

# STATE OF UTAH

## DIVISION OF OIL, GAS AND MINING

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### PERMITTEE

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

PERMIT NUMBER C/007/0011  
DIVISION NUMBER DO-22A

### ORDER & FINDINGS OF PERMIT DEFICIENCY

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PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Hiawatha Coal Company (the Permittee) to make the requisite permit changes enumerated in the findings of Permit Deficiency to be in compliance with the State Coal Program. These findings are to be remedied in accordance with R645-303-220.

### **FINDINGS OF PERMIT DEFICIENCY**

Upon review of the current Hiawatha Complex Mining and Reclamation Plan (MRP), the Division of Oil, Gas and Mining (the Division) has determined that the information presented does not reflect conditions that have developed at the site and is therefore deficient. The Utah Admin. Code requires these conditions to be addressed in the MRP.

In June of 2012, the Seeley Fire severely impacted large swaths of land in the undisturbed watersheds that contribute stormwater runoff to the Hiawatha Mine. As a result, the watershed's response to precipitation events has caused significant increases to peak runoff volumes and sedimentation rates. These increased volumes have led to well documented instances of plugged bypass culverts which produce damaging effects to the mine site, the disturbed and undisturbed stormwater conveyance systems and raise the potential for off-site impacts. The effects of the Seeley Fire to the contributing undisturbed watershed characteristics of the site are not contemplated in the current MRP. Given the numerous documented observations and evidence compiled by Division staff and the Office of Surface Mining and Reclamation Enforcement (OSMRE), the current hydrologic designs of the undisturbed stormwater conveyance system in the MRP are inadequate and necessitate a revision to the narrative, designs, and drawings of

Chapter VII. It follows that components of the undisturbed stormwater conveyance system may need to be re-sized and replaced to meet the performance standards identified in the State of Utah R645 Rules (R645 Rules).

Additionally, in response to subsequent precipitation events and resulting sedimentation reporting to the Hiawatha Mine, impoundments and other disturbances have been constructed. The impoundments/disturbances are not contemplated or identified within the MRP. As they are in direct connection with the existing stormwater conveyance system for the mine site, they must be permitted to ensure they meet the performance standards of the R645 Rules and are adequately bonded for final reclamation.

R645-300-133.400 requires the Division to make an assessment and written findings of the *“probable cumulative impacts of all anticipated coal mining and reclamation operations on the hydrologic balance in the cumulative impact area and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.”*

The Division finds the current Hiawatha Mine MRP deficient per R645-301-520 through R645-301-540, R645-301-730 through R645-301-760, and R645-301-810 through R645-301-830.

Division Order DO-22A (DO-22A) is hereby attached as a special condition to the Hiawatha Mine’s State of Utah Coal Mining and Reclamation Permit (Permit Number C/007/0011).

### **ORDER**

Hiawatha Coal Company is hereby ordered to revise the Hiawatha Mine MRP in accordance with R645-303-220 and submit to the Division a complete and adequate application for permit change to address the findings of permit deficiency. The following amendment content considerations and allotted time frames must be adhered to:

- 1) Provide an amendment to the Hiawatha Mine MRP with updated peak runoff and soil loss calculations for all undisturbed watersheds (including those not currently contemplated in the MRP) that contribute stormwater runoff to the Hiawatha Mine site by no later than June 13th, 2022.
- 2) Based on the updated peak runoff and soil loss calculations, provide an amendment to the Hiawatha Mine MRP with updated designs, supporting calculations, supporting narrative, detailed drawings, and updated reclamation costs for any undisturbed watershed stormwater conveyance system component (i.e., diversion, impoundment) that no longer meets the R645 performance standards by no later than June 13th, 2022.

- 3) Provide an amendment to the Hiawatha Mine MRP with the designs, supporting calculations, supporting narrative, detailed drawings and reclamation costs for all impoundments and disturbances not identified in the MRP by no later than June 13th, 2022.
- 4) Complete construction, installation, earthwork, improvements etc. identified in Items 1-3 within one calendar year of receipt of final Division approval of the amendment.

Ordered this 2<sup>nd</sup> day of March 2022 by the Division of Oil, Gas and Mining.



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Dana Dean, Deputy Director  
Division of Oil, Gas and Mining