

**From:** "Harada, Garin" <GHarada@archcoal.com>  
**To:** "Mike Herkimer (E-mail)" <mherkimer@utah.gov>, "Pete Hess (E-mail)" <petehess@utah.gov>  
**Date:** 3/17/04 2:32PM  
**Subject:** Written Notification of a Failure to Comply

Attached is a Written Notification of a Failure to Comply for the Dugout Canyon Mine's UPDES Discharge No. 001A for the month of March 2004.

Hard copies will also follow this e-mail.

If you have any questions or concerns please contact me at 435-636-2873.

Sincerely,  
Garin B. Harada

<<Failure.doc>>

\*\*\*\*\* Email Disclaimer \*\*\*\*\*

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**CC:** "Hansen, Chris" <CHansen@archcoal.com>, "Miller, Vicky" <VMiller@archcoal.com>, "Spillman, David" <DSpillman@archcoal.com>

**Canyon Fuel Company, LLC**

Dugout Canyon Mine  
P.O. Box 1029  
Wellington, Utah 84542  
Phone: (435) 637-6360  
Fax: (435) 636-2897

March 16, 2004

Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
Salt Lake City, UT 84114-4870

Re: Written Notification of a Failure to Comply  
UPDES Permit No. UTG040020 – Dugout Canyon Mine

Dear Mr. Ostler:

Canyon Fuel Company, LLC, Dugout Canyon Mine is providing the required written notification of a failure to comply with the daily maximum of 1.0 mg/l of total iron according to UPDES Discharge Permit UTG-040020, Part II, Section D, Subpart 1 and the Utah Mining Rules R645-301-731.223. The failure occurred at Discharge No. 001A, Mine Discharge and the result was 1.39mg/l total iron.

This exceedance of the Dugout Canyon Mine's UPDES Permit is due to the pumping of the water from the old Knight Mine Workings in the Gilson Seam. The mine is required by the Mine Safety and Health Administration (MSHA) to maintain a safe level of impounded water in the old workings as a safety precaution to protect personnel in the active Dugout works. The mine had to pump this water from the old Knight Mine Workings in March at a rate necessary to continue operation of the mine in a safe manner and the total iron from this water was higher than expected resulting in this non-compliance.

If you have any questions or require further information, please contact me at (435) 636-2873 or Dave Spillman at (435) 636-2872.

Sincerely,

Garin B. Harada  
Mine Engineer

cc: Vicky Miller, CFC  
Dave Spillman, CFC  
Chris Hansen, CFC  
Mike Herkimer, DEQ  
Pete Hess, UDOGM