



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

General
Outgoing
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March 30, 2009

To: All Coal Mine Operators

Subject: Submittal of Confidential Information to the Division of Oil, Gas & Mining

Dear Operator:

Recently the Division has received various submittals containing confidential information. There appears to be some confusion as to what constitutes confidential information and how to submit it to the Division so that it gets routed to the right location and does not end up in the public files. This letter is being sent to clarify the requirements and help you understand how to submit such information. This letter also serves as a refresher on how to make other submittals to the Division.

You will note that we have enclosed a Submittals Format Guide that explains the procedures for making any application to the Division. Please review the Guide so that you will understand the proper method to use in making any submittal. Most applications require a cover letter, C1 & C2 forms, appropriate formatting and the right number of copies.

It is extremely important that confidential information receive special handling. Any confidential information must be clearly marked as such and must be separated from the rest of the submittal, so that it can be filed or scanned to a confidential folder and not end up in the public files along with the rest of the submittal (which is required to go to the public files).

Please understand that only certain information can be classified as confidential under the Coal rules. Under R645-300-124.300 confidential information is limited to: 124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment. 124.320. Information required under section 40-10-10 of the Act that is authorized by that section to be held confidential and is not on public file pursuant to Utah law and that the applicant has requested in writing to be held confidential; and 124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979.



We hope this helps clarify the procedures for making a submittal to the Division. Other information is also available on the Division's website at www.ogm.utah.gov/coal/coal_forms.htm

If you have any questions please call me at (801)538-5325.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock". The signature is written in a cursive style with a large, prominent initial "D".

Daron R. Haddock
Coal Program Manager

Enclosure

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Submittals Format Guide - Utah Coal Regulatory Program

General Information - The Division requests that all permit applications, changes, renewals, transfers or bond release applications follow the procedures and format requirements outlined in this document. The Division may return applications that do not meet format requirements according to the Utah Coal Mining Rules, (see R645-301-121.300). Each action must be submitted under a separate cover letter. It is recommended that permit changes be separated by each proposed action. If a company holds more than one permit, applications should be placed under separate cover letter by permit number and action for which you are applying.

Cover Letter – Submit a cover letter for each application with notarized C1 and C2 form. In the regarding line briefly describe the submittal content including the mine name, permit number and task ID # if assigned. Some examples are shown below.

- Application to Change the Existing Mining and Reclamation Plan, Addition of a Fourth Portal to the Blind Canyon Seam Portal Pad, Bear Canyon Mine, C/015/0025
- New Permit Application, Star Point Refuse Mine
- Notice of Intent to Conduct Minor Coal Exploration, Helicopter Assisted Drilling in Mill Fork Canyon, Deer Creek Mine, C/015/0018
- Response to Deficiencies in Removal of Rock Gabions, Gordon Creek 2, 7, & 8 Mines, C/007/0016, Task ID # 1665
- Application for Permit Renewal, Skyline Mine, C/007/0006

Contents - The application must be complete and not rely on additional materials to be submitted at a later date. Assemble each copy as a complete unit including all maps and text. It is recommended that permit changes of 50 pages or more be submitted in binders. These binders will allow the retention of a complete application. Although not required, for ease of review, when submitting maps include two copies one full size and one 11 X 17.

Electronic Version - All forms and guidelines are available on the Division website at http://ogm.utah.gov/coal/coal_forms.htm.

Confidential Contents – Any confidential material must be clearly marked as such and separated from other submitted material. A reference page must be included in the MRP in place of the confidential material. Examples of confidential information include archeological information, site-specific coal information, raptor nest locations and social security numbers. Confidential information must be separated on CDs as well.

Change Forms – A C1 and C2 form must be included with every submittal, which includes a notarized signature of the responsible official of the applicant. This responsible official attests that the submittal is true and correct to the best of their knowledge and complete in all respects with the laws of Utah in reference to commitments, undertakings, and obligations. These forms indicate change to the Mining and Reclamation Plan, not changes to a previous application. Please send an accurate form with each submittal.

Number of Copies/Pagination

DRAFT REVIEW COPIES: Submit three redline/strikeout paper copies for review (four if on or adjacent to Forest Service land). The redline/strikeout will guide the staff in understanding what changes are being proposed. Other copies may be submitted on CD.

FINAL COPIES: Submit five clean paper copies (without redline strikeout and **correctly paginated for insertion into the plan**) for final approval. Any additional copies may be submitted on CD. The five final paper copies are for the Division Salt Lake Office (two copies – one for Incoming and one for the MRP), the Division Price Field Office, the Office of Surface Mining and the Operator.

CONFIDENTIAL INFORMATION COPIES (REVIEW/FINAL APPROVAL): For purposes of review and final approval, submit two copies of the confidential information – one copy for the approved MRP's Confidential Binder and one copy to be returned (stamped incorporated) to the Operator. However, if the confidential information that was initially submitted has been revised/changed during the review process, submit three copies for final approval – one copy for the confidential incoming file (in order to track the revisions), one copy for the approved MRP's Confidential Binder and one copy to be returned (stamped incorporated) to the Operator.

