

**State of Utah****Department of  
Natural Resources**

MICHAEL R. STYLER  
*Executive Director*

**Division of  
Oil, Gas & Mining**

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

January 31, 2007

Erwin Sass, General Manager  
Canyon Fuel Company, LLC  
P.O. Box 1029  
Wellington, Utah 84542

Subject: 2006 Midterm Permit Review, Canyon Fuel Company, LLC, Banning  
Loadout, C/007/0034, Task ID #2619

Dear Mr. Sass:

The Division reviewed the Banning Loadout Mining and Reclamation Plan (MRP) as part of the midterm review.

The Division has determined that there are some deficiencies that must be addressed as part of the midterm review in order for the MRP to comply with the R645 Coal Mining Rules. Those deficiencies are listed as an attachment to this letter.

Each deficiency identifies its author by that author's initials in parentheses, such that your staff can directly communicate with that individual should any questions arise relative to the preparation of Canyon Fuel Company's response to that particular deficiency. If you have any questions please call me at (801) 538-5286 or Wayne Western (team lead) at (801) 538-5263.

Sincerely,

D. Wayne Hedberg  
Permit Supervisor

an  
attachment  
O:\007034.BAN\FINAL\WG2619\Deficiencies2619.doc

**Deficiency List**  
**Task ID #2619**  
**Midterm Review**

The members of the review team include the following individuals:

Karl Houskeeper [krh]  
Steve Fluke [smf]  
Wayne Western [whw]

**R645-301-526**, The narrative contained in section R645-301-526.110 of the mining and reclamation plan shall be updated to reflect the current status of the facilities, including updating Table 5-1 to show the dates that each structure was removed under the "Present Condition" column. [krh]

**R645-301-526**, Exhibit 5-2 Surface Facilities map shall be updated to show the existing structures at this facility. Any structures that are not at this location need to be removed from the map. [krh]

**R645-301-731.520, -751**, The current UPDES permit needs to replace the expired UPDES permit in Appendix 7-4 of the MRP. [smf]

**R645-301-742.332, -742.310**, The 24-inch culvert that replaces a 100-foot length of diversion channel needs design criteria and calculations presented in the MRP. Or, if the culvert was not constructed, Exhibit 7-1 should be updated. [smf]

**R645-301-742.330**, The watershed map on page 4 of Appendix 5-3 should be updated to show the extent of watersheds 1, 2 and 3. [smf]

**R645-301-742.100**, The text in Section R645-301-742.100 and/or Plate 7-1 should be updated to accurately describe the area contained within ASCA 1. Runoff calculations for ASCA 1 should be presented in Appendix 7-9, as they are for the other four ASCAs. [smf]

**R645-301-742.240**, Small Area Exemption #1 associated with runoff from the substation area should be removed from the MRP and Exhibit 7-1 should be updated to show the current site layout that includes the removal of the substation area from the permit area. [smf]

**R645-301-830.110, R645-301-830.120 and R645-301-830.300**, The Permittee must include the Division's revised reclamation cost estimate in the MRP. The Division will provide the Permittee with a copy of the revised reclamation cost estimate in either electronic or hard copy. [whw]