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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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OK

November 14, 2001

William O. Moellmer
Utah Division of Water Quality
P. O. Box 144870
Salt Lake City, UT 84144-8460

RE: Proposal for a Rule Change to Allow for Point Source Discharge into Electric Lake, Skyline Mine, C007/005.

Dear Mr. Moellmer:

The Division of Oil, Gas and Mining wishes to submit the following comments for consideration of establishing a change in rule R317-2 for the discharge of mine waters into Electric Lake. The Division notes that a change in designation from Category 1 to Category 2 has not been done in the area of coal mining, to the division's knowledge, in a twenty year time period and our support of such action is outlined here.

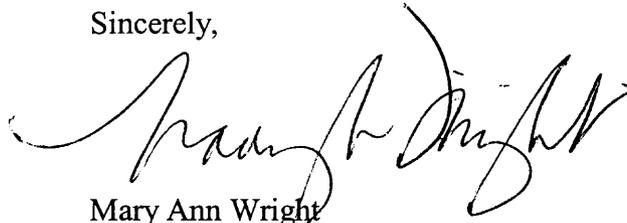
- The Division of Oil, Gas and Mining is supportive of a change in rule that would allow for a new point discharge into Electric Lake, assuming no degradation of water quality. The water quality designation of Category 1 waters, while based on earlier logical considerations of Electric Lake being within the National Forest is constraining to the future mining of coal. By allowing a change in the rule to take place, little to no effect would be made on the on the water quality and the environment since the water to be discharged is of good quality. This logic meets with the environmental protection intent of the Utah coal statute and rules.
- The Division of Oil, Gas and Mining is in favor of policy and rule changes which promote and continue the long-term mining of coal from one access point, such as the current Skyline facilities. Actions which maintain one permitted facility as viable preclude the need for new surface facilities in accessing future coal.
- Utah coal statute and rules require an in-depth analysis of geologic and hydrologic data to assess impacts to the hydrologic regime from coal mining, both inside and outside of the

permit area. Such analyses are ongoing by review of the quarterly data submitted by the mine through the required spring, seep, well, stream and pond monitoring program. The Cumulative Hydrologic Impact Assessment is currently being re-evaluated with the collection of new data from this unexpected heavy inflow of waters in the mine. The permittee is now revising its Probable Hydrologic Consequences document for submittal to the Division.

- The Division has stated previously, and as early as 1996, to the Emery County Public Lands Council, Committee on Water and Coal Mining its general support of plans to petition the Utah Water Quality Board for a rule change such as this to allow for the discharge of good quality mine waters into waters within the National Forest boundaries.

Thank you for the opportunity to comment. If I can be of further assistance, I can be contacted at 801-538-5306.

Sincerely,



Mary Ann Wright
Associate Director, Mining