

From: "Harada, Garin" <GHarada@archcoal.com>
To: "Mike Herkimer (E-mail)" <mherkimer@utah.gov>, "Pete Hess (E-mail)" <petehess@utah.gov>
Date: 4/30/04 9:30AM
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 April 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 2000 lbs/day of total dissolved solids 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.

This exceedance of the Dugout Canyon Mine's UPDES Permit is due to discharging water at a rate necessary to continue operation of the mine. The mine is also required by the Mine Safety and Health Administration (MSHA) to maintain safe levels of impounded water in old working as a safety precaution to protect personnel in the active Dugout works. The increase in discharge rates has caused the mine fail to comply with its current permit limitations.

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