

BLACKHAWK COAL COMPANY
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DEC 31 1987

DIVISION OF
OIL, GAS & MINING

December 30, 1987

Mr. Lowell P. Braxton
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RE: Response to Mid-Term Review - Blackhawk Coal Company - Eastern Coal
Reserves, Utah Division of Oil, Gas and Mining Letter of 10/14/87

Dear Mr. Braxton:

Blackhawk Coal Company (Blackhawk) has received and reviewed the Utah
Division of Oil, Gas & Mining's (UDOGM) comments dated 10/14/87
regarding our mid-term update of the Blackhawk Coal Company permit.

As part of Blackhawk's original mid-term review submittal, we had
requested an additional one and one-half sections of land be added to
our permit area. As many of the UDOGM's comments seem to indicate there
is some confusion regarding differentiation between new permit area and
existing permit area, Blackhawk is hereby withdrawing the request for
additional permit area. This should simplify the review and approval
process by limiting the review to only those matters previously approved
and permitted by your office.

At several points in the text of our response to your comments, you will
find reference to Blackhawk's understanding of the agreements reached at
the meeting of April 24, 1987. During that meeting, Blackhawk's
representatives met with UDOGM's representatives to discuss the content
of our mid permit term submittal. It was agreed by all parties that no
additional information would be submitted as part of the mid-term
review. Existing information with updates as necessary to reflect
changes in ownership would be all that would be required. I call this
to your attention as Blackhawk feels that in many instances UDOGM has
requested additional information which is not part of the original
permit document.

Mr. Lowell Braxton
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The area under review is only a very small portion of that area which was previously permitted. Many of the comments made in the completeness review indicate that UDOGM is treating our submittal as a new permit application. Since we have withdrawn the request for additional permit area, this is not a new permit application but merely a re-statement of the information contained in our existing approved permit application. No new information beyond bonding calculations and information relating to changes in regulations will be submitted with the mid-term update.

Attached is Blackhawk's response to your comments. These responses are organized to follow your review document on a line item basis. If you have any questions regarding our responses, please do not hesitate to contact me.

Sincerely,

Blackhawk Coal Company

Jody G. Belviso by Eldon A. [Signature]

Jody G. Belviso
Environmental Engineer

JGB:ju
Attachment

RESPONSES TO MID-PERMIT TERM REVIEW
BLACKHAWK COAL COMPANY - EASTERN COAL RESERVES

UMC 771.23 Permit Applications - General Requirements for Format and Contents - KW

The information found in Exhibit 7 includes a methodology along with site specific hydrologic and hydraulic calculations. This is the same information that was included in the original permit submittal. Blackhawk feels that methodology discussion is valid. This methodology represents either the means by which calculations for the existing permit were derived or means which will be used for future permit applications.

Blackhawk acknowledges that some of the information in Exhibit 7 is difficult to read. This submittal contains our best available copies of the information. If the UDOGM files contain additional copies of this information which is more legible, Blackhawk will be happy to use the more legible information.

UMC 771.23 Permit Applications - General Requirements for Format and Contents - JRH

Information regarding the timing and sequence of coal mining activities and any additional surface disturbance activities will be supplied in greater detail prior to the commencement of any mining activities or surface disturbances in the Willow Creek area.

UMC 771.27 Verification of Application - SCL

A verification of the updated application can be found immediately following the Letter of Transmittal in Volume I.

UMC 782.13 Identification of Interest - SCL

Telephone numbers for the permit applicant can be found on Page 2-1.

Blackhawk will revise the text to clarify names and addresses for landholders within the permit area.

The text will be modified to include a telephone number for the resident agent.

The text will be modified to include names under which the applicant, partner or principal shareholders have previously operated underground or surface coal mines within the United States within the preceding 5 years.

The text will be modified to include mining permits held by the applicant subsequent to 1970.

The text will be modified to indicate that no MSHA I. D. Number exists for the current property.

The text will be modified to reflect any interest in options or bids on contiguous lands currently held by the applicant.

UMC 782.15 Right of Entry and Operation Information - SCL

The text will be changed to reflect legal description by section for lands within the permit area.

UMC 782.16 Relationship to Areas Designated Unsuitable for Mining - SCL

There are no areas where mining is prohibited or limited within the current permit area. The text will be modified to so state.

UMC 782.18 Personal Injury and Property Damage Insurance Information - JRH

No response necessary. - *received*

UMC 782.19 Identification of Other Licenses and Permits - JRH, SCL

Blackhawk has applied to the Utah Water Pollution Control Agency for renewal of the NPDES permit. This will be included in the exhibit as soon as it becomes available.

Letters from the State Historic Preservation Officer and the Bureau of Air Quality will be obtained and included in the exhibit.

UMC 783.12 General Environmental Resources Information - JRH

No response required. Blackhawk believes that in light of present circumstances, as pointed out in your 10/14/87 comments, a permit condition or stipulation is the only reasonable way to proceed.

UMC 783.14 Geology Description - DD

Blackhawk has dropped the request for additional permit area. The information contained in the plan regarding aquifers and coal seams to be mined is the same information that was initially approved under this plan. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

is info in this adequate?

UMC 783.15 Groundwater Information - KW

Blackhawk agrees that additional site specific hydrologic baseline data will be provided as required by statute and regulations prior to the commencement of any mining activities within the permit area.

UMC 783.16 Surface Water Information - KW

The maps will be revised to reflect the location of the Price City Water Treatment Plant.

UMC 783.18 Climatological Information - LK

No response required. ?

UMC 783.19 Vegetation Information - LK

The reference area markings will be re-established in the field per the original approval. Map 30 will be corrected to show the actual location of the reference area.

The 1 inch equals 400 foot scale vegetation map mentioned on page 9-4 is part of the methodology description for vegetation baseline data collection in the original permit. No maps were made at this scale for the Willow Creek area. The text will be corrected to reflect this.

Table 9-2 contains the best information available from the existing permit. Please refer to Blackhawk's understanding of the meeting on April 24, 1987 regarding additional information.

Table 9-1 includes names, addresses and positions of persons involved in the vegetation information gathering process as originally submitted in the permit document. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

Do we have notes on this meeting

UMC 783.2 Fish and Wild Life Resource Information - LK

No response required. ?

UMC 783.21 Soil Resources Information - JSL

The maps will be changed to include Sample Site #4.

Blackhawk has included in the submittal the most legible information currently at our disposal. We will be happy to use as originals for this submittal any copies which UDOGM may have in their files which are more legible than the information currently available to us.

The information included in this section is, to the best of our knowledge, the information originally approved in the permit. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

UMC 783.22 Land Use Information - LK

No response required.

UMC 783.24 Maps: General Requirements - DD

Blackhawk will submit this information prior to the commencement of any underground coal mining surface disturbance within the permit area.

UMC 783.24 - 25 Maps: General Requirements; Cross-sections, Maps, and Plans - JRH

Blackhawk is withdrawing its request for additional permit area. The information submitted in response to this section is the same information originally submitted and accepted as part of our approved

permit application. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

UMC 783.25 Cross-sections, Maps and Plans - KW

Blackhawk will provide additional hydrologic information as required by statute and regulation prior to commencement of any underground activities or surface disturbance in the permit area.

UMC 783.25 Cross-sections, Maps and Plans - DD

Geologic information has been submitted as approved in the original permit document. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

The location and extent of active, inactive and abandoned underground mine workings can be seen on maps 3 through 7 in Volume II of the submittal document.

The scale on the overburden isopach maps is the same scale as originally approved. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

Existing information regarding slopes in the disturbed area is the same information originally provided in the approved permit. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

To the best of our knowledge all maps included in this submittal are certified. Blackhawk will be pleased to provide certification for any maps which are identified as not being certified.

UMC 784.11 Operation Plan: General Requirements - JSL

Blackhawk is unaware of any waste material disposal on the north end, within the permit area. We are aware of some spillage on the south end of the area. These materials will be analyzed for acid or toxic forming potential prior to reclamation of the disturbed area or development of the site, which ever comes first. Blackhawk is not requesting any changes to its permit area and currently has not changed the plans to include refuse disposal in this area.

The discussion of areas 1 and 2 will be clarified in the maps and text.

UMC 784.11 Operation Plan: General Requirements - KW

Blackhawk would suggest a re-read of exhibit 7 and Chapter 3 of the document as submitted. Also please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding new information.

UMC 784.11 Operation Plan: General Requirements - JRH

The referenced ponds were constructed prior to the approval of the permit and have been approved as built. UDOGM, in the letter to OSM dated 08/21/87, stated that the ponds are stable, have withstood a 100 year precipitation event and have provided on-the-ground compliance since they were constructed. Blackhawk is not requesting any changes to

the drainage and sediment control system at this time and is not aware of any regulatory changes since the approval of these ponds.

UMC 784.12 Operation Plan: Existing Structures - JRH

The text will be changed to clarify this information.

UMC 784.13 Reclamation Plan: General Requirements - JRH

No spoil and waste disposal areas are included in the mid-permit term submittal.

UMC 784.13 Reclamation Plan: General Requirements - JSL

Reclamation plan information included in the submittal is the information previously approved in the permit application. Please reference Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

The text will be clarified regarding the use of topsoil borrow material. It is Blackhawk's intention to delete any reference to the practice of borrowing topsoil material as this only leads to further disturbance.

Laboratory tests will be conducted on the surface material existing on the pad and the results submitted.

UDOGM guidelines include specific requirements regarding the suitability of material as topsoil substitution media. Appropriate laboratory test data will be provided to demonstrate the suitability or unsuitability of the existing materials per these guidelines. No vegetation demonstration plots will be utilized on the site.

UMC 784.13 Reclamation Plan: General Requirements - KW

The culvert on Willow Creek is outside of Blackhawk's approved permit area. Blackhawk is dropping any request for additional permit area; therefore, discussion on the removal of the culvert on Willow Creek is inappropriate to this document.

UMC 784.13 Reclamation Plan: General Requirements - LK

Blackhawk has reviewed UDOGM's recommended seed mix and will change the text to reflect our agreement to adopt this seed mix.

The text will be changed to reflect that shrub planting will take place in the first spring following reclamation. Any reference to fall planting of shrubs will be deleted.

Blackhawk has committed to maintaining all monitoring and environmental controls on the surface disturbance in this area. As it is not in our interest to reclaim the site at this time, we will maintain the surface disturbance in a manner necessary to insure the environmental integrity of the general area.

The text will be clarified regarding the use of mulch.

The text will be clarified regarding irrigation and pest and disease control measures. Blackhawk does not currently plan to irrigate any reclaimed areas. Pest and disease control measures will be utilized as necessary to protect revegetated areas. No persistent pesticides will be used unless approved by UDOGM.

The text will be changed to indicate Blackhawk's acceptance of the statistical success criteria found in UDOGM's guidelines.

UMC 784.14 Reclamation Plan: Protection of Hydrologic Balance - KW

The stream slopes are clearly outside the approved permit area. Any disturbances that do exist outside the existing permit area are to be considered, as was the case when the permit was approved, as being pre-law disturbances. Blackhawk has withdrawn its request for additional permit area.

UMC 784.15 Reclamation Plan: Post Mining Land Use - LK

No response required.

UMC 784.16 Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankment - KW

The existing ponds on site have previously been approved as-built under the current regulations. Blackhawk is not aware of any changes in regulations between time of approval for these ponds and the present.

UMC 784.18 Relocation or Use of Public Roads - JRH

Blackhawk has withdrawn the request for additional permit area. This comment does not apply to the existing approved permit area.

UMC 784.19 Underground Development Waste - JRH

Current plans do not call for the disposal of any underground development waste or spoil at the Willow Creek site.

UMC 784.20 Subsidence Control Plan - DD

Information regarding past subsidence within the permit area is not available as all mining activities in the area were conducted prior to the enactment of current regulations. Subsidence information for future development will be submitted prior to the commencement of any mining activities in the permit area.

UMC 784.21 Fish and Wildlife Plan - LK

See responses under UMC 817.97.

UMC 784.22 Diversions - KW

The information submitted is consistent with information approved under the existing permit. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

UMC 784.23 Operation Plan: Maps and Plans - JRH

Blackhawk is committed to maintaining environmental monitoring and controls on site. This area constitutes our planned surface facilities area for any future mining, and Blackhawk does not feel that it is appropriate to provide for reclamation of this site at this time.

The reclamation plan provided on map #9 is consistent with information supplied and approved in the existing permit. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

UMC 784.24 Transportation Facilities - JRH

UMC 784.25 Return of Coal Processing Waste to Abandoned Underground Workings - JRH

No response required.

UMC 817.43 Hydrologic Balance: Diversions and Conveyance of Overland Flow, Shallow Groundwater Flow, and Ephemeral Streams - KW

Blackhawk feels that the information currently submitted is better organized and more easily followed than information previously submitted. We suggest that the reviewer re-read the appropriate information.

Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding new information.

UMC 817.46 Hydrologic Balance: Sediment Ponds - KW

Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

UMC 817.49 Hydrologic Balance: Permanent and Temporary Impoundments - KW

Map 10 is an as-built map of the ponds. The map is dated 05/31/83 and post-dates construction of the ponds. This map is part of a package that has previously been approved by UDOGM.

UMC 817.52 Hydrologic Balance: Surface and Groundwater Monitoring - KW

Groundwater monitoring will be initiated prior to any mining activities in the area in accordance with applicable statutes and regulations.

The surface water monitoring station will be moved closer to the disturbance.

Blackhawk agrees to delete the Price River monitoring stations. Surface water monitoring during reclamation will be maintained in accordance with approved NPDES permits. The text will be clarified to reflect this monitoring.

Water quality data summaries as provided in the submittal are taken directly from the original permit document as approved. Please refer to Blackhawk's understanding of the April 24, 1987 meeting regarding additional information.

Blackhawk appreciates UDOGM's offer of assistance in establishing a water quality monitoring program, however, our current plans do not include such activities.

UMC 817.97 Protection of Fish, Wildlife, and Related Environmental Values-LK

The text will be modified to contain a commitment to report to UDOGM the existence of any threatened or endangered species or any Golden Eagles which come to our attention and have not been previously reported.

To the best of Blackhawk's knowledge, there are no critical habitat of a threatened or endangered species within the disturbed area and as such this comment is not applicable.

There are no known areas of hazardous concentrations of toxic materials which would require the exclusion of wildlife. Therefore, this comment is inappropriate to the existing document.

The text will be changed to reflect Blackhawk's commitment to not use persistent pesticides unless approved by the Division.

The text will be modified to indicate that Blackhawk will commit to prevent, control and suppress range, coal and forest fires not approved by UDOGM.

Since no active mining is planned under the current approved permit, this comment is not applicable to the existing document. Prior to the commencement of any underground mining activities or additional surface disturbance, Blackhawk will submit additional information regarding mitigation of impacts to seeps and springs.

UMC 817.100 Contemporaneous Reclamation-LK

See responses under 784.13.

UMC 817.111-117 Revegetation-LK

See responses under 784.13.

UMC 817.133 Postmining Land Use-LK

No response required.