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**To:** "Henry Austin" <HAustin@osmre.gov>, "Pam Grubaugh-Littig" <PAMGRUBAUGHLITTIG@utah.gov>, "Wayne Western" <WAYNEWESTERN@utah.gov>, "Jim Smith" <JIMDSMITH@utah.gov>, "David Darby" <davedarby@utah.gov>, "Wayne Hedberg" <WAYNEHEDBERG@utah.gov>, "Steve Christensen" <STEVECHRISTENSEN@utah.gov>  
**Date:** 2/1/2007 7:07:02 AM  
**Subject:** RE: Des-Bee-Dove Mine / Phase I bond release state decision document package

Hi again all:

My review comments here are incorrect (not the first time I put my foot in my mouth). I was doing something else after I spoke to Wayne and Jim, and I forgot we discussed the mine facilities areas were reclaimed for 2 years before the sediment pond removal. The Subpart H criteria only apply to approval for sed. ponds removed during initial reclamation work.....sorry about that. Of course, the Subpart H information remains applicable for approval of sediment pond removal prior to the 2 year after initial seeding period.

Probably all we need is a reference to the sediment modeling done to demonstrate the sed. pond could be removed....I'll look for it here in our Des-Bee-Dove permitting information, or you can send us a reference to it.

Thanks in advance.....Henry.

Henry Austin

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From: Henry Austin  
Sent: Wednesday, January 31, 2007 11:23 AM  
To: Pam Grubaugh-Littig; Wayne Western; Jim Smith; 'David Darby'; Wayne Hedberg; Steve Christensen  
Cc: 'Susan White'; Howard Strand; Tonya Blackburn; James Fulton; Henry Austin  
Subject: Des-Bee-Dove Mine / Phase I bond release state decision document package

Hi all:

I just spoke to Wayne & Jim about the above bond release / state decision document & technical analysis package dated Jan. 9, 2007, that OGM sent to Jim Fulton requesting OSM concurrence as the Des-Be-Dove Mine is a federal mine.

There does not appear to be any references in the July 3, 2006, OGM bond release inspection report, the technical analysis (pages 7 & 13 primarily), nor the administrative overview-chronology-findings or other contents of the state decision document, to enable our review to ensure compliance with R645-301-880.310.

For Phase I bond release approval this rule requires: "At the completion of Phase I, after the operator completes the backfilling and regarding (which may include the replacement of topsoil) and drainage control of a bonded area in accordance with the approved reclamation plan....."

The above bond release inspection report indicates: "No diversions remain. No sedimentation ponds or impoundments remain. No 'Other sediment Controls ' remain.

The sediment pond has been removed and the area reclaimed. There are no effluent limitations that apply to this permit." These statements do not demonstrate the drainage control requirement in the above rule.

The hydrologic reclamation plan portion of the technical analysis (page 13), and the sediment control reference on page 7 do not demonstrate the drainage control requirement of the above rule.

Contrary to the above inspection report findings noted, there are other sediment controls in place, and there are effluent limitations that apply to the permit area. These are the implementation of alternative

sediment controls (as best management practices) through an approved sediment control plan based on sediment modeling to demonstrate that average annual sediment yield is not increased over pre-mining conditions. Please reference the attached November 2, 2006, letter from DFD to OGM describing the 40 CFR effluent limitations adopted on January 23, 2002, under ( Subpart H-Western Alkaline Mine Drainage Category).

The Subpart H requirements are required by OGM rules at R645-301-742.112 which state " Meet the effluent limitations under R645-301-751" and .751 requires compliance with the 40CFR Part 434 criteria including Subpart H noted above.

OGM rules do not allow the removal of approved UPDES outfall structures without the Utah UPDES authority approval through the Subpart H process.

Please provide additional references and documentation that the Des-Bee-Dove reclamation areas are in compliance with the Phase I drainage control requirements of the rules noted above.

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