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State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER QUALITY

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Executive Secretary

May 1, 2002

Mr. Elliot Finley
Hiawatha Coal
PO Box 1202
Huntington, Utah 84528

Dear Mr. Finley:

Subject: Sediment Basins not Included as Discharge Points; UPDES Permit UT0023094; Hiawatha Coal

*Income
C/007/041
Copy Mary Ann, Ann,
Dan, Dave*

The most recent revision of the UPDES Permit for Hiawatha Coal eliminated several discharge points that had been included in previous permits. These discharge points were associated with sediment ponds that have not discharged for a lengthy period of time.

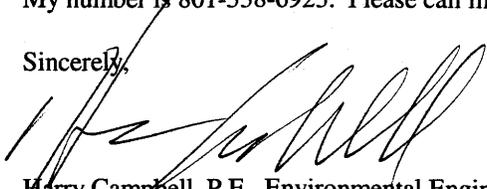
The elimination of those discharge points from the UPDES permit has recently become an issue because of activity in the Division of Oil, Gas, and Mining (DOGGM) over DOGM permit issues with Hiawatha. We (the Division of Water Quality or DEQ) agree that these discharge points should be eliminated if they will not be discharging. Our permit writer may have been the one to suggest eliminating them from your permit.

I must reiterate, however, that if these sediment ponds discharge to waters of the State without being identified as current discharge points with appropriate limits, Hiawatha runs the risk of enforcement action including possibly stiff penalty fees.

Although we are not in favor of creating work by adding unnecessary discharge points to your permit, we are also very interested and resolute in permitting and monitoring discharge points that are required to be permitted under the Clean Water Act. I ask that you carefully evaluate the risk for these sediment ponds to discharge. If they have a reasonable potential to discharge, please contact us so that we can modify your permit and include them.

My number is 801-538-6923. Please call me if you wish to discuss this.

Sincerely,


Harry Campbell, P.E., Environmental Engineer
Permits & Compliance Section

HC:hc

cc: **Division of Oil Gas & Mining**
David Ariotti, Southeastern Dist. Engineer

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FILE:NPDES

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DIVISION OF
OIL, GAS AND MINING