



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Kathleen Clarke  
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Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

April 27, 1999

TO: File

FROM: Paul Baker, Reclamation Biologist

A handwritten signature in black ink, appearing to read "P. Baker", written over the name "Paul Baker" in the "FROM:" field.

RE: Horizon Coal Company Air Quality Approval Order, Horizon Coal Company, Horizon Mine, ACT/007/020, Folder #2, Carbon County, Utah

Chapter 11 of the approved mining and reclamation plan for the Horizon Mine contains a copy of an Air Quality Approval Order issued May 23, 1991, to William Skaggs of Blue Blaze Coal Company. In 1996, Horizon Coal Company notified the Division of Air Quality it intended to construct the mine, and it requested approval to increase production to 700,000 tons of coal per year. In 1997, Horizon notified Air Quality of a name change to Horizon Mining, LLC.

On April 15, 1999, Air Quality revoked the approval order because, according to its records, the facility had never been constructed. Subsequently, Horizon requested the approval order be reinstated since Horizon had filed papers to change the name associated with the approval order and because the mine was constructed. On April 29, 1999, the approval order was reinstated.

The approval order contains several requirements including a requirement in Section 5C that no more than 2,000 tons of coal be in the main storage pile. No other allowance is given for coal storage, and Air Quality has no record of any request from Horizon to amend the approval order to allow more coal storage.



State of Utah  
DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH

BAQE-336-91

Ernest H. Bangertter  
Governor  
William R. Skaggs, M.D., M.P.H.  
Executive Director  
Kenneth L. Alkema  
Director

Bureau of Air Quality  
1950 West North Temple  
P.O. Box 16690  
Salt Lake City, Utah 84116-0690  
(801) 536-4000  
(801) 536-4099 FAX

May 23, 1991

William R. Skaggs  
Blue Blaze Coal Company  
P. O. Box 784  
Price, Utah 84501

INCORPORATED  
EFFECTIVE:

JUL 11 1997

UTAH DIVISION OIL, GAS AND MINING

Re: Approval Order for Underground Coal Mine, ~~Gordon Creek Canyon~~  
Carbon County, CDS B

Dear Mr. Skaggs:

The above-referenced project has been evaluated and found to be consistent with the requirements of the Utah Air Conservation Rules (UACR) and the Utah Air Conservation Act. A 30-day public comment period was held and all comments received were evaluated. The conditions of this approval order reflect any changes to the proposed conditions which resulted from the evaluation of the comments received. This air quality approval order authorizes the project with the following conditions and failure to comply with any of the conditions may constitute a violation of this order:

1. Blue Blaze Coal Company, located at Gordon Creek Canyon in Carbon County, shall operate the coal mine and storage facility according to the information submitted in the notice of intent dated March 1, 1990. A copy of this approval order shall be posted on site and shall be available to the operator. The operator shall receive instruction as to his/her responsibilities in operating the mine in compliance with the appropriate conditions.
2. The approved installation shall consist of the following:
  - A. Covered conveyors (3)
  - B. Crusher station
  - C. Temporary coal pile
  - D. Under-pile reclaim system
  - E. Truck loadout with lowering chute
  - F. Front-end Loader
  - G. Haul road
3. This approval order shall modify the approval order dated March 3, 1981, for the C & W No.1 mine surface support and storage activities.
4. Visible emissions from the following emission points shall not exceed the following values:
  - A. All conveyor transfer points - 10% opacity
  - B. Crushers - 15% opacity
  - C. Conveyor drop points and stacking tube - 20% opacity

Ham R. Skaggs

21, 1991

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- D. Haul road and front-end loader operation - 20% opacity
- E. All diesel engines - 20% opacity
- F. All other points - 20% opacity

Opacity observations of emissions from stationary sources shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9.

