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Canyon Fuel
Company, LLC.
Skyline Mine

A Subsidiary of Arch Western Bituminous Group, LLC.

Incoming
Gregg Galecki, Environ. Coordinator
HCR 35, Box 380
Helper, UT 84526
(435) 448-2636 - Office
(435) 448-2632 - Fax

C/007/0005

cc: Dana D.

April 18, 2006

Mr. D. Wayne Hedberg
Permit Supervisor
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

RE: Response to Deficiency letter to reduce Silt Fencing for Sediment Control, Canyon Fuel Company, LLC, Skyline Mine, C/007/005, Task ID # 2433

Dear Mr. Hedberg:

The following is in response to your March 21, 2006, letter outlining deficiencies or items that required additional clarification. The three (3) cited items are addressed in the following manner: 1) the wording on page 3-64 has been modified; 2) an amended C2 form has been submitted indicating the vegetation and ground cover report originally submitted is being submitted as Section 21 (a), Volume 5; and 3) the said Vegetation and Ground Cover report is being submitted as the *demonstration* that siltation structures are no longer necessary.

The practice of using a statistical study, comparing a reference vegetation and groundcover area to the disturbed area, has been an acceptable demonstration tool for a number of years. The Division has recommended and approved such studies in the past few years as the sole demonstration at both the Deer Creek Mine and Bear Canyon Mine to name a few. A number of Mine operators indicated that the statistical vegetation study was the preferred methodology of the Division over SedCad or RUSTLE based on a request from the Division to supply empirical observations. Table 11 of the study indicates that the cover of nearly all the Sediment Control Areas was either significantly higher or was not significantly different from their respective Comparison Areas. We believe the supplied report adequately addresses State Regulation R645-301-742.240, both as a demonstration that siltation structures are no longer necessary, and as a BTCA practice. No reference to using calculations or SedCad or Rustle could be found in the cited regulation. This submittal includes completed C1 and C2 forms, and seven (7) copies of the respective changes.

We at Skyline Mine, appreciate your review of this application. If you don't agree with the above clarifications, please provide me with an explanation to your determination. Please call me at (435) 448-2636 if you have any questions.

Sincerely,

Handwritten signature of Gregg A. Galecki.

Gregg A. Galecki
Environmental Coordinator, Skyline Mine
Canyon Fuel Company, LLC

enclosures

RECEIVED

APR 21 2006

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Canyon Fuel Company, LLC

Mine: Skyline Mine

Permit Number: C/007/005

Title: Sediment control removal in Section 3.2 of M&RP

Description, Include reason for application and timing required to implement:

Supplemental information to Task ID #2433 - Modification to the M&RP to eliminate silt fencing

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____
- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Wesley K Sorensen
Print Name

Wesley K Sorensen 4/19/06
Sign Name, Position, Date

Subscribed and sworn to before me this 19th day of April, 2006

[Signature]
Notary Public

My commission Expires: 12/2, 2007
Attest: State of Utah } ss:
County of Carbon



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| For Office Use Only: | Assigned Tracking Number: | Received by Oil, Gas & Mining <div style="font-size: 24px; font-weight: bold; margin: 10px 0;">RECEIVED</div> <div style="font-size: 18px; font-weight: bold; margin: 10px 0;">APR 21 2006</div> <div style="font-weight: bold; margin: 10px 0;">DIV. OF OIL, GAS & MINING</div> |
|---|--|--|

the area until final reclamation begins, except for periodic inspections. The culvert trash rack and portal highwall will be inspected at a minimum of three times a year: (1) early spring; (2) mid-summer at the beginning of the thunderstorm season, and (3) late fall before freeze-up.

3.2.12 Areas Not Reporting to Sedimentation Ponds, Exempt Alternate Sediment Control Areas and Special Exempt Areas

There are 41 areas that do not report to any sedimentation pond. There ~~are~~ also a small areas in front of ~~portals 2, 3 & 4 of both Mine #1 and the Mine #3 portal and South Fork breakout~~ which drains back into the mines. This water enters the normal mine drainage system and is pumped back into the sedimentation pond.

On all areas not reporting to a sediment pond, sediment control measures such as strawbales, silt fences, straw dikes, excelsior mats, etc. will be installed and maintained until there is adequate vegetative cover to properly filter any surface runoff. See Vol. 5, Sec. 20 for designs for all ASCA treatment. When this occurs, the alternate control measures will be removed and not maintained if it can be demonstrated that they are not needed and approved by the Division.

Maintenance is done on all structures (straw bales, silt fences and straw dikes) a minimum of three times a year. It is done first in the spring as soon as they are accessible after snow melt, second during mid-summer, and third in late fall just before snow fall. All areas are observed for effectiveness almost daily by trained mine personnel and if deficiencies are seen, corrective action is taken.

Area 1. The Water Tank area is shown on Map No. 4.4.2-1F. It contains .19 acres and is classified as an "Exempt Area". This area has been reseeded and has a well established cover of grass, forbs and trees. The permittee has run a SedCAD program to demonstrate the runoff so that this area can be classified as an exempt area. (See Vol. 5 Sec. 21).

the area until final reclamation begins, except for periodic inspections. The culvert trash rack and portal highwall will be inspected at a minimum of three times a year: (1) early spring; (2) mid-summer at the beginning of the thunderstorm season, and (3) late fall before freeze-up.

3.2.12 Areas Not Reporting to Sedimentation Ponds, Alternate Sediment Control Areas and Special Exempt Areas

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