



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

Michael O. Leavitt
Governor

Kathleen Clarke
Executive Director

Lowell P. Braxton
Division Director

1594 West North Temple, Suite 1210

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801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

October 27, 1999

Elliot Finley, President
Hiawatha Coal Company
P.O. Box 1202
Huntington, Utah 84528

Re: Completion of Midterm Review, Hiawatha Coal Company, Hiawatha Mine,
ACT/007/011-MT99, File #2, Carbon County, Utah

The Division has completed the midterm review of the Hiawatha Mine. The items which were reviewed were identified in our August 27, 1999 letter to you and the results are listed below.

1. An AVS check was conducted and returned with a system recommendation of "deny". This recommendation is based upon what is called a "non-respondent" for AML fees. Hiawatha Coal Company must contact Alan Miller at the Kansas City Audit Office of OSM (816-426-2955) and correct this situation as soon as possible. Other AVS information seemed to be in order and there are no outstanding violations or civil penalties or bond forfeitures associated with Hiawatha Coal Company at this time.
2. A review of division orders and plan changes has indicated that all pending issues have been or are being addressed. Division order DO99A was completed on October 20, 1999. Copies of the submittal are still due by October 29, 1999. While significant progress has been made on Division Order 97A, it is still in effect and you are required to submit additional information to complete the order by November 19, 1999.
3. A review of the your application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area was completed. Sediment ponds are the most used sediment control structures on the mine site. The hydrologic features viewed during the field review were functioning adequately and there were no adverse impacts to offsite resources identified. While currently functioning adequately, a review of past inspection reports indicates a need for maintenance on ditches and berms and also a need to clean sediments from sediment ponds. Follow up on this item should be done during dry conditions.

Midterm Review
ACT/007/011-MT99
October 27, 1999
Page 2

4. A technical site visit was conducted to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices. During the site visit conducted on September 23, 1999, slurry impoundment 004 and 005 were inspected. It was recommended that the permittee pursue completion of reclamation at sediment pond 5, since vegetation on slurry impoundment 004 is adequate to control erosion and the remaining disturbed area is small and is controlled by alternate sediment control methods (pocking). An area on reclaimed portions of slurry impoundment 005, was experiencing gully and rill erosion. It appeared the topsoil placed in this sections was prone to piping. Discussions to improve the area included reestablishing the deep gouging procedure and adding alfalfa hay as mulch. A copy of the September 23, 1999 inspection report is included for your records.
5. The reclamation bond was evaluated and was found to be adequate. No adjustment will be needed at this time.

This concludes the midterm review of the Hiawatha Mine. Thank you for you cooperation during the review.

Please call if you have any questions.

Sincerely,



Daron R. Haddock
Permit Supervisor

tm
enclosure
cc: Paul Baker
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October 19, 1999

TO: File

FROM: Pamela Grubaugh-Littig, Permit Supervisor 

RE: AVS Recommendation, Hiawatha Coal Company, Hiawatha Mine Complex, ACT/007/011, Folder #3, Carbon County, Utah

There is a "deny" recommendation for Hiawatha Mines. This recommendation is based upon what is call a "non-respondent" for AML fees. As of the writing of this memo, there are no NOVs or Cos which are not corrected or in the process of being corrected. There are no finalized Civil Penalties which are outstanding and overdue in the name of Hiawatha Coal Company. Hiawatha Coal Company does not have a demonstrated patttern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Hiawatha Coal Company must contact Alan Miller at the Kansas City Audit Office of OSM (816-426-2955) and correct this situation as soon as possible.

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INSPECTION REPORT

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Partial: X Complete: Exploration:

Inspection Date & Time: September 23, 1999, 1:10 to 3:30 PM

Date of Last Inspection: August 17, 1999

Mine Name: Hiawatha Complex County: Carbon Permit Number: ACT/007/011

Permittee and/or Operator's Name: Hiawatha Coal Company

Business Address: P. O. Box 1202, Huntington, Utah 84528

Type of Mining Activity: Underground X Surface Prep. Plant Other

State Officials(s): Paul Baker, Wayne Western, Daron Haddock, Dave Darby, Sharon Falvey

Company Official(s): Charles Reynolds and Elliot Finley

Federal Official(s): None

Weather Conditions: Partly cloudy, 70's, some light showers

Existing Acreage: Permitted- 12707 Disturbed- 290 Regraded- Seeded- Bonded- 290

Increased/Decreased: Permitted- 0 Disturbed- 0 Regraded- 0 Seeded- 0 Bonded- 0

Status: Exploration/ X Active/ Inactive/ Temporary Cessation/ Bond Forfeiture

Reclamation (Phase I/ Phase II/ Final Bond Release/ Liability Year)

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

Instructions

- Substantiate the elements on this inspection by checking the appropriate performance standard.
 - For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
 - For partial inspections check only the elements evaluated.
- Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
- Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
- Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4th Quarter-April, May, June)_(date)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INSPECTION REPORT

(Continuation sheet)

Page 2 of 2

PERMIT NUMBER: ACT/007/011

DATE OF INSPECTION: September 23, 1999

(Comments are Numbered to Correspond with Topics Listed Above)

1. Permits, Change, Transfer, Renewal, Sale

The Division received responses to Division Orders 97A and 99A on September 13, 1999. The response times for these Division Orders had been extended since the last inspection.

This inspection was done as part of the mid-term review. We looked at a few areas where there are concerns, such as the coal stockpile area in Middle Fork and revegetation on slurry pond 5. According to the letter sent August 27, 1999, informing the permittee of the mid-term review, other items to be covered in the review are:

- An AVS check to ensure that Ownership and Control information is current and correct.
- A review of the Plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and permittee-initiated Plan changes are appropriately incorporated into the Plan document.
- A review of the applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.

3. Topsoil

The topsoil pile east of refuse 4 has been entirely used in reclamation of the area on the northeast side of this refuse pile. I have previously commented on the coal fines in this soil. There definitely are some fines, but I do not believe they should adversely affect revegetation success.

The operator is in the process of spreading more soil on slurry pond 5 and gouging it.

4. Hydrologic Balance

a. Diversions

It appears work on the ditch on the northeast side of refuse pile 4 is complete.

We looked at and discussed drainage control in the coal stockpile area of Middle Fork. Plate VII-18C does not show any drainage control structure leading from the stockpile area to the truck loadout area.

b. Sediment Ponds and Impoundments

Sharon Falvey, Division hydrologist, suggested the operator could probably reclaim the pond on the east side of refuse pile 4 since it is now only treating runoff from reclaimed areas, all of which are either vegetated or heavily roughened. I have not researched the implications, but this might require a plan amendment.

13. Revegetation

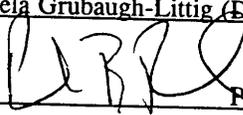
We looked at the erosion on the east side of slurry pond 5 (see August inspection report). Sharon Falvey suggested the operator add some alfalfa to reduce the tendency for piping and then regouge and reseed this area.

The operator needs to consider reseeding nearly the entire area seeded in 1997. Although I have concerns about doing this, particularly because there is so much Russian thistle in the area that has now gone to seed, I believe reseeding will be necessary. Russian thistle is not as competitive as some other weeds.

Copy of this Report:

Mailed to: Elliot Finley (Hiawatha Coal Co.), James Fulton (OSM)

Given to: Pamela Grubaugh-Littig (DOGM)

Inspector's Signature: 

Paul B. Baker #41

Date: October 1, 1999