



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangarter  
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

00002  
45

March 28, 1990

0002

CERTIFIED RETURN RECEIPT REQUESTED  
P755 090 759

Mr. Robert Hagen, Director  
Office of Surface Mining  
Reclamation and Enforcement  
Suite 310, Silver Square  
625 Silver Avenue, S. W.  
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN No. X-90-02-107-3-TV3, Utah Fuel Company, Skyline Mine, ACT/007/005,  
Folder #5, Carbon County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received in the Division offices on March 19, 1990.

Number 1 of 3: was issued for "Failure to certify the sediment pond after construction. Location: the mine site sediment pond modifications not certified."

Response: The operator will submit a recertified as-built pond certification on or before March 29, 1990 (TDN deadline). The Division considers TDN 1 of 3 a permit defect.

Number 2 of 3: was issued for "Failure to obtain a permit before engaging in or carrying out underground coal mining activities. Location: the alternate sediment control practice outside the loadout permit area."

Response: The Five-Year Renewal of Skyline Mine Permit was approved on December 1, 1989. The Division considers TDN 2 of 3 a permitting deficiency which will be corrected by requiring the operator to correct the maps so as to depict the alternate sediment control area within the permit. This action will be considered as an incidental boundary change, but the change in acreage permitted is so insignificant that a revision of the narrative of the permit will not be required at this time for the area in question. The operator will have until April 19, 1990 to submit updated maps.

Page 2  
TDN X-90-02-107-3-TV3  
ACT/007/005  
March 26, 1990

Number 3 of 3: was issued for "Failure to pass all surface drainage from the disturbed area through a sedimentation pond before leaving the permit area. Location: outslope of the pad east of special exempt area number six."

Response: As shown in Plate 3..2..1-1 of the approved MRP, the area in question is not part of the MRP except the road berm within the permit boundary. Drainage from the road is directed to the pond, consequently, the question of failure to pass is moot. Number 3 of 3 should be withdrawn on that basis. If a future inspection should substantiate mining related disturbance in the area in question, the Division will consider appropriate permitting and enforcement action, but snow cover at the time of the inspection precluded that determination. A "Failure to Pass" violation is not supportable on the basis of the field inspection. The TDN should be withdrawn.

Sincerely,



Lowell P. Braxton  
Associate Director, Mining

HS/cl  
cc: K. Zobel, Utah Fuel  
J. Helfrich, DOGM  
D. Haddock, DOGM  
H. Sandbeck, DOGM  
BT33/33-34