

00-27



Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

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

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

YMine file

September 6, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 592 431 925

Mr. Robert Hagen, Director
Albuquerque Field Office
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 X88-2-116-3-TV-1, U.S. Fuel Company, Hiawatha Complex, ACT/007/011,
Folder #5, Carbon County, Utah

This letter responds to the above referenced Ten-Day Notice, the certified copy of which was received at the Division's offices August 29, 1988.

1. Number 1 of 1 was issued for "failure to pass all surface drainage from disturbed areas, including disturbed areas that have been graded, seeded, or planted, through a sedimentation pond before leaving the permit area."

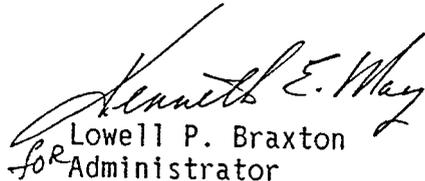
Response: All of the areas in question should qualify for small area exemptions which was the recommendation given by Mr. Austin in the Ten-Day Notice. All of the topsoil piles have berms and/or vegetation acting as alternate sediment control. The power substation has berms, vegetation and filter rock in place. Because these areas were not addressed as small area exemptions, DOGM feels a permitting error was made and will correct it under the guidelines of directive INE-27. The operator will submit plans to have the areas cited in the TDN included in the permit as small area exemptions.

Page 2

Mr. Robert Hagen - ACT/007/011
September 6, 1988

It is the policy of the Division when taking enforcement action as a result of an inspection, that any notice be given to the operator within 5 working days of the inspection. Issuance of this TDN may have stretched this policy a little bit. In the spirit of cooperation, we request that future notice be given in a more timely manner.

Sincerely,



Lowell P. Braxton
for Administrator

Mineral Resource Development
and Reclamation Program

slo-jb

cc: Jean Semborski (U.S. Fuel)

K. May

J. Helfrich

S. Linner

D. Haddock

0710Q/1