

0019

*Outgoing*  
*C/007/0011*  
*Q*

**From:** April Abate  
**To:** shawn.baker@hiawathacoal.com  
**CC:** Karl Houskeeper; OGMCOAL@utah.gov; Pete Hess  
**Date:** 3/12/2009 1:03 PM  
**Subject:** Weekly inspection of Slurry Pond 1 at Hiawatha  
**Place:** OGMCOAL@utah.gov  
**Attachments:** April Abate.vcf

Shawn,

I talked to Pete Hess about your request to eliminate the weekly inspection of Slurry Pond 1 at Hiawatha. Pete recommended that you send a letter to MSHA making your request and cc: DOGM on it. Please note that if Hiawatha Coal Company is done with mining out the fines at Slurry Pond #1, the reclamation process should begin immediately.

I am also attaching excerpts of the regs that deal with the performance standards and what are required for roads.

April

750. Performance Standards.

All coal mining and reclamation operations will be conducted to minimize disturbance to the hydrologic balance within the permit and adjacent areas, to prevent material damage to the hydrologic balance outside the permit area and support approved postmining land uses in accordance with the terms and conditions of the approved permit and the performance standards of R645-301 and R645-302. For the purposes of SURFACE COAL MINING AND RECLAMATION ACTIVITIES, operations will be conducted to assure the protection or replacement of water rights in accordance with the terms and conditions of the approved permit and the performance standards of R645-301 and R645-302.

751. Water Quality Standards and Effluent Limitations. Discharges of water from areas disturbed by coal mining and reclamation operations will be made in compliance with all Utah and federal water quality laws and regulations and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR Part 434.

752. Sediment Control Measures. Sediment control measures must be located, maintained, constructed and reclaimed according to plans and designs given under R645-301-732, R645-301-742 and R645-301-760.

752.100. Siltation structures and diversions will be located, maintained, constructed and reclaimed according to plans and designs given under R645-301-732, R645-301-742 and R645-301-763.

752.200. Road Drainage. Roads will be located, designed, constructed, reconstructed, used, maintained and reclaimed according to R645-301-732.400, R645-301-742.400 and R645-301-762 and to achieve the following:

752.210. Control or prevent erosion, siltation and the air pollution attendant to erosion by vegetating or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices;

752.220. Control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area;

752.230. Neither cause nor contribute to, directly or indirectly, the violation of effluent standards given under R645-301-751;

752.240. Minimize the diminution to or degradation of the quality or quantity of surface- and ground- water systems; and

752.250. Refrain from significantly altering the normal flow of water in streambeds or drainage channels.

**April A. Abate**

*Environmental Scientist II*

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**From:** April Abate  
**To:** OGMCOAL@utah.gov  
**Date:** 3/12/2009 2:22 PM  
**Subject:** Fwd: Re: Weekly inspection of Slurry Pond 1 at Hiawatha  
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**Attachments:** April Abate.vcf

**April A. Abate**

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>>> Pete Hess 3/12/2009 1:49 PM >>>

I remember now that U.S Fuel Company had an MSHA variance in place at one time (post coal washing) allowing a variance from the required 7 day inspection frequency to a 30 day inspection frequency. I don't know if Hiawatha Coal has the same variance in place with MSHA, but I do remember that Mark R. only inspected the impoundments once a month @ Hiawatha when I was inspecting there.

Second, MSHA will require the inspections of the slurry cell until the slurry cell is reclaimed / revegetated. The fact that slurry pond #1 is breached and can no longer impound water is not relative.

At least that's what MSHA used to require. Their policy may have changed.

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