

# HIAWATHA COAL COMPANY

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February 19, 2015

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

To Whom It May Concern,

**Re: Citations N14148 (Task ID 4728), N14149 (Task ID 4729), Hiawatha Coal Co., C/007/0011.**

Hiawatha Coal Company is sending this letter to informally appeal the fact of violation and the proposed assessment related to Citation N14148 and the fact of violation relating to Citation N14149. We are requesting that an informal conference to discuss these citations with you. The following comments address Hiawatha's concerns relating to the citations.

Citation N14149 was written because the phone number listed in Chapter 1 of the MRP was a nonworking number. Service had been discontinued on the listed phone number in October, 2014, just over 1 month prior to the violation. For several years, the phone number had been in service at a location where it was unmanned, but with an answering machine. During that time, Hiawatha had never received any calls from the Division or any other party attempting to reach someone within the company with the exception of sales solicitations. All contact from the Division and other government agencies has been by either email or cell phone contact to either myself, Elliot Finley or Dana Jenkins. At no time has there ever appeared to be a problem contacting Hiawatha by any party. When the phone number was disconnected due to no apparent need, an update to Chapter 1 was overlooked. However, Hiawatha feels it was a minor issue in the context of the operations that it did not arise to the level of a violation and could have easily been corrected as a permit deficiency. As is often the case, over the course of time conditions at a minesite can change, resulting in minor deficiencies that are normally handled through the midterm review process or as minor amendments. Hiawatha feels this condition was just such a deficiency that resulted in no harm whatsoever, and was easily corrected.

Citation N14148 was written for failure to maintain the mine identifications signs with the current address and phone number. The phone number was the same number at issue in Citation N14149 discussed above. Hiawatha references the previous discussion in regard to Citation N14148 as well. In addition, the address shown on the sign was a post office box which had been updated in Chapter 1 of the MRP and had not been used since July, 2008. Over a 6 ½ year period, the discrepancy was not noticed by any party. Hiawatha is not aware of any time in which the sign being wrong has affected the ability of any party to contact Hiawatha. As in the case with the phone number, Hiawatha feels that this was also a minor permit deficiency which could have easily been handled by a communication from the inspector who noticed the condition and allow the operator a chance to address it without the issuance of a violation. In regard to the proposed assessment, Hiawatha used diligence in having new signs constructed and installed to correct the deficiency within the

allotted abatement time, and Hiawatha feels that an amount of 10 good faith points in the assessment is constituted based on the abatement efforts and asks the Division to consider the assignment of good faith points in the event a finding is not made to vacate the violation.

Hiawatha requests that the fact of violations be reviewed and the Division make a finding to vacate the violations.

If you have any questions, please call me at (801) 857-0399.

Thank You,

A handwritten signature in black ink, appearing to read "Charles Reynolds". The signature is fluid and cursive, written over the printed name.

Charles Reynolds, PE  
Mine Manager