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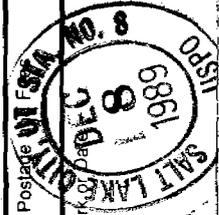
U.S.G.P.O. 1987-197-722

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P.O., State and ZIP Code	ALBUQUERQUE, NM 87102	
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ACT/007/004 CL

PS Form 3800, June 1985



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

December 7, 1989

CERTIFIED RETURN RECEIPT REQUESTED
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Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
Reclamation & Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN #X-89-2-107-11, Castle Gate Coal Company, Price River
Complex, ACT/007/004, Folder No. 5, Carbon County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division's offices on November 30, 1989.

1. Number 1 of 4 reads: "Failure to obtain a permit before engaging in or carrying out underground coal mining activities. The road to the Crandall shaft facility, the road to Hardscrabble Canyon."

The Division has notified the operator as part of the technical deficiency review of December 4, 1989, that the Crandall Canyon access road and associated roads must be incorporated into the Mining and Reclamation Plan currently being resubmitted for permit renewal. The operator will meet with the Division next week to determine a schedule for resubmittal. The road to Hardscrabble Canyon is appropriately permitted per the Division's current methodology for roads. When the Division and OSM agree on the overall procedure for dealing with roads of this nature in Utah we will revisit the Hardscrabble Canyon road. Please relegate this road issue to a programmatic level until that time.

2. Number 2 of 4 reads: "Failure to mark the perimeter of all areas affected by surface operations or facilities. Affected area markers on the insides of the undisturbed diversions at Hardscrabble Canyon #4 Mine; Sowbelly Canyon diversions, and water tank road; Crandall shaft facility substation cut slopes."

The operator has agreed to move the markers in question to the tops of cut slopes and bottoms of fill slopes prior to the end of the ten-day response period. In conformance with Division policy, markers will be placed at each end of a highwall area. It should be noted, however, that the current permit, as reviewed and approved by OSM, does not include highwalls in the disturbed area or require any highwall reclamation. The Division has notified the operator in the December 4 technical deficiency review that plans must be submitted for backfilling and grading on all cut and fill slopes. However, the Division recognizes that for highwalls which were developed prior to implementation of SMCRA, it may not be possible to totally eliminate all of the cuts. Therefore the revised placement of the perimeter markers may not reflect the exact boundaries of disturbed areas to be reclaimed.

3. Number 3 of 4 reads: "Failure to divert surface drainage from the crest and face of the coal processing waste in accordance with UMC 817.72(d). The School House Canyon coal processing waste pile."

The operator has verbally committed to install new diversions as required by the Division. Submittal of designs for new and existing diversions will be done in conjunction with the schedule developed next week for permit renewal submittals.

4. Number 4 of 4 reads: "Failure to pass drainage from the disturbed area through a sedimentation pond before leaving the permit area. The middle topsoil stockpile on the Crandall shaft facility road and the substation near "Goose Island" at the Hardscrabble Canyon facilities."

Requirements to include all proposed small area exemptions and alternative sediment control areas in the Mining and Reclamation Plan have been included in the December 4 technical deficiency review. A schedule for submittal will be determined next week.

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Mr. Robert Hagen
ACT/007/004
December 7, 1989

In summary, the TDN issues take exception with the Mining and Reclamation Plan and are not on-the-ground compliance issues. Consideration to allowing the Division to implement a workable schedule for permit resubmittal should be given due to the fact that the original permitting was done by OSM, not DOGM, although we are in the process of rectifying the permit deficiencies. We are fully cognizant of the requirements of the performance standards and are working with the operator to bring the plan, and the site where necessary, into compliance.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

cc: T. McKenna
S. Linner
J. Helfrich
H. Sandbeck
P.F.O
BT1413/15-17