5. The following production/stockpile activity limits shall not be exceeded without prior approval in accordance with Section 3.1, UACR:

- A. 220,000 tons storage pile throughput per 12 month period
- B. 220,000 tons of coal mined per 12 month period
- C. 2,000 tons capacity in main storage pile

Compliance with the annual limitations shall be determined on a rolling 12 month total. On the first day of each month a new 12-month total shall be calculated using the previous 12 months. Records of production shall be kept for all periods when the mine is in operation. Records of production shall be made available to the Executive Secretary or his representative upon request, and shall include a period of two years ending with the date of the request. Production shall be determined by plant operating records. The records shall be kept on a daily basis.

6. All unpaved roads and other unpaved operational areas shall be water sprayed and/or chemically treated as dry conditions warrant or as determined necessary by the Executive Secretary to the extent necessary to prevent, as far as practicable, the generation of fugitive dusts. Records of treatment shall be made available to the Executive Secretary or his representative upon request and shall include a period of two years prior to the date of request. If chemical application is to be used the plan must be approved by the Executive Secretary. Any section of paved road under the owner/operator's jurisdiction shall be periodically swept or sprayed clean as dry conditions warrant or as determined necessary by the Executive Secretary. Records of cleaning of paved road shall be made available to the Executive Secretary or his representative upon request and shall include a period of two years prior to the date of request. All records shall include the following items:

- A. Date
- B. Number and type of treatments made
- C. Rainfall received, if any, and approximate amount
- D. Time of day treatments were made.

7. All conveyors for the system shall be equipped with covers.
8. The crusher shall be enclosed and equipped with a water spray to control emissions.
9. All installations and facilities authorized by this approval order shall be adequately and properly maintained.
10. The Executive Secretary shall be notified in writing upon start-up of the installation, as an initial compliance inspection is

William R. Skaggs  
May 21, 1991  
Page 3

required.

Any future modifications to the equipment, or increases in production rates approved by this order must be approved in accordance with Section 3.1.1, UACR. Also, if a future new mine on the same property is proposed, approval in accordance with Section 3.1.1, UACR, has to be attained.

This approval order in no way releases the owner or operator from any liability for compliance with all other applicable federal, state, and local regulations including the Utah Air Conservation Rules.

The annual emissions for this source are currently calculated at 18.4 tons/yr for particulate and 4.3 tons/yr for PM<sub>10</sub>.

These calculations are for the purposes of determining the applicability of PSD and nonattainment area major source requirements of the UACR. They are not to be used for purposes of determining compliance.

Sincerely,



F. Burnell Cordner, Executive Secretary  
Utah Air Conservation Committee

FBC:TB:cw

cc: EPA Region VIII, Mike Owens  
Southeastern Utah District Health Department

file

LAW OFFICES OF  
VAN COTT, BAGLEY, CORNWALL & MCCARTHY  
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SALT LAKE CITY, UTAH 84144-0450  
TELEPHONE (801) 532-3333  
FACSIMILE (801) 534-0058

CONFIDENTIAL

DENISE A. DRAGOO

ADDRESS ALL CORRESPONDENCE TO  
POST OFFICE BOX 45340  
84145-0340

DIRECT DIAL: (801) 237-0465  
E-Mail: ddragoo@vancott.com

September 10, 1997

Mr. Tim Blanchard, Environmental Engineer  
Division of Air Quality  
Department of Environmental Quality  
P.O. Box 144820  
Salt Lake City, Utah 84144-4820

**RE: HORIZON COAL CORPORATION—AIR QUALITY APPROVAL  
ORDER BAQE-336-1**

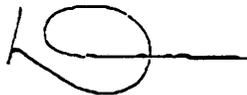
Dear Mr. Blanchard:

On behalf of Horizon Coal Corporation ("Horizon") we hereby inform you that effective August 29, 1997, Horizon has transferred and assigned its Air Quality Approval Order BAQE-336-1 to Horizon Mining, LLC ("Horizon Mining"). Horizon Mining has now accepted full responsibility for compliance with the terms of this permit.

Attached is an "Approval Order Name Change Form" providing information on the name change for the permit. As you will note, the mailing address and contact for the mine have not changed.

Please contact me if you have further questions. Thank you for your attention to this matter.

