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C/007/011 Incoming  
# 3459  
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cc: April Abate

Hiawatha Coal Company

P.O. Box 1240  
Huntington, UT 84528

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

James D. Smith  
Utah Division of Oil, Gas & Mining  
1954 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

December 14, 2009

Re: Midterm Permit Review, Hiawatha Mine, C/007/0011, Task ID #3352

Dear Mr. Smith:

This letter is in response to your deficiencies letter dated October 21, 2009. Hiawatha Coal Company has addressed each deficiency. The response is attached to this letter.

If you have any questions, please call me at (435) 687-5777.

Sincerely,



Mark Reynolds

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DIV. OF OIL, GAS & MINING

**Deficiency Response List**  
**Task ID #3352**  
**Midterm Permit Review**

**R645-301-112.300**

This was addressed with our response to Task ID # 3084. Please update your records appropriately.

**R645-301-114.100**

This was addressed with our response to Task ID # 3084. Please update your records appropriately.

**R645-301-121.100, R645-301-112.500, and R645-301-112.600**

This was addressed with our response to Task ID # 3084. Please update your records appropriately.

**R645-301.331**

We feel that no written report is needed. The only areas no longer needed for present and future operations are Slurry Pond 4, Slurry Pond 5 Main Cell, and the associated borrow areas. These areas have been reclaimed and revegetated. A phase I bond release was just approved on these areas, and we have contracted Mnt. Nebo Scientific to perform vegetations studies during the next two years in order to apply for a phase III bond release.

**R645.301.528.330 and R645.301.528.33 & 334**

As stated in recent inspection reports, all abandoned equipment has been cut into small enough pieces to transport and is currently being hauled off. We estimate there are only two loads remaining. We are trying to remove them, but our efforts are being affected by the adverse weather conditions. The remaining abandoned equipment in the areas in question will be removed once we can get our tractor trailers to it.

During the inspection these drums were not inspected closely, but merely observed while driving past which would make it impossible for the Division to determine their status. At that time a concern was expressed and Mark Reynolds of Hiawatha Coal mentioned that there were no issues and that Pete Hess of the Division had already addressed the situation. Please review the inspection reports from July, August, and September of 2007. You will see it documented that Pete Hess did a detailed inspection of all oil storage areas, and there was extensive discussion about hazards and PCB's in particular. All hazardous substances were removed and disposed of at that time.

**R645.301-742.200**

The silt fences have been removed