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Hiawatha Coal Company

P.O. Box 1202
Huntington, UT 84528

(435) 637-1778
FAX (435) 637-1378

January 7, 2000

Coal Program
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Daron Haddock,

Re: Response to Division Order 97A and withdrawal of Amendment 99B,
Hiawatha Coal Company, Hiawatha Complex, ACT/007/011-97A, Carbon
County, Utah

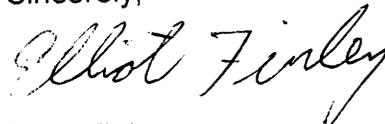
Enclosed is a submittal in response to the remaining deficiencies for Division Order 97A. Also enclosed is the revisions which were previously submitted as amendment 99B. Since the information submitted is directly influenced by the Division Order submittal, the revisions are being incorporated into The Division Order response, and HCCI hereby withdraws Amendment 99B. A detailed outline of the deficiency responses has also been enclosed to aid in the review. The outline includes itemized responses to both DO-97A and 99B deficiencies.

All information from 99B and responses to deficiencies of 99B have been included. Four Exhibits, however, which were previously submitted as part of 99B have not been enclosed and need to be added. These are Exhibits V-9, V-9D, V-13 and VII-20. Please insert four copies of these exhibits from the 99B submittal into the DO-97A response submittal enclosed.

The enclosed pages have been submitted in redline/strikeout format, and have been marked DRAFT to distinguish them from approved pages. (Pg. VII-vii, Appendix VII-16 and Appendix VII-19 have been submitted without redline/strikeout since the two Appendices are being submitted in their entirety and the revisions to the appendices are significant. The only modification to VII-vii is the revision to the name of Appendix VII-16.) Upon approval, finalized copies will be submitted to the Division.

If you have any questions, please call me or Charles Reynolds at (435) 637-1778.

Sincerely,



Elliot Finley,
President

RECEIVED

JAN 10 2000

Enclosure(s)
CR

DIVISION OF OIL, GAS & MINING

APPLICATION FOR PERMIT PROCESSING

<input type="checkbox"/> Permit Change	<input type="checkbox"/> New Permit	<input type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Exploration	<input type="checkbox"/> Bond Release	Permit Number: ACT/007/011
Title of Proposal: Response to DO-97A						Mine: HIAWATHA COMPLEX
						Permittee: HIAWATHA COAL CO.

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

Response to November 9, 1999, deficiencies and incorporated response to Amendment 99B, Sediment Pond 5 removal.

Instructions: If you answer yes to any of the first 8 questions (gray), submit the application to the Salt Lake Office. Otherwise, you may submit it to your reclamation specialist.

<input type="checkbox"/> No		1. Change in the size of the Permit Area? _____ acres Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
<input checked="" type="checkbox"/> Yes		2. Is the application submitted as a result of a Division Order? DO # DO-97A
<input type="checkbox"/> No		3. Does application include operations outside a previously identified Cumulative Hydrologic Impact Area?
<input type="checkbox"/> No		4. Does application include operations in hydrologic basins other than as currently approved?
<input type="checkbox"/> No		5. Does application result from cancellation, reduction or increase of insurance or reclamation bond?
<input type="checkbox"/> No		6. Does the application require or include public notice/publication?
<input type="checkbox"/> No		7. Does the application require or include ownership, control, right-of-entry, or compliance information?
<input type="checkbox"/> No		8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
<input type="checkbox"/> No		9. Is the application submitted as a result of a Violation? NOV #
<input type="checkbox"/> No		10. Is the application submitted as a result of other laws or regulations or policies? Explain:
<input type="checkbox"/> No		11. Does the application affect the surface landowner or change the post mining land use?
<input type="checkbox"/> No		12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2?)
<input type="checkbox"/> No		13. Does the application require or include collection and reporting of any baseline information?
<input type="checkbox"/> No		14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
<input checked="" type="checkbox"/> Yes		15. Does application require or include soil removal, storage or placement?
<input type="checkbox"/> No		16. Does the application require or include vegetation monitoring, removal or revegetation activities?
<input type="checkbox"/> No		17. Does the application require or include construction, modification, or removal of surface facilities?
<input checked="" type="checkbox"/> Yes		18. Does the application require or include water monitoring, sediment or drainage control measures?
<input checked="" type="checkbox"/> Yes		19. Does the application require or include certified designs, maps, or calculations?
<input type="checkbox"/> No		20. Does the application require or include subsidence control or monitoring?
<input type="checkbox"/> No		21. Have reclamation costs for bonding been provided for?
<input type="checkbox"/> No		22. Does application involve a perennial stream, a stream buffer zone or discharges to a stream?
<input type="checkbox"/> No		23. Does the application affect permits issued by other agencies or permits issued to other entities?

Attach 4 complete DRAFT copies of the application.

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.

E. Finley Pres. 1-7-00
Signed - Name - Position - Date

Subscribed and sworn to before me this 7 day of Jan, 19 2000

Leanne Stone
Notary Public

My Commission Expires: 7-10, 19 2002
Attest: STATE OF Utah COUNTY OF Emery

Notary Public
LEANNE STONE
P.O. Box 300
Huntington, Utah 84520
My Commission Expires
July 10, 2002
State of Utah

Received by Oil, Gas & Mining
RECEIVED
JAN 10 2000
DIVISION OF OIL, GAS & MINING
ASSIGNED TRACKING NUMBER

Response to Outstanding Deficiencies - Division Order 97A

Following is a response to the deficiencies outlined in the Division letter dated November 9, 1999, which was received by Hiawatha Coal Company. This response also includes information in response to deficiencies pertaining to Submittal 99B, which were received via email on December 17, 1999. The discussions below outline the changes which have been made in the enclosed submittal.

R645-301-231.400

Volumes have been adjusted in Table II-12, pg. 2-33.

R645-301-242 (DO-97A)

Page 5-59 has been revised to clearly indicate that the top 12 inches of soil from a borrow site will be salvaged and returned to that site to expedite reclamation of the borrow area.

R645-301-242 (99B)

The sediment pond 5 is immediately adjacent to Borrow Area F. It is expected that the properties of the soils in the embankment are going to be similar to that of Borrow Area F. Soil information for Borrow Area F is shown in Appendix II-4. HCCI feels that no additional soil samples are necessary to use the embankment material for substitute topsoil.

R645-301-242.200 (99B)

The text on page 2-46 has been revised to commit to incorporating the coal fines into the subsoil.

R645-301-542.100

Table V-7 on pg. 5-61 has been revised to show the estimated reclamation date of the North Fork Diversion.

R645-301-711.300 (DO-97A and 99B)

Appendix VII-19 has been corrected to include all applicable design information for the Curve Numbers. Watershed and Diversion designs have also been revised to reflect the corrected information.

R645-301-731.300 (99B)

The coal fines from sediment pond 5 are a result of runoff from Slurry Impoundment 4. Analysis information is contained in Chapter II for Slurry Impoundment 4, which would also represent the properties for the coal fines in Sediment Pond 5. None of the material has been found to be acid or toxic forming.

R645-301-742.422

Designs have been included in Appendix VII-16 and VII-19. The design information is being submitted to Water Rights as part of the Stream Alteration application. Upon approval, a copy of the alteration permit will be submitted as an amendment to the MRP. A commitment to this submittal has been included in Appendix VII-16.

Sediment Control Measures (Paul Baker's comments on 99B)

Page 7-91 has been revised to eliminate the reference to Phase II Bond Release.

Designs have also been included in Appendix VII-19 and on Exhibit VII-18C to address diversion concerns expressed in the recent inspection reports pertaining to ditch DD21.