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Canyon Fuel Company, LLC
Soldier Canyon Mine
P.O. Box 1029
Wellington, Utah 84542
(435) 637-6360 Fax: (435) 637-0108

March 27, 2003

Mr. Pete Hess
Utah Coal Regulatory Program
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

J. Payne
C/007/039
FAX PFD

RE: Refuse Pile Pond Inspection, Dugout Canyon Mine, C/007/039, Canyon Fuel Company, LLC

Dear Mr. Hess,

Per your request and in accordance with R645-301-514.200 and 300, enclosed is a inspection of the Refuse Pile sediment pond during construction. I have also included a copy of an internal memo from Ken Payne the Construction Manager to myself, concerning the status of the construction at the Refuse Pile site.

Should you have any questions or require any additional information, I can be contacted at (435) 636-2869.

Sincerely yours,

Vicky S. Miller

enclosures

cc: Ken Payne
Dave Spillman
Central Files

RECEIVED

MAR 27 2003

DIV. OF OIL, GAS & MINING

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		Page 1 of 2	
Permit Number	ACT/007/039	Report Date	3/26/03
Mine Name	Dugout Canyon Mine		
Company Name	Canyon Fuel Company, LLC		
Impoundment Identification	Impoundment Name	Refuse Pile Sedimentation Pond	
	Impoundment Number	None	
	UPDES Permit Number	UTG040020	
	MSHA ID Number	Impoundment - None (Refuse Pile 1211-UT-09-01890-01)	
IMPOUNDMENT INSPECTION			
Inspection Date	3/13/03		
Inspected By	Dave Spillman		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Regular Inspection During Construction		
<p>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</p> <p><i>Construction activities to date, have involved the salvaging of all available topsoil and subsoil as directed by an on-site professional soil scientist. Salvaging of this soil has resulted in the preliminary shaping of the incised sedimentation pond as proposed. To date, this construction has been completed in accordance with the approved plan. There were no signs instability, structural weakness or other hazardous conditions that may affect the ultimate completion of the pond as designed.</i></p>			
Required for an impoundment which functions as a SEDIMENTATION POND.	<p>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</p> <p><i>Sediment Storage Capacity (as designed) - 100% = 0.78 acre-feet @ an elevation of 5,895.9 feet</i> <i>- 60% = 0.47 acre-feet @ an elevation of 5,894.7 feet</i></p>		
	<p>3. Principle and emergency spillway elevations.</p> <p><i>Emergency Spillway Elevation (as designed) - 5,902 feet</i></p>		
<p>4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outsoles of embankments, etc.</p>			

5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.

It is recommended that a complete survey of the pond area be conducted prior to resuming construction activities on the sedimentation pond.

Qualification Statement

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

Signature: _____ Date: _____

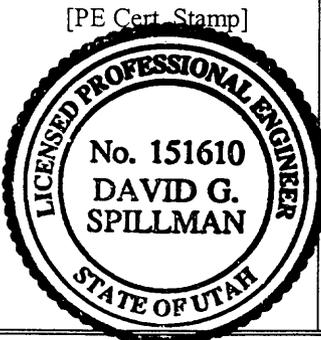
CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO
1. Is impoundment designed and constructed in accordance with the approved plan?	N/A	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	N/A	

COMMENTS AND OTHER INFORMATION

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: David G. Spillman, Technical Services Manager
(Full Name and Title)

Signature: David G. Spillman Date: 3/26/03

P.E. Number & State: No. 151610, State of Utah



Date: March 26, 2003

To: Vicky Miller

From: Ken Payne 

Subject: Dugout Mine Refuse Storage Site Construction Status

The topsoil and subsoil was stripped from the disturbed area and stockpiled in separate piles at the site. A temporary berm was constructed around both the topsoil and subsoil piles to contain any runoff that may occur before the permanent berms are completed. During the topsoil and subsoil removal a contracted soils scientist and myself was on site. The soils scientist was Dan Larson employed by EIS Environmental Services, Helper, UT. Dan will compile a report in the next few days relating to the soil removal. The access road to the refuse site has been constructed and graveled. A berm and drainage ditch DD-5 have been constructed along the access road. The temporary berm that runs diagonally across the site to prevent any sheet drainage from flowing into the first refuse storage cell has been constructed. The DD-3 and DD-4 drainage ditches have been constructed that report to the sediment pond. Bruce Ware a Registered Surveyor surveyed the sediment pond. I understand that Dave Spillman is compiling a report on the sediment pond survey from the data from Bruce Ware. The site has been surveyed and staked for the fence and spillway. The requests for quotes to install the fence around the site have been sent to three (3) fence contractors. A temporary cable gate has been installed to secure the site until the permanent fence and gate can be constructed. The filter fabric for the spillway is onsite. The riprap for the spillway and energy dissipater is stockpiled at the site. The remaining berms and drainage controls are being constructed. I understand that we plan to roughen and hydro seed the disturbed areas adjacent to the access road and soil storage piles at the same time we hydro seed the storage piles and berms.

cc: R. Olsen
D. Spillman