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Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

July 5, 1989

CERTIFIED RETURN RECEIPT
P 075 063 169

Mr. Robert Hagen, Director
Albuquerque Field Office
Office of Surface Mining
Reclamation & Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN #X-89-02-107-4, Soldier Creek Coal Company, Banning Siding Loadout,
ACT/007/034, Folder No. 5, Emery County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division's offices on June 23, 1989.

1. Number 1 of 2 reads: Failure to maintain records in accordance with the requirements of the regulations. --NPDES Permit Modification for sediment pond.

Response: Although not readily available during the oversight inspection, the NPDES permit modification in question was indeed at the mine site. The approval for outfall 002 was located shortly after the inspection and a copy made available to the division. A copy of the approval as well as the modification request for the approval is enclosed.

It should also be noted that the approval for the sediment pond 002 outfall had been viewed during previous inspections. (See July 20, 1988 inspection report).

Inasmuch as the NPDES permit modification has been located and is available at the mine site it is recommended that this TDN be withdrawn.

Page 2
Robert Hagen
TDN #X-89-02-107-4
ACT/007/034
July 5, 1989

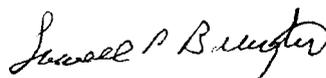
2. Number 2 of 2 reads: "Failure to obtain a valid permit prior to engaging in or carrying out underground coal mining activities. The revegetation test plot, the east, north and northwest side of the loadout pad/coal outside the disturbed/permit area."

Response: On July 3, 1989 the operator submitted sufficient information to the division to allow processing of an Incidental Boundary Change (IBC) to the MRP for the area covering the revegetation test plots. We will factor this IBC into the workload of the review team and advise you when this permit change has been approved.

Secondly, with regard to the coal outside the permit boundary, the Division does not contest the fact that there are coal fines outside the permit boundary. I believe these fines are windblown, and am in the process of having the regulatory basis for your TDN researched by Division Staff. The Division is looking at the regulations dealing with fugitive dust in this regard. Should there be a regulatory basis for incorporating eolian coal deposits into the permit, the Division will take appropriate action upon that determination. Should your staff feel these fines are not eolian deposits, please advise me. In the meantime, please consider this part of number 2 of 2 an interim response.

I discussed the above with Steve Rathburn on July 3, 1989, and advised him we would mail this response on July 5, 1989.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

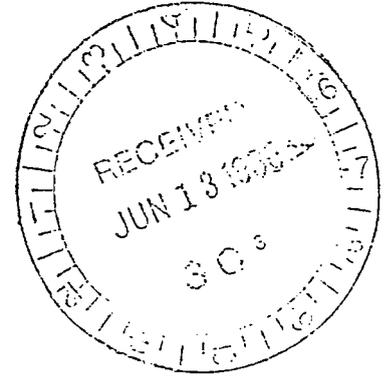
jb
Enclosure
cc: S.Linner
D. Hadock
J. Helfrich
T. Paluso (Soldier Creek Coal Co.)
MI69/10-11



DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

Norman H. Bangertter
Governor
Suzanne Dandoy, M.D., M.P.H.
Executive Director
Kenneth L. Alkema
Director

Bureau of Water Pollution Control
288 North 1460 West, P.O. Box 16690
Salt Lake City, Utah 84116-0690
(801) 538-6146



June 9, 1988

Mr. C. P. Allen, Mine Engineer
Soldier Creek Coal Company
P. O. Box 1
Price, Utah 84501

RE: UPDES Permit No. UT0023817

Dear Mr. Allen:

In your letter dated May 10, 1988, you requested that the above referenced permit be amended to include a new discharge point, 002. A revised area map was included with your letter and the new 002 discharge location was indicated on that map. Pursuant to Part III.A.1. of your permit, you are hereby authorized to discharge from the new Outfall 002 location subject to the limitations contained in Part I.A.1. of your permit. If you have any questions in regards to this matter, please contact Mary Koltenuk at 538-6146.