Addressing - Address ALL correspondence to:

Utah Division of Oil, Gas & Mining Coal Program
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

(801) 538-5342
FAX (801)359-3940

A courtesy copy may be sent to the Price Field Office (PFO) at:

Utah Division of Oil, Gas & Mining Coal Program/ Price Field Office
319 North Carbonville Road, Suite C
Price, Utah 84501

(435) 613-3737
FAX (435) 613-3739

Contacts: Daron Haddock, Permit Supervisor (801) 538-5325
Jim Smith, Permit Supervisor (801) 538-5262

Suzanne Steab, Office Tech (801) 538-5265
Jo Ogea, Eng. Tech (801) 538-5326
Angela Nance, Bond Coordinator (801) 538-5264

Divisions Process Guide - Utah Coal Regulatory Program

- An application is submitted by way of hard copy and compact disk to the Utah Coal Regulatory Program. An application must be submitted with a cover letter, C1 and C2 form and accompanied by the correct number of copies as stated in the Submittals Format Guide under Number of Copies/Pagination.

- **The application will be immediately returned upon the following conditions:**
 - **No C1 and C2 form**
 - **No cover letter**
 - **Confidential is not separated and properly marked**
 - **No redline strikeout.**

- When the application is received, it is scanned or copied to the Coal Program Permitting Database. One copy of the application is filed in the Public Information Center. The remaining copies are filed in the Coal Secretary's office along with the task-working file.

- The Coal Secretary assigns the application a Task ID number, creates a working file and then notifies the Mine Lead of the task and timing.

- The Mine Lead will conduct an Initial Review (IR) of the application (within 15 days) to determine if it is sufficient for technical review.

- If the Initial Review indicates that the application is **not** sufficient for technical review, it will be denied and returned with a letter.

- If during the Initial Review the Mine Lead determines that the application is acceptable to commence the technical review, an email will be sent to the operator. The technical review will be completed in the order the applications are received. Emergency cases will be considered for review on an individual basis as approved by the Division Director.

- During the technical review, the Division emails the remote access location of the application to those agencies that need to review the application and informs the agencies of the timing. OSM notifies the Division within 30 days if the application is or is not considered a Mining Plan Modification.

- The Mine Leads work together with the supervisor and technical staff on scheduling.

- If the application is technically deficient, a deficiency letter will be sent and the application returned. If the Operator chooses to re-submit the application, an entirely new application must be filed including complete C1 and C2 forms.

- The Division will notify the applicant when the application meets technical requirements; however, the application will only be conditionally approved until clean copies (without redline/strikeout and paginated correctly) are received.

Chris McCourt, Manager
Alton Coal Development, LLC
463 North 100 West, Suite 1
Cedar City, UT 84720

Erwin Sass, General Manager
Canyon Fuel Company, LLC
P.O. Box 1029
Wellington, UT 84542

Dennis Ware, Controller
Castle Gate Holding Company
P.O. Box 30
Helper, UT 84526-0030

Dave Shaver, Manager
Genwal Resources, Inc.
P.O. Box 910
East Carbon, UT 84520-0910

Kit Pappas, Manager
Hidden Splendor Resources, Inc.
57 West 200 South, Suite 400
Salt Lake City, UT 84101

Jack Otani, Landowner
Star Route
Clearcreek Box 555
Helper, UT 84526

Cydney Garland, Claims Admin
Savage Services Corporation
6340 South 3000 East, Suite 600
Salt Lake City, UT 84121

Dave Shaver, Manager
West Ridge Resources, Inc.
P.O. Box 910
East Carbon, UT 84520-0910

Dave Shaver, Manager
Andalex Resources
P.O. Box 910
East Carbon, UT 84520-0910

Wess Sorenson, Mine Manager
Canyon Fuel Company, LLC
HC 35 Box 380
Helper, UT 84526

John A. Gefferth, Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, IL 62884

Elliot Finley, Resident Agent
Hiawatha Coal Company
P.O. Box 1240
Huntington, UT 84528

Chris Hansen, Manager
Canyon Fuel Company, LLC
HC 35 Box 380
Helper, UT 84526

Kenneth S. Fleck, Manager
Energy West Mining Company
P.O. Box 310
Huntington, UT 84528

Michael Blakey, Plant Manager
Sunnyside Cogeneration Associates
P.O. Box 159
Sunnyside, UT 84539

Ken May, General Manager
Canyon Fuel Company, LLC
397 South 800 West
Salina, UT 84654

Clay Wisdom
Carbon Resources, LLC
P.O. Box 11789
Albuquerque, NM 87192

Gina Rau, Manager
Headwaters, Inc.
10653 S. River Front Parkway
Suite 300
South Jordan, UT 84095

Bill Bishop, Lodestar Trustee
Lodestar Energy, Inc.
2525 Harrodsburg Road, Suite 235
Lexington, KY 40504

Patrick Collins, Resident Agent
Mt. Nebo Scientific
P.O. Box 337
Springville, UT 84663

Dennis Ware, Controller
Plateau Mining Corporation
P.O. Box 30
Helper, UT 84526-0030

Jay Marshall, Resident Agent
UtahAmerican Energy, Inc.
P.O. Box 910
East Carbon, UT 84520-0910