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

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

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Salt Lake City, Utah 84180-1203
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801-359-3940 (Fax)
801-538-5319 (TDD)

Mine file

November 22, 1994

CERTIFIED RETURN RECEIPT REQUESTED
No. P 074 977 546

Thomas E. Ehmett, Acting Director
Office of Surface Mining
Albuquerque Field Office
Reclamation and Enforcement
505 Marquette N. W., Suite 1200
Albuquerque, New Mexico 87102

Re: Response to Ten-Day Notice X94-020-179-005 TV1, U. S. Fuel Company, Hiawatha Mine, ACT/007/011, Folder #5, Carbon County, Utah

Dear *Tom* Mr. Ehmett:

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division on November 4, 1994. An extension of time to respond to the TDN was granted to November 22, 1994.

The TDN states that the nature of the violation is:

"Failure to construct and certify drainage control for all areas disturbed by mining operations. Various topsoil stockpiles throughout the permit. Cited rules - R645-301-742 and R645-301-731.121."

Division Response:

The currently approved Hiawatha plan (Appendix V-8) lists five topsoil stockpiles as Small Area Exemptions, or as they are now called by many mining operations, Best Technology Current Available (BTCA) areas. In this case the Small Area Exemption refers to exemption from passing drainage through a siltation structure. These areas either, due to their size, topographic location, or inability to get their drainage to a sediment pond, are treated with the best technology currently available to prevent additional contributions of sediment to streamflow outside the permit area and to minimize erosion.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)
 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
 THOMAS E EHMETT ACTING DIR
 ALBUQUERQUE FIELD OFFICE
 OFFICE OF SURFACE MINING R & E
 505 MARQUETTE NW STE 1200
 ALBUQUERQUE NM 87102

4. Article Number
 P 074 977 546

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address
 X

6. Signature - Agent
 X *Thomas E. Emmett*

7. Date of Delivery
 11/25/85

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Mar. 1988 * U.S.G.P.O. 1988-212-865 DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE: \$300

SENDER INSTRUCTIONS
 Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

DOGM VB ACT/007/011 TDN 94-020-179-5 FLDR #5

P 074 977 546

RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NET FOR INTERNATIONAL MAIL
 (See Reverse)

THOMAS E EHMETT ACT DIR ALBUQUERQUE FIELD OFFICE OFFICE OF SURFACE MINING 505 MARQUETTE NW STE 1200 P.O. State and ZIP Code albuquerque nm 87102	Postage	\$.24
	Certified Fee	1.00
	Special Delivery Fee	
	Restricted Delivery Fee	
	Return Receipt (if shown to whom delivered)	1.00
	Return Receipt (showing to whom, Date, and Address of Delivery)	
	TOTAL Postage and Fees	\$ 2.24



Form 3800, June 1985

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article RETURN RECEIPT REQUESTED adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse RESTRICTED DELIVERY on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

* U.S.G.P.O. 1988-217-132

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Thomas E. Ehmett

ACT/007/011

November 22, 1994

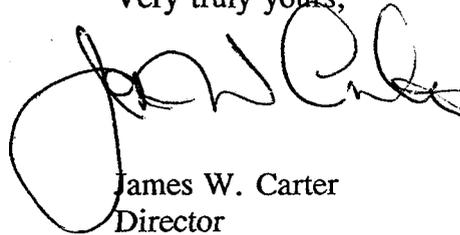
U. S. Fuel has chosen to use earthen berms as BTCA. While the berms have already been functioning in place for a number of years, the Division has required the operator to amend the permit to include a statement which requires that all the berms will be maintained at a minimum height of 1 foot. A technical analysis demonstrates that this provides adequate treatment for controlling drainage and retaining sediment within the disturbed area.

One topsoil area berm will be modified at the request of the permittee to provide a rock gabion filter outlet. This topsoil pile is the South Fork Topsoil Pile. A rock gabion filter of at least 2 feet wide, 2 feet high, and 2 feet long allows treated runoff to discharge.

The permittee has changed the heading language contained in Appendix V-8 to BTCA Alternate Sediment Control Areas to avoid confusion with the regulatory term, Small Area Exemption.

The Division finds the permittee's plan for BTCA areas acceptable to meet the requirements of the regulations of the State program. The operator has provided sediment controls and designs for the topsoil piles to demonstrate that no additional contributions of suspended sediment will flow to stream flow outside the permit area. The structures (berms) in question have been constructed and have functioned as suitable drainage control for the topsoil stockpiles, their intended purpose. Accordingly, I request that you find the Division's responses to TDN X94-020-179-005 TV1 to be appropriate.

Very truly yours,



James W. Carter
Director

vb

cc: L. Braxton
D. Haddock
P. Grubaugh-Littig
J. Helfrich
P. Baker
PFO

TDNRESP.HIA