

COMPLIANCE MEMORANDUM

Utah Coal Regulatory Program

July 16, 2006

TO: Mary Ann Wright, Associate Director of Mining

THRU: D. Wayne Hedberg, Permit Supervisor

FROM: Peter H. Hess, Environmental Scientist/Engineering, Inspector

RE: Requirements for R645-400-327, Circumstances Relative to Abatement Period Extending Beyond 90 Days for N06-46-2-2, 1 of 2, Task No. 2492, Co-Op Mining Company, Bear Canyon Mines, C/015/025

The following document is necessary to justify the need for extending the time frame necessary to abate State violation N06-46-2-2, 1 of 2, Failure to Design Adequate Drainage Controls for Primary Access Roads / #3 Mine / Failure to Design Snow Storage Areas and Runoff Treatments for Snow Melt Water for the #3 Mine Primary Access Road beyond the ninety day abatement period mandated by R645-400-322.

During the April 7, 2006 inspection of the Bear Canyon surface facilities which included the #3 Mine primary access road, the DOGM reclamation specialist observed uncontrolled runoff reporting down a section of the #3 Mine access road. The runoff was coming from a pile of snow, which had been stockpiled on a switchback turnout (a widened area of the 180-degree turn). Thawing was occurring, but much of the snow melt runoff was accumulating in the storage area, and was not reporting to any ditches. Thus, soil in the area was becoming saturated.

The Permittee had found it necessary to store volumes of snow in several areas along the #3 Mine access road, as the Mine road is narrow. Side casting of snow over the outslope is not an option, as it would be an off-site impact (compliance action). Therefore, the Permittee must load, haul and store snow accumulations so it can melt. The Permittee had been instructed to permit the storage areas such that proper runoff treatments could be designed, and an adequate storage volume(s) could be allotted. The Permittee failed to do this in a timely manner.

As the result of the April 7, 2006 inspection, N06-46-2-2, 1 of 2 was issued on April 10, 2006. As part of the remedial action, the Permittee was given thirty days to design adequate areas for snow storage and adequate runoff treatments for those areas. This was submitted to the DOGM on May 11, 2006, meeting the first established due date.

The assigned Division hydrologist completed a draft technical memorandum of the submitted designs / data on June 19, 2006. The Division forwarded a copy of the draft technical

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memorandum to the Permittee electronically on June 19, 2006. A list of deficiencies was officially mailed on July 6, 2006. The Permittee notified the Division on July 4, 2006, that a response to Jim Smith's deficiencies of June 19, 2006 was ready to be re-submitted. The DOGM told the Permittee to wait until the official list of DOGM deficiencies is received before responding.

April 10, 2006	N06-46-2-2, 1 of 2 is written and served	Day 0
May 11, 2006	Permittee submits designs to Division	Day 31
June 19, 2006	DOGM completes initial review of submitted designs/deficiencies identified	Day 70
June 19, 2006	Deficiencies forwarded to Permittee electronically	Day 70
July 3, 2006	Hydrologist conducting the review is instructed to prepare "official" DOGM deficiency list for transmittal Permittee	Day 84
July 4, 2006	Permittee notifies DOGM it is ready to submit responses to 6/16/2006 review	Day 85
July 6, 2006	SL Secretary asked to forward official deficiency list to Permittee	Day 87

As of July 6, 2006, the time period from April 11, 2006 had reached eighty-seven days (87). If the Permittee had submitted their prepared response to the June 19 review, it would have been impossible to meet the ninety-day deadline.

The Division hydrologist reviewing the submittal is on vacation until July 19, 2006.

Upon Division approval of the ASCA designs, the Permittee has 45 days to field implement same, per the remedial action stipulated on the NOV.

Thus, the abatement period for N06-46-2-2, 1 of 2, needs to be extended beyond the standard ninety-day period.

R645-400-328.300 requires that the Director or designee of the Director review this request to extend the abatement period beyond the ninety days and concur, with documentation, that the period beyond the ninety days normally required is justified.