



**CASTLE  
GATE**  
COAL MINE

**MINING  
&  
RECLAMATION  
PLAN**

**PERMIT NO.  
ACT 007/004**

**VOLUME 1**

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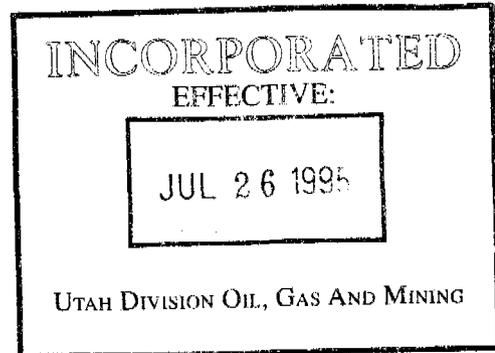
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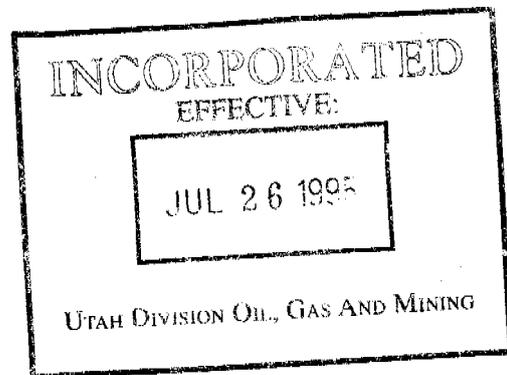
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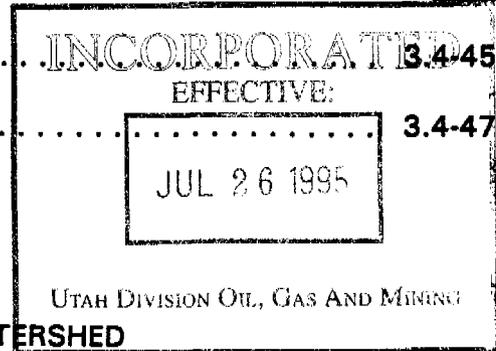
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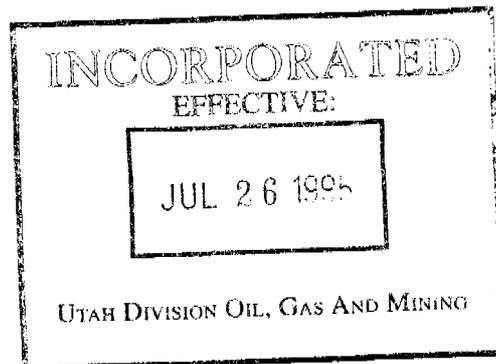
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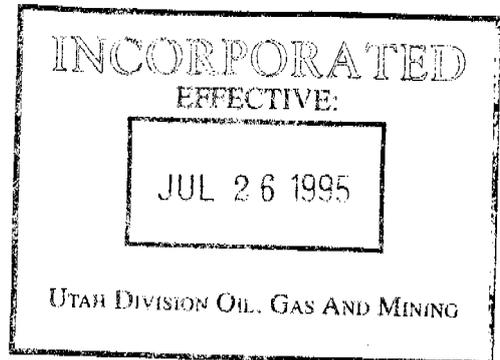
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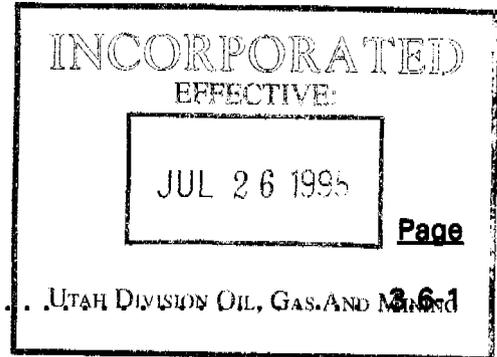
