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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Outgoing
C0070011
#3520
R

April 13, 2010

Elliot Finley, Resident Agent
Hiawatha Coal Company
P.O. Box 1240
Huntington, Utah 84528

Subject: 2009 Annual Report Review, Hiawatha Mine, C/007/0011, Task ID #3520, Outgoing File

Dear Mr. Finley:

The Division staff has completed the 2009 Annual Report Review. Enclosed is a copy of the review for Hiawatha Mine, C/007/0011 completed on April 13, 2010.

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Permit Supervisor

sqs
Enclosure
O:\007011.HIA\FINAL\reviewletter.doc

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendices to the Division by April 30, 2010. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

GENERAL INFORMATION

Permittee Name	Hiawatha Coal Company
Mine Name	Hiawatha Complex
Operator Name (If other than permittee)	
Permit Expiration Date	March 14, 2012
Permit Number	C/007/0011
Authorized Representative Title	Elliot Finley, President
Phone Number	(435) 636/0069
Fax Number	(435) 687-5724
E-mail Address	efinley@efinley.com
Mailing Address	P.O. Box 1240, Huntington, Utah 84528
Designated Representative	
Resident Agent	Elliot Finley, President
Resident Agent Mailing Address	Same as above.
Number of Binders Submitted	2

Operator, please update any incorrect information.

IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-12157	King Mines	N/A
MSHA Impoundment(s)	01	Slurry Impoundment #1	Abandoned 10/2007
	03	Slurry Impoundment #5	Abandoned 05/2009
NPDES/UPDES Permit(s)	UT0023094	UPDES, Minor Industrial	January 1, 2015
PSD Permit(s) (Air)	DAQE-50289-00	Issued October 29, 1999	N/A
Refuse Piles	04	Refuse Pile No. 1	N/A

Other

Operator, please update any incorrect information.

CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	Required		Included Included	or DOG M file location Vol, Chapter, Page
	Yes	No		
Excess Spoil Piles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No spoil piles
Refuse Piles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	In the Annual Report
Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	In the Annual Report
Other				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Operator Comments:

Inspector:

Has the operator complied with this section? Yes NO

Inspector Comments:

Section is complete.

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

Admin R645-301-100
Soils R645-301-200

TITLE: CREATE A NON-TOXIC ROOT ZONE OF FOUR FEET**Frequency:** After rough grading to final contour, but prior to topsoil application at final reclamation.**Status:** Long term**Reports:** Report analytical results to Division prior to topsoil application.**Citation:** Chap 2., Sec R645-301-241 "Regrading Refuse Materials" p.2-40**Operator:** Has this commitment been acted on this year?Yes No Not required this year. If yes, comment;**Operator Comments:**

Permittee has not given information to Non-toxic Root Zone. No reclamation was taking place in 2009.

Inspector:Has the operator complied with this commitment? Yes No **Inspector Comments:****Title: REMOVAL OF COAL WASTE FROM RAIL ROAD TRACKS AND OF SMALL WASTE PILES ADJACENT TO LOWER PREPARATION PLANT AND PLACEMENT OF COAL WASTE IN SLURRY POND 1.****Objective:** Create a non-toxic root zone of four feet**Frequency:** After removal of railroad tracks from Hiawatha yard.**Status:** Long term, final reclamation of Slurry Pond 1.**Reports:** Keep records of activity/volumes to report in bond release application.**Citation:** Chap 5., Sec R645-301-541 Hiawatha processing plant and waste disposal sites reclamation" p.5-104.Yes No Not required this year. If yes, comment;**Operator Comments:****Inspector:**Has the operator complied with this commitment? Yes No **Inspector Comments:**

This may not be in the permit area, but on railroad property.

TITLE: REMOVAL OF COAL WASTE FROM RAIL ROAD TRACKS AND OF SMALL WASTE PILES ADJACENT TO LOWER PREPARATION PLANT AND PLACEMENT OF COAL WASTE IN SLURRY POND 1.**Objective:** Create a non-toxic root zone of four feet**Frequency:** After removal of railroad tracks from Hiawatha yard.**Status:** long term, final reclamation of Slurry Pond 1.**Reports:** Keep records of activity/volumes to report in bond release application.**Citation:** Chap 5., Sec R645-301-541 Hiawatha processing plant and waste disposal sites reclamation" p.5-104.**Operator:** Has this commitment been acted on this year?Yes No Not required this year. If yes, comment ;**Operator Comments:**

Inspector:

Has the operator complied fully with this commitment? Yes No

Inspector Comments:

TITLE: COAL MINE WASTE CLEAN UP.

Objective: Remove coal mine waste from areas from perimeter of slurry ponds and refuse piles

Frequency: After rough grading to final contour, but prior to topsoil application at final reclamation.

Status: long term

Reports: Keep records of activity/volumes to report in bond release application.

Citation: Chap 5., Sec R645-301-541 "Hiawatha processing plant and waste disposal sites reclamation" p.5-103 and p. 5-104 and Ex.II-4A.

Operator: Has this commitment been acted on this year?

Yes No Not required this year. If yes, comment;

Operator Comments:

Inspector:

Has the operator complied with this commitment? Yes No

Inspector Comments

Landuse, Cultural Resources, Air Quality R645-301- 400

Engineering R645-301-500

Geology R645-301-600

Hydrology R645-301-700

Bonding & Insurance R645-301-800

Other Commitments

*Reminder: If equipment has been abandoned during 2009, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

Inspector:

Has the operator complied fully with this commitment? Yes No

Inspector Comments

REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

Operator Comments:

Inspector:

Has the operator complied with this section? Yes No

Inspector Comments:

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each Permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

Legal / Financial Update	Required		Included	or	DOGM File location
	Yes	No			

Department of Commerce, Annual Report Officers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		In MRP, Chapter 1
Other					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

Inspector:

Has the operator complied with this commitment? Yes No

Inspector Comments

MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2009, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

Map Number(s) Map Title/ Description

Annual subsidence map		Confidential	
		Yes	No
Mine map			No
Other maps			No
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Operator Comments:

Inspector:

Has the operator complied with this section? Yes No

Inspector Comments:

No information on subsidence. Permittee just stated no change since 2008. No information to back up statement.

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

CONTENTS

APPENDIX B

Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

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APPENDIX C

Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

CONTENTS

APPENDIX D

Mine Maps

As required under R645-302-525-270

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APPENDIX E

Other Information

In accordance with the requirements of R645-301 and R645-302

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