



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

March 22, 1991

CERTIFIED RETURN RECEIPT REQUESTED
P 755 090 787

Mr. Robert Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
Suite 310, Silver Square
625 Silver Avenue, S. W.
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: TDN #X91-02-244-004 TV1, Consolidation Coal Company, Emery
Deep Mine, ACT/015/015, Folder #5, Emery County, Utah

This letter is in response to the above-referenced Ten-Day Notice, certified copy received March 18, 1991.

Number 1 of 1 reads: "Failure to provide adequate design, construction, and maintenance plans to ensure compliance with R614-301-700-742 through 742.125. Sedimentation Control Exemption for small areas 1-10 pages 189-190 of the permit.

Division Response: Small area exemptions in the case of the Emery Deep Mine refer to areas exempt from reporting to a sedimentation pond rather than areas exempt from sedimentation control. Sedimentation control is provided by other means. A better term might be "alternate sediment control areas". The sediment control measures, such as silt fences, straw bales, vegetative filter, etc., are approved as the best technology currently available for treating areas not reporting to a sedimentation pond.

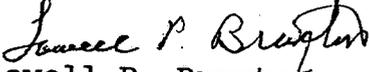
The approval to implement containment berms, riprap, and silt fences at this mine site is an acknowledgement of the functionality of these designs by professional hydrologists. In other words, they constitute a best management practice or the application of best technology currently available as an

Page 2
TDN #X91-02-244-004 TV1
March 22, 1991

alternative to a sedimentation pond. Furthermore, the alternate sediment control in place provide compliance with performance standards. OSM has inspected this site on previous occasions, and has never questioned the lack of design in the permit.

The Division feels the issues raised in the Ten-Day Notice are not performance related but permitting related and as such might better be characterized with a Ten-Day Letter rather than a Ten-Day Notice. Regardless, it is felt that the issues raised have been adequately addressed.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

cc: Daron R. Haddock
Joe Helfrich
Stephen Demczak
EMERTDN.LET

**UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS**



PENALTY FOR PRIVATE
USE. \$300

SENDER INSTRUCTIONS
Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN TO

Print Sender's name, address, and ZIP Code in the space below.

STATE OF UTAH
NATURAL RESOURCES
OIL, GAS, & MINING
3 TRIAD CENTER, SUITE 330
SALT LAKE CITY, UTAH 84180-1203

MBM DOGM FLDR #5 TDN #X91-02-244-004 TV1

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

<p>3: Article Addressed to:</p> <p>ROBERT HAGEN DIRECTOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT SUITE 310 SILVER SQUARE 625 SILVER AVENUE S W ALBUQUERQUE NM 87102</p>	<p>4. Article Number P 755 090 787</p> <p>Type of Service:</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified Mail <input type="checkbox"/> COD <input type="checkbox"/> Express Mail</p> <p>Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.</p>
<p>5. Signature - Addressee X <i>Michelle Craig</i> 4/2/91</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p>
<p>6. Signature - Agent X</p>	
<p>7. Date of Delivery 4-4-91</p>	