requires that all technical data submitted in the application will be accompanied by the names of persons or organizations that collected and analyzed the data, dates of collection and analysis of the data, and descriptions of the methodology used to collect and analyze the data. Page 1-14 section R645-301-120 states that all technical data will be accompanied by the names of persons or organizations that collected the data along with the dates collected and analyzed and methods used.

Findings:

The information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to final approval the applicant must provide the following in accordance with **R645-301-130**, the applicant must move the reporting of technical data information to section R645-301-130 of the application. It is currently listed under section R645-301-120 that should contain information about the permit application format and contents

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

The applicant has indicated that all maps of the permit area are at a scale of 1:6,000 or larger. All maps of the adjacent area are of a scale of 1:24,000 or larger. All maps distinguish which phase of operation it is showing, and which areas mining and reclamation has occurred.

Findings:

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

COMPLETENESS

Regulatory Reference: 30 CFR 777.15; R645-301-150.

Analysis:

There are several sections contained in R645-301 that have not been addressed.

Findings:

The information provided in the application is not adequate to meet the requirements of this section of the regulations. Prior to final approval the applicant must provide the following in accordance with **R645-301-150-142**, The application must include information that demonstrates and or verifies that the requirements of R645-301-130 of the regulations have been met.

RECOMMENDATIONS:

The application is not recommended for approval at this time