Very truly yours,



Denise A. Dragoo

DAD:jmc:137925

Enclosure

cc: Scott Kiscaden  
Todd Kiscaden  
Larry Jones  
Mike Gipson

**APPROVAL ORDER NAME CHANGE  
FORM - 1c**



Existing Approval Order date(s) and DAQE number(s)

Specify equipment, process, facility, and/or site which the AO name change affects

All assets of the Horizon Coal Mine

Previous company name Horizon Coal Corporation

Previous contact name Larry Jones, Mine Manager

New company name Horizon Mining, L.L.C.

New contact name Larry Jones, Mine Manager

New mailing address 12530 Consumer's Road  
P.O. Box 599

city, state, zip Helper, UT 84526

Site address (if different than above) (Same)

city, state, zip

The Owner/Operator currently named in the above referenced AO(s) hereby requests the company name be changed.

Previous Company:  
Horizon Coal Corporation

Company Representative  
*Donnie C. Hays* Attorney in fact 9/10/97  
Signature Date

The new company listed above accepts full responsibility and liability for compliance with the conditions of the Approval Order(s).

New Company:  
Horizon Mining, L.L.C.

Company Representative  
*Larry A. Jones* 9/10/97  
Signature Date



DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR QUALITY

FILE COPY

Michael O. Leavitt  
Governor

Dianne R. Nielson, Ph.D.  
Executive Director

Ursula K. Trueman, P.E.  
Director

150 North 1950 West  
P.O. Box 144820  
Salt Lake City, Utah 84114-4820  
(801) 536-4000 Voice  
(801) 536-4099 Fax  
(801) 536-4414 T.D.D.

April 15, 1999

DAQC-439-99

William R. Skaggs  
Blue Blaze Coal Company  
P.O. Box 784  
Price, Utah 84501

Horizon Coal Corporation  
12530 West Consumer Road  
Helper, Utah 84526

Dear Sirs:

Re: **Blue Blaze Coal Company**, Approval Order Dated May 23, 1991 For the Gordon Creek Canyon Underground Coal Mine, Carbon County

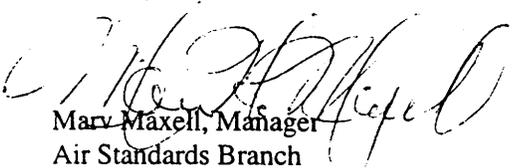
The Division of Air Quality (DAQ) has contacted Blue Blaze Coal Company and Horizon Coal Corporation concerning the coal hauling and processing facility approved in the May 23, 1991 Approval Order (AO).

The DAQ's records indicate that this facility has never been constructed and/or Operational. Horizon Coal Corporation has confirmed that there is no processing equipment located at this site.

The Approval Order dated May 23, 1991 is revoked as of the date of this letter and any future operation of equipment at this site will require the company to submit a new Notice of Intent (NOI) and receive a new Approval Order.

Thank you for your cooperation in this matter. If you have any questions, please contact Jay Morris at (801) 536-4079.

Sincerely,

  
Mary Maxell, Manager  
Air Standards Branch  
Utah Division of Air Quality

MHM:JPM:vmn

cc: Southeastern Utah District Health Department  
EPA Region VIII, Lee Hanley

**Snell & Wilmer**  
LLP  
LAW OFFICES

111 East Broadway, Suite 900  
Salt Lake City, Utah 84111  
(801) 237-1900  
Fax: (801) 237-1950

Denise A. Drago (801) 237-1998  
Internet: ddrago@swlaw.com

SALT LAKE CITY, UTAH

PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

April 21, 1999

*Via Facsimile: 536-4099 & U.S. Mail*

Mr. Jay Morris  
Division of Air Quality  
Department of Environmental Quality  
150 North 1950 West  
Salt Lake City, Utah 84116

*RE: Air Quality Approval Order BAQE-336-1*

Dear Mr. Morris:

On behalf of Horizon Mining, LLC ("Horizon"), we respectfully request reinstatement of Horizon's Air Quality Approval Order BAQE-336-1 ("Approval Order"). This Approval Order is currently being used at the Horizon Mine, which is an active coal mining operation. Our records indicate that the Approval Order was issued to William R. Skaggs of Blue Blaze Coal Company on May 23, 1991. The Approval Order was assigned pursuant to a letter dated March 27, 1995, from Blue Blaze Coal Company and Mr. Skaggs to Richard Gilliam, President of Horizon Coal Corporation. By letter dated April 10, 1996, enclosed, Horizon Coal Corporation notified Mr. Russell A. Roberts, Director, Utah Division of Air Quality, of its intent to construct and operate the Horizon No. 1 Coal Mine. By letter dated September 10, 1997, enclosed, Horizon Coal Corporation notified Mr. Tim Blanchard, Environmental Engineer for the Division of Air Quality, that effective August 29, 1997, Horizon Coal Corporation assigned the Approval Order to Horizon. This letter was accompanied by a fully executed DEQ form 1c, "Approval Order Name Change" identifying Larry Jones, Mine Manager, as the contact for the Mine and providing the mailing address of the Horizon Mine. Mr. Jones can be contacted by telephone at (435) 472-3994 or by facsimile at (435) 472-3980. If you have difficulty reaching the Mine Manager, please feel free to contact me at the above address as registered agent for Horizon Mining, LLC.



DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF AIR QUALITY

FILE COPY

Previously Blue Blaz  
Coal Co.

Michael O. Leavitt  
Governor  
Dianne R. Nielson, Ph.D.  
Executive Director  
Ursula K. Trueman, P.E.  
Director

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April 27, 1999

DAQC-537-99

Ms. Denise A. Drago  
Snell & Wilmer Law Offices  
111 East Broadway, Suite 900  
Salt Lake City, Utah 84111

Mr. Larry Jones, Mine Manager  
Horizon Mining L.L.C.  
12530 Consumer's Road  
P.O. Box 599  
Helper, Utah 84526

Dear Ms. Drago and Mr. Jones:

Re: **Horizon Mining**, Response Letter Dated April 21, 1999, Approval Order Dated May 23, 1991, Carbon County

The Division of Air Quality (DAQ) has received a letter dated April 21, 1999 from Denise A. Drago, a registered agent for Horizon Mining LLC. This letter was in response to the April 15, 1999 letter from the DAQ which revoked the Approval Order (AO) dated May 23, 1991.

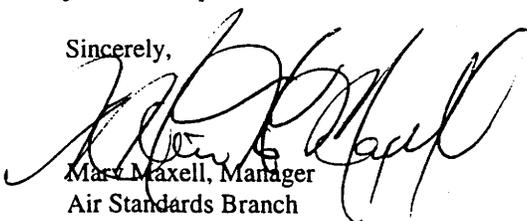
During March 30, 1999 telephone conversations with Mrs. Margaret Skaggs and Mr. George Snyder, the DAQ concluded that this site had never been constructed. In the April 21, 1999 letter from Ms. Drago, Horizon Mining Confirmed that the site has been constructed and is currently operational. The letter also stated that the mine continues to operate as described in the AO dated May 23, 1991.

This letter serves to notify Horizon Mining LLC that the Approval Order dated May 23, 1991 is reinstated. The DAQ apologizes for the misunderstanding and appreciates your cooperation in this matter.

Attached to the April 21, 1999 letter was a Notice of Intent (NOI) to construct this facility with a request to increase the production rate in AO condition 7-B from 220,000 tons of coal to 700,000 tons of coal mined per 12 month period. This notice is dated April 10, 1996. A modified AO was never issued reflecting this increase and the 220,000 tons of coal mined is still the limit. If Horizon Mining LLC would like to increase this limit, an NOI should be submitted and a new AO should be issued.

If you have additional questions, please contact Jay Morris at (801) 536-4079 or by E-mail at [jmorris@deq.state.ut.us](mailto:jmorris@deq.state.ut.us).

Sincerely,

  
Mary Maxell, Manager  
Air Standards Branch  
Utah Division of Air Quality

MHM:JPM:vmn

cc: Southeastern Utah District Health Department  
Carol Smith, EPA Region VIII