

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

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October 14, 2009

TO: Internal File

THRU: Daron Haddock, Permit Supervisor *DH*

FROM: Ingrid Wieser, Lead, Environmental Scientist II *IW*

RE: Commitment for Macroinvertebrate Sampling, Genwal Resources, Crandall Canyon, Permit # C/015/0032 and Project #3414

## SUMMARY:

On August 10, 2009, the Division issued Genwal Resources a Notice of Violation for failure to minimize disturbances after it was discovered that the water discharging from the Crandall Canyon Mine was stained bright orange due to high levels of iron. While looking into the M&RP, the Division then discovered that the permittee had not conducted macroinvertebrate sampling since 1994; which they were required to do spring and fall every three years. The Division then issued Genwal another Notice of Violation on August 13, 2009 for failure to conduct Macroinvertebrate sampling. In a site visit with Division representatives, Karla Knoop of JBS Environmental, and Pam Jewkes of Manti La Sal National Forest, it was decided that macroinvertebrate sampling should occur spring and fall *annually* until it was determined that the iron discharge was no longer effecting the stream habitat. The NOV stipulated that the permittee immediately sample for macroinvertebrates and submit an amendment to the M&RP that sampling would occur annually. This memo addresses the latter, and is the final step to terminate the NOV.

This amendment is recommended for approval.

**TECHNICAL MEMO**

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**TECHNICAL ANALYSIS:**

**ENVIRONMENTAL RESOURCE INFORMATION**

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

**FISH AND WILDLIFE RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 784.21; R645-301-322.

**Analysis:**

The permittee submitted the following change to be incorporated into page 3-17 of the M&RP: "The company commits to continue to conduct macroinvertebrate studies twice yearly, in the spring and fall, until the Division and USFS agree that sufficient data has been collected."

Originally, the permittee was committed to conducting the surveys every three years, but has failed to do so since 1994. This amendment was submitted in response to NOV 10043.

**Findings**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

**RECOMMENDATIONS:**

The amendment is recommended for approval.