

**From:** "Harada, Garin" <GHarada@archcoal.com>  
**To:** "Mike Herkimer (E-mail)" <mherkimer@utah.gov>, "Pete Hess (E-mail)" <petehess@utah.gov>  
**Date:** 6/30/2004 8:21:51 AM  
**Subject:** RE: 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 June 2004. The mine has just received the results of the water samples from the lab.

Hard copies of this failure to comply letter will also follow this e-mail.

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

Sincerely,  
Garin B. Harada

<<0406-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

June 30, 2004

Mr. Walt Baker, Acting Director  
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. Baker:

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 for the month of June 2004.

The failure to comply with Dugout Canyon Mine's UPDES Permit is due to discharging water at a rate necessary to continue operation of the mine. The estimated daily maximum of Total Dissolved Solids for the month of June is approximately 3.98 tons/day. 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 to 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