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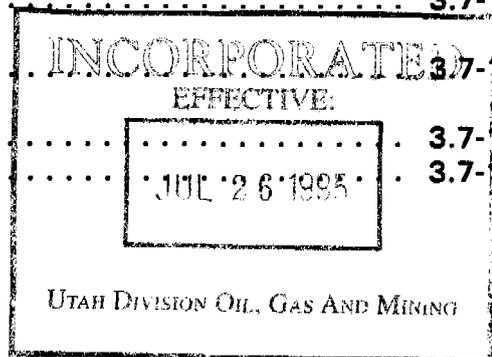
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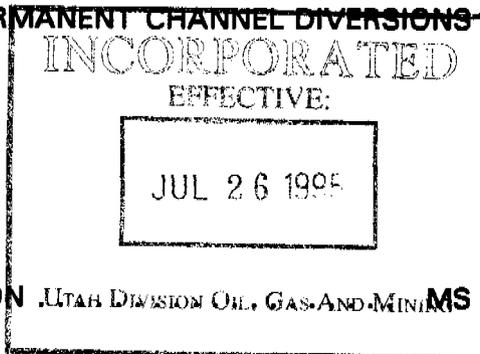
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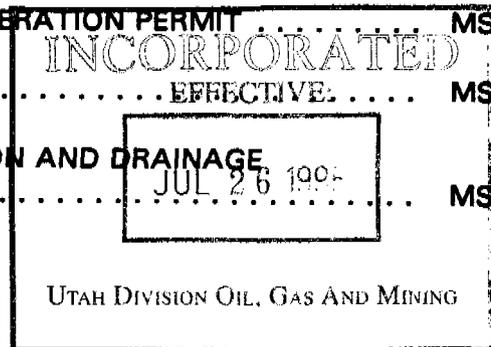
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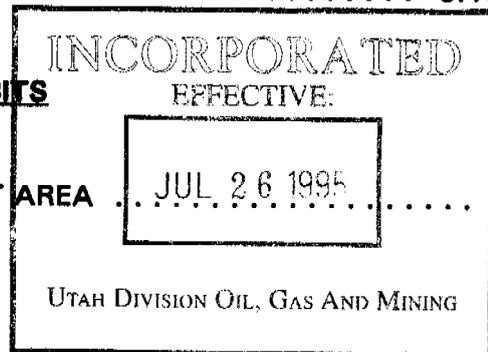
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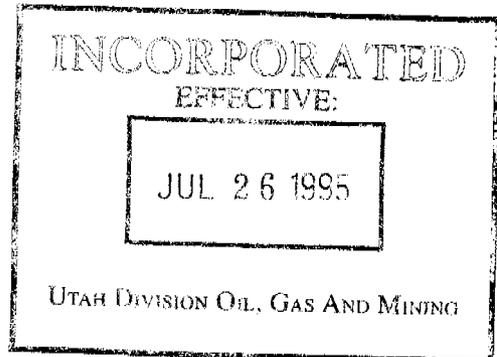
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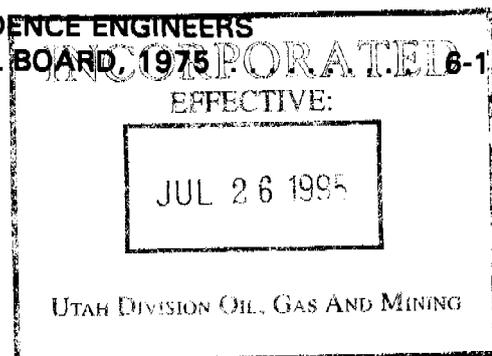
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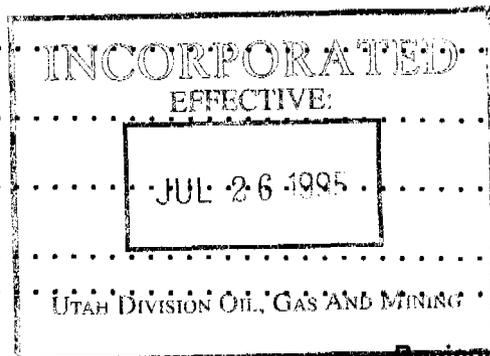
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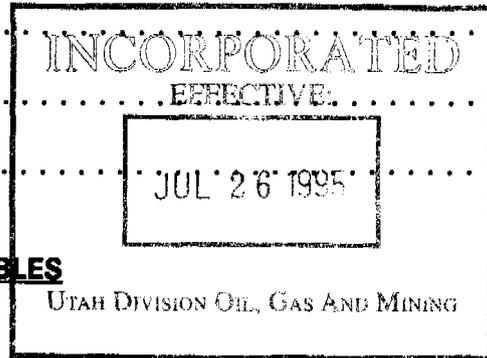


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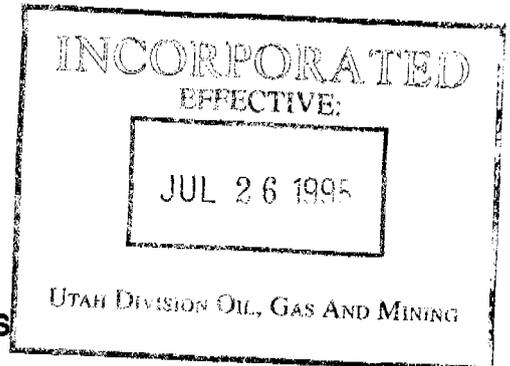
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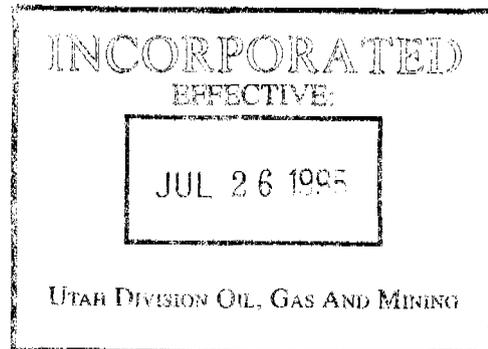
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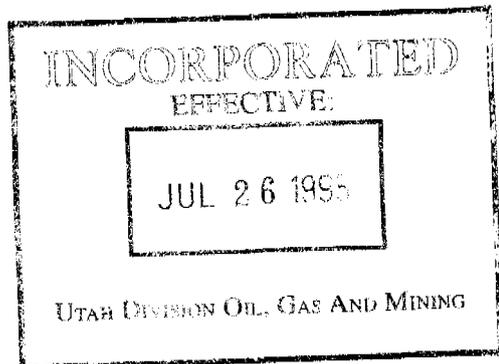
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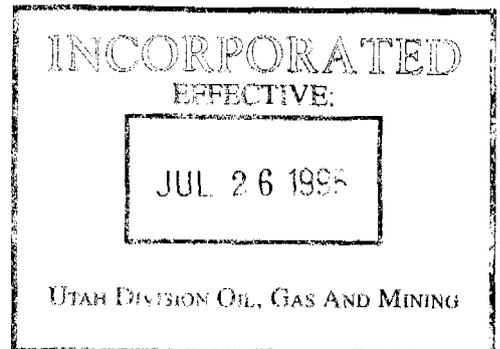
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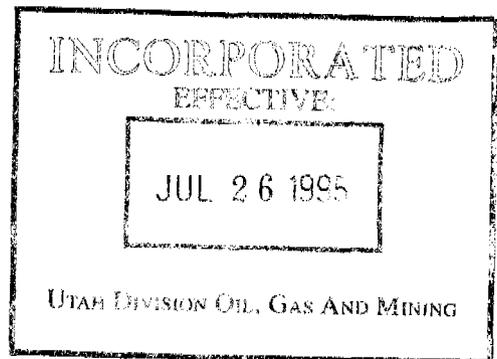
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## REVIEWER GUIDE

The 11 chapters of this plan are bound for separate removal and review. Note, however, that review of any single chapter cannot be adequately performed without cross reference to other chapters which may provide more detailed topical information. Notes are placed throughout the plan to allow the reviewer to do this.

A master Table of Contents follows and a Table of Contents is included at the beginning of each chapter or section. Most exhibits (generally maps and plans) have been deleted from chapters or sections and included in the map supplement. Each chapter lists all exhibits in the contents information and indicates their location in the plan. Location of exhibits is abbreviated: "MS" for map supplement. The map supplement is organized numerically by chapter and section.

A SMCRA regulation index has been compiled to target the user to this area of interest more rapidly. A similar index is also provided for the 211 regulations.

There are a number of appendices to the various chapters or sections. The appendices are mostly more detailed information relating specifically to the subjects discussed in the chapter or section which they follow and are comprised of raw data, studies and reports. Pagination of appendices is internal and not related to overall MRP pagination.

A new section has been assembled as an addendum which includes, in chronological order, all agreements, requests, completeness reviews and responses, approvals, variances and other

regulatory agency Price River or Castle Gate Coal Company communication pertinent to the review and subsequent issuance and transfer of this permanent program permit. Approval document is included at the end of this section. An index is provided.

Maps, charts, exhibits, plans or drawings that have been the subject of informational requests are not included in this final correspondence section. These have been modified into the mine plan within appropriate sections.



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| Exhibit 5-1 .....   | R614-301-411.141.2.  | Cemeteries.  |                 |
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| Chapter 4, Chapter 3 .....  | R614-301-413.120.    | Higher or better uses.   |                 |
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| .....   | R614-301-413.310.    | Likelihood for Achievement Land Use.   |                 |
| .....   | R614-301-413.320.    | Hazards to Public Health or Safety, or Threat of<br>Water Diminution or Pollution.   |                 |
| .....   | R614-301-413.330.    | Prohibited Land Uses.  |                 |
| .....   | R614-301-413.331.    | Impractical or Unreasonable.   |                 |
| .....   | R614-301-413.332.    | Inconsistent with Applicable Land-Use Policies.  |                 |
| .....   | R614-301-413.333.    | Unreasonable Delay in Implementation.  |                 |
| .....   | R614-301-413.334.    | Violation of Federal, Utah, or Local Law.  |                 |
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| .....   | R614-301-414.100.    | Filing Deadlines.  |                 |
| .....   | R614-301-414.200.    | Significant Alteration from Mining Operations in<br>the Original Permit.   |                 |

**MRP Location:**

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..... R614-301-414.300.  
..... R614-301-420.  
Chapter 11 ..... R614-301-421.  
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**Other Requirements.**  
Air Quality.  
Clean Air Act and Other Applicable Laws.  
Utah Bureau of Air Quality.  
Surface Coal Mining and Reclamation Activities  
Exceeding 1,000,000 Tons Per Year.  
Compliance with Federal and Utah Air Quality  
Standards.  
Fugitive Dust Control Plan.

| MRP Location:                 | Rule:                | Description:  |                  |             |
|-------------------------------|----------------------|---|------------------|-------------|
|                               | <b>R614-301-500.</b> | <b>ENGINEERING</b>  | <b>SUBMITTED</b> |             |
| .....                         | R614-301-510.        | Introduction.   |                  |             |
| .....                         | R614-301-511.        | General Requirements.   |                  |             |
| .....                         | R614-301-511.100.    | Proposed Coal Mining and Reclamation Operations.                        | <b>FEB</b>       | <b>1991</b> |
| .....                         | R614-301-511.200.    | Potential Impacts to the Environment.                                   |                  |             |
| .....                         | R614-301-511.300.    | Reclamation.  |                  |             |
| Map supplements               | R614-301-512.        | Certification.  |                  |             |
| Map supplements               | R614-301-512.100.    | Cross Sections and Maps.  |                  |             |
| Map supplements               | R614-301-512.110.    | Mine Workings to the Extent Known.                                      |                  |             |
| Map supplements               | R614-301-512.120.    | Surface Facilities and Operations.                                      |                  |             |
| Map supplements               | R614-301-512.130.    | Surface Configuration.  |                  |             |
| Map supplements               | R614-301-512.140.    | Hydrology.  |                  |             |
| Map supplements               | R614-301-512.150.    | Geologic Cross Sections and Maps.                                       |                  |             |
| Map supplements               | R614-301-512.200.    | Plans and Engineering Designs.  |                  |             |
| Map supplements               | R614-301-512.210.    | Excess Spoil.   |                  |             |
| Map supplements               | R614-301-512.220.    | Durable Rock Fills.   |                  |             |
| Map supplements               | R614-301-512.230.    | Coal Mine Waste.  |                  |             |
| Map supplements               | R614-301-512.240.    | Impoundments.   |                  |             |
| Map supplements               | R614-301-512.250.    | Primary Roads.  |                  |             |
| .....                         | R614-301-512.260.    | Variance From Approximate Original Contour.                             |                  |             |
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| 3-4B, 3-4C, Appendix B        | R614-301-513.        | Compliance With MSHA Regulations and MSHA Approvals.                    |                  |             |
| Sections 3-4, 3-4A, 3-4B and  |                      |   |                  |             |
| 3-4C, Appendix B              | R614-301-513.100.    | Coal Processing Waste Dams and Embankments.                             |                  |             |
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| .....                         | R614-301-513.300.    | Waste Disposed in Underground Mine Workings.                            |                  |             |
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| B and C, Appendix B           | R614-301-513.400.    | Refuse Piles.   |                  |             |
| Chapter 3, p. 22              | R614-301-513.500.    | Mine Openings.  |                  |             |
| .....                         | R614-301-513.600.    | Discharges into an Underground Mine.                                    |                  |             |
| .....                         | R614-301-513.700.    | Surface Coal Mining Closer than 500 Feet to an Active Underground Mine. |                  |             |
| Chapter 3, Section 3.4, p. 3  | R614-301-513.800.    | Coal Mine Waste Fires.  |                  |             |
| .....                         | R614-301-514.        | Inspections.  |                  |             |
| N/A                           | R614-301-514.100.    | Excess Spoil.   |                  |             |
| N/A                           | R614-301-514.110.    | Quarterly Inspections and Critical Construction Periods.                |                  |             |
| N/A                           | R614-301-514.111.    | Foundation Preparation, Topsoil Removal.                                |                  |             |
| N/A                           | R614-301-514.112.    | Underdrains and Protective Filter Systems.                              |                  |             |
| N/A                           | R614-301-514.113.    | Final Surface Drainage Systems.   |                  |             |
| N/A                           | R614-301-514.114.    | Final Graded and Revegetated Fill.                                      |                  |             |
| N/A                           | R614-301-514.120.    | Certified Reports.  |                  |             |
| N/A                           | R614-301-514.130.    | Certified reports on Drainage System and Protective Filters.            |                  |             |
| N/A                           | R614-301-514.131.    | Phases of Certification.  |                  |             |
| N/A                           | R614-301-514.132.    | Underdrains.  |                  |             |
| N/A                           | R614-301-514.133.    | Photographs.  |                  |             |
| N/A                           | R614-301-514.140.    | Inspection Reports.   |                  |             |
| N/A                           | R614-301-514.200.    | Refuse Piles.   |                  |             |
| N/A                           | R614-301-514.210.    | Regular Inspections.  |                  |             |
| N/A                           | R614-301-514.220.    | Critical Construction Periods.  |                  |             |
| N/A                           | R614-301-514.221.    | Foundation Preparation and Topsoil Removal.                             |                  |             |
| N/A                           | R614-301-514.222.    | Underdrains.  |                  |             |
| N/A                           | R614-301-514.223.    | Final Surface Drainage Systems.   |                  |             |
| N/A                           | R614-301-514.224.    | Final Grading and Revegetation.   |                  |             |
| N/A                           | R614-301-514.230.    | Certified Report.   |                  |             |
| N/A                           | R614-301-514.240.    | Separate Certification for Each Phase of Construction.                  |                  |             |
| N/A                           | R614-301-514.250.    | On Site Copy of Certification Reports.                                  |                  |             |
| N/A                           | R614-301-514.300.    | Impoundments.   |                  |             |
| N/A                           | R614-301-514.310.    | Certified Inspection.   |                  |             |
| N/A                           | R614-301-514.311.    | Completion of Construction and Yearly Inspections.                      |                  |             |
| N/A                           | R614-301-514.312.    | Certified Reports.  |                  |             |

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| N/A   | R614-301-514.313.   | On Site Copy of Certification Reports.                                  |
| N/A   | R614-301-514.320.   | Weekly Inspections.   |
| N/A   | R614-301-514.330.   | Quarterly Inspections.  |
| Corres. 02/19/82                                      | R614-301-515.       | Reporting and Emergency Procedures.                                     |
| Corres. 02/19/82                                      | R614-301-515.100.   | Slides and Other Damage.  |
|   | R614-301-515.200.   | Impoundment Hazards.  |
|   | R614-301-515.300.   | Temporary Cessation of Operations.                                      |
|   | R614-301-515.310.   | Temporary Abandonment.  |
|   | R614-301-515.311.   | Support and Maintenance.  |
|   | R614-301-515.312.   | Securing Surface Facilities.  |
|   | R614-301-515.320.   | Notice of Intent to Cease or Abandon Operations.                        |
|   | R614-301-515.321.   | Statement of Conditions Prior to Cessation or Abandonment, Underground. |
|   | R614-301-515.322.   | Statement of Conditions Prior to Cessation or Abandonment, Surface.     |
|   | R614-301-516.       | Prevention of Slides.   |
|   | R614-301-520.       | Operation Plan.   |
| Chapter 3, All Sections, 3.2-4, 3.3-4, 3.4-4A, 3.7-9. | R614-301-521.       | General.  |
|   | R614-301-521.100.   | Cross Sections and Maps.  |
|   | R614-301-521.110.   | Previously Mined Areas.   |
| Exhibits 2-1, 2-2, 3-3 thru 3-9                       | R614-301-521.111.   | Location and Extent of Known Workings.                                  |
| Exhibit 1-1   | R614-301-521.112.   | Existing or Previously Surface-Mined Areas.                             |
| Exhibits 3-2.2, 3.2-2, 3.3-4A, 3.4-2, 3.7-5           | R614-301-521.120.   | Existing Surface and Subsurface Facilities and Features.                |
| Exhibits 3.2-2, 3.3-4A, 3.4-2, 3.7-5                  | R614-301-521.121.   | Buildings in and Within 1000 Feet of the Permit Area.                   |
| Exhibits 3.2-2, 3.3-4A, 3.4-2, 3.7-5                  | R614-301-521.122.   | Surface and Subsurface Man-Made Features Within the Permit Area.        |
| Exhibits 3.2-2, 3.3-4A, 3.4-2, 3.7-5                  | R614-301-521.123.   | Public Roads In or Within 100 Feet of the Permit Area.                  |
| Exhibits 3.2-2, 3.3-4A, 3.4-2, 3.7-5                  | R614-301-521.124.   | Existing Facilities Within the Permit Area.                             |
| Exhibits 11-1 thru 11-12                              | R614-301-521.125.   | Sedimentation Ponds and Impoundments.                                   |
|   | R614-301-521.130.   | Landowners and Right of Entry and Public Interest Maps.                 |
| Exhibits 4-2 and 4-2                                  | R614-301-521.131.   | Surface and Subsurface Owners.  |
| Exhibits 1-1, 4-1 and 4-2                             | R614-301-521.132.   | Right to Enter and Conduct Mining Activities.                           |
|   | R614-301-521.133.   | Protection of Public and Landowners Interests.                          |
| N/A   | R614-301-521.133.1. | Operations Within 100 Feet of Road Right-of-Way.                        |
| N/A   | R614-301-521.133.2. | Relocating a Public Road.   |
|   | R614-301-521.140.   | Mine Maps and Permit Area Maps.   |
| Exhibits 2-1, 2-2, 3-2, 3-3 thru 3-9                  | R614-301-521.141.   | Affected Area.  |
| Exhibits 3-21A, 3-21B, 2-1, 2-2                       | R614-301-521.142.   | Underground Workings and Subsidence Areas.                              |
| N/A   | R614-301-521.143.   | Waste Disposal Sites.   |
| Exhibits 3-2, 5-8, 33-8A-B, 3.4-3, 3.7-9A-9F          | R614-301-521.150.   | Land Surface Configuration Maps.  |
| Exhibits 3-2, 5-8, 33-8A-B, 3.4-3, 3.7-9A-9F          | R614-301-521.151.   | Requirements.   |
| Exhibits 3-2, 5-8, 33-8A-B, 3.4-3, 3.7-9A-9F          | R614-301-521.152.   | Previously Mined Areas.   |
| N/A   | R614-301-521.160.   | Maps or Cross Sections of Proposed Features.                            |
| N/A   | R614-301-521.161.   | Buildings, Utility Corridors, and Facilities.                           |
| N/A   | R614-301-521.162.   | Area Affected According to Sequence and Timing of Operations.           |
| N/A   | R614-301-521.163.   | Bonded Area.  |
| N/A   | R614-301-521.164.   | Coal Handling Facilities.   |
| N/A   | R614-301-521.165.   | Topsoil and Waste Storage Areas.  |
| N/A   | R614-301-521.166.   | Waste Sources and Disposal Facilities.                                  |
| N/A   | R614-301-521.167.   | Explosives Storage and Handling Facilities.                             |
| N/A   | R614-301-521.168.   | Air Pollution Control Facilities.                                       |

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| N/A                 | R614-301-521.169. | Coal Processing Waste Facilities.   | <b>SUBMITTED</b> |
| Exhibit 3-2         | R614-301-521.170. | Transportation Facilities aps.  |                  |
| 41 Corres. 02/19/82 | R614-301-521.180. | Other Information.  | <b>FEB 1991</b>  |
|                     | R614-301-521.200. | Signs and markers Specifications.   |                  |
|                     | R614-301-521.210. | Placement and Removal.  |                  |
|                     | R614-301-521.220. | Design.   |                  |
|                     | R614-301-521.230. | aintenance.   |                  |
|                     | R614-301-521.240. | ine and Permit Identification Signs.  |                  |
|                     | R614-301-521.241. | Mocation, Underground ining.  |                  |
|                     | R614-301-521.242. | Mocation, Surface, ining.   |                  |
|                     | R614-301-521.243. | Information.  |                  |
|                     | R614-301-521.244. | Requirements.   |                  |
|                     | R614-301-521.250. | Perimeter markers.  |                  |
|                     | R614-301-521.251. | Surface Affected Areas for Underground ining Operations.                        |                  |
|                     | R614-301-521.252. | Permit Area Perimeter for Surface ining Operations.                             |                  |
|                     | R614-301-521.260. | Buffer Zone markers.  |                  |
|                     | R614-301-521.261. | Boundary markers for Surface Activities of Underground Operations.              |                  |
|                     | R614-301-521.262. | Boundary markers for Surface ining Operations.                                  |                  |
|                     | R614-301-521.270. | Topsoil markers.  |                  |
| Chapter 3           | R614-301-522.     | Coal Recovery.  |                  |
| Chapters 3 and 6    | R614-301-523.     | ining ethod(s).   |                  |
|                     | R614-301-523.100. | Surface ining Operations Within 500 Feet of an Underground ine.                 |                  |
|                     | R614-301-523.200. | Exceptions to Surface ining Operations within 500 Feet of Underground Workings. |                  |
|                     | R614-301-523.210. | Resource Recovery of Elimination of Hazards.                                    |                  |
|                     | R614-301-523.220. | Approval by Division and SHA.   |                  |
| Chapter 3, p. 33    | R614-301-524.     | Blasting and Explosives.  |                  |
| Chapter 3, p. 33    | R614-301-524.100. | Blaster Certification.  |                  |
| Chapter 3, p. 33    | R614-301-524.110. | Certified Blaster.  |                  |
| Chapter 3, p. 33    | R614-301-524.120. | Blasting Certificates.  |                  |
|                     | R614-301-524.130. | Firing of a Blast.  |                  |
|                     | R614-301-524.140. | Responsibility.   |                  |
|                     | R614-301-524.200. | Blast Design.   |                  |
| Chapter 3, p. 33    | R614-301-524.210. | All Blasting Operations.  |                  |
|                     | R614-301-524.211. | Buildings Within 1,000 Feet Outside the Permit Area.                            |                  |
|                     | R614-301-524.212. | Within 500 Feet of Underground ine.   |                  |
|                     | R614-301-524.220. | Blast Design Approval Prior to Blast.   |                  |
|                     | R614-301-524.230. | Blast Design Criteria.  |                  |
|                     | R614-301-524.240. | Certification.  |                  |
|                     | R614-301-524.250. | Changes to Blast Design.  |