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State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Office of the Governor
PUBLIC LANDS POLICY COORDINATION

KATHLEEN CLARKE
Director

August 19, 2013

Lynn Kunzler
Reclamation Specialist
Department of Natural Resources, Division of Oil Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801

Subject: Black Shale and Rose Mine Status Changing from SMO to LMO
RDCC Project Number 39401

Dear Mr. Kunzler:

The Public Lands Policy Coordination Office received the following comments from the Division of Air Quality (DAQ) on the Black Shale and Rose Mine status changing proposal.

Division of Air Quality

A major mining expansion may require a permit, known as an Approval Order, from the Executive Secretary of the Air Quality Board. DAQ recommends that you review the air quality regulations at www.rules.utah.gov/publicat/code/r307/r307.htm to determine whether the proposed expansion will require a permit.

The proposed project is in a PM-10/2.5 non-attainment area. A non-attainment area is an area that has not met the National Ambient Air Quality Standards (NAAQS). Because it is a non-attainment area, the proposed project is subject to R307-309: Fugitive Emissions and Fugitive Dust, of the Utah Air Quality Rules R307-309, requires that owners or operators of a project involving the clearing or leveling of land or access haul roads that are one-quarter acre or greater in size submit a fugitive dust control plan to the Executive Secretary of the Air Quality Board for approval before commencing dust generating activities. An online free fugitive dust plan application is available at https://secure.utah.gov/deq-dashboard/index.html.

The State of Utah appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordination Office at the address below, or call Sindy Smith at (801) 537-9193.

Sincerely,

Kathleen Clarke
Director