Please be advised that if you plan on constructing or modifying any wastewater treatment facilities at your site, you must first obtain a construction permit from our Bureau. Contact Dave Ariotti, District Engineer, at 637-3671 for more information on the necessary plans and specifications that must be submitted to obtain this permit.

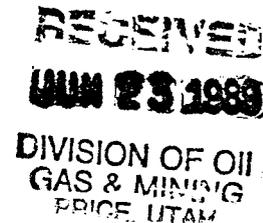
Sincerely,

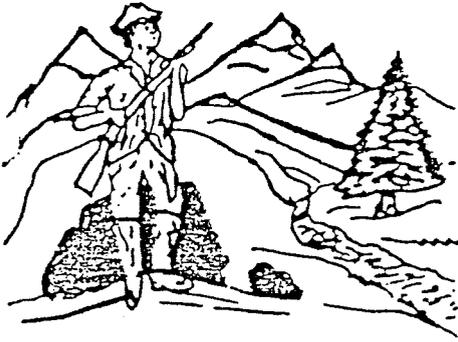
Donald A. Hilden, Ph.D, Chief
Industrial Permits and Compliance Section
Bureau of Water Pollution Control

MK:st

cc: Dave Ariotti, Southeastern District Health Department
US EPA, Region VIII

1404-4





SOLDIER CREEK COAL CO.

Telephone (801) 637-6360

P.O. Box 1
Price, Utah 84501 *

May 10, 1988

Mr. Michael D. Herkimer
Bureau of Water Pollution Control
288 North 1460 West
P.O. Box 16690
Salt Lake City, UT 84116-0690

RE: NPDES Permit
UT-0023817

Dear Mr. Herkimer:

Soldier Creek Coal Company is planning to upgrade the existing facilities at Banning Loadout and because of this we are requesting a second discharge point source. Drawing A 151 is a section of the U.S.G.S. 7.5 minute quadrangle, Sunnyside Junction, depicting the approximate locations of the two point sources, 001 and 002. Point source 001 is the direct discharge point into an unnamed wash and point source 002 is the outfall from a sediment control facility into an unnamed wash, both tributaries to Grassy Trail Creek.

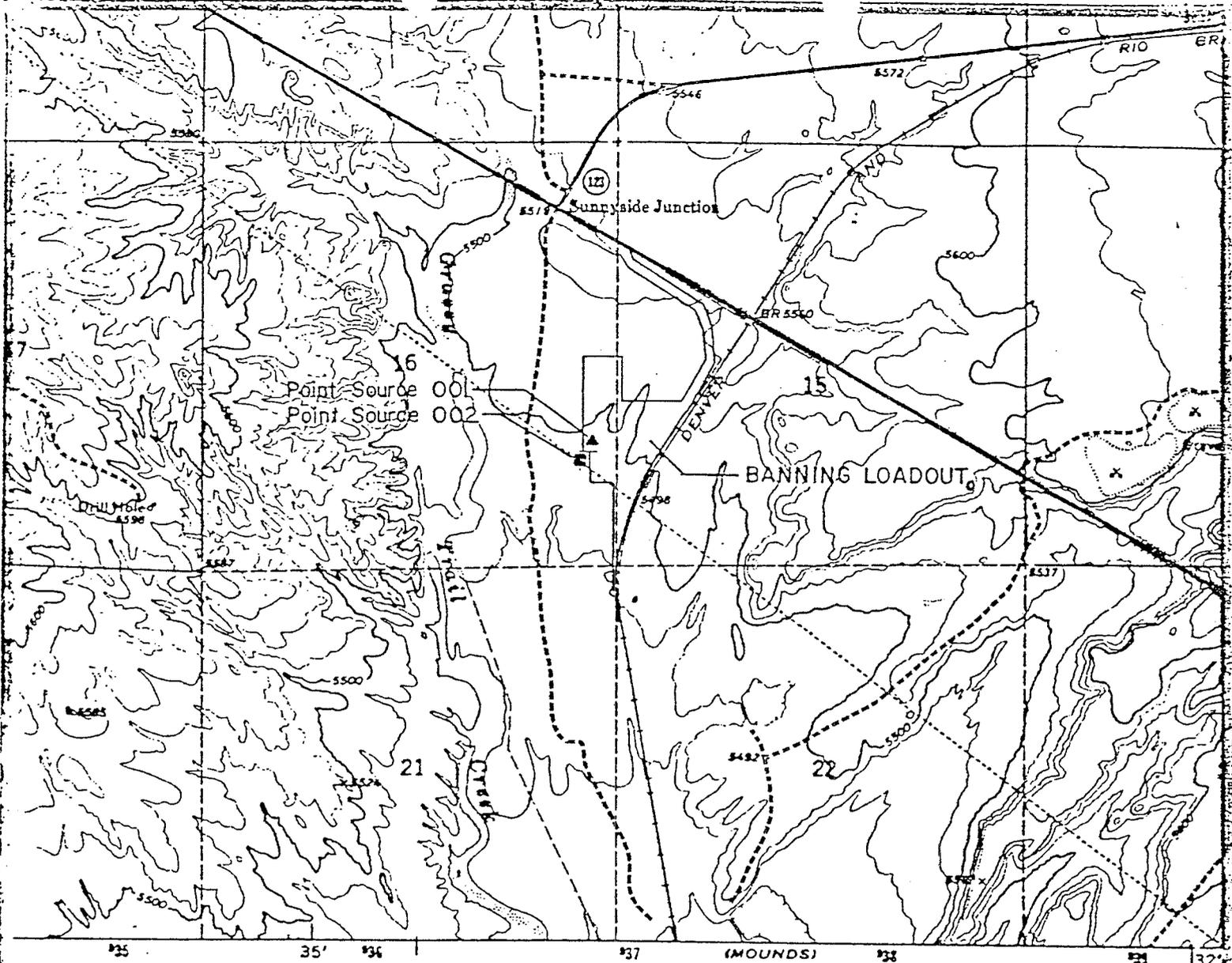
There are no planned discharges from point source 002 except at times of exceptionally high runoff when storage capacity of the facility is critically needed to maintain runoff control at Banning Loadout. Compliance with our existing effluent limitations, monitoring requirements and other conditions set forth in Parts I, II and III of our NPDES permit will be maintained for both point sources.

If you have any questions regarding this request, please contact me.

Sincerely,

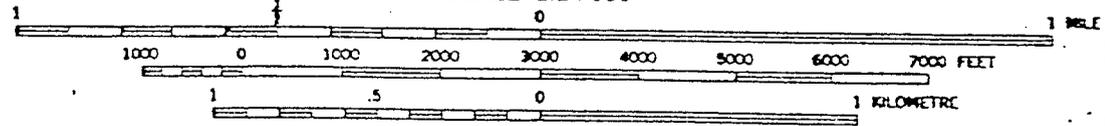
C.P. Allen
Mine Engineer

CPA/lss
Enclosures

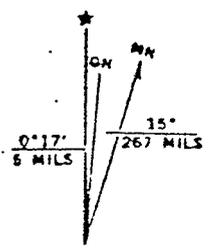


35 35' 36 (MOUNDS) 3862 1 NE 38 39 132'

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

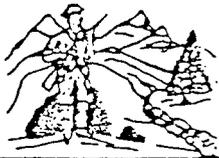


UTM GRID AND 1972 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

RECEIVED
JUN 30 1988

REVISIONS

NO.	DATE	BY
1		
2		
3		



Soldier Creek Coal Company

SOLDIER CANYON MINE

SCALE: Shown

TITLE: Banning Loadout NPDES Point Source Locations

DRAWING NO. A 151

DRAWN BY: cPa DATE: 5-10-88

CHECKED: DATE: APPROVED: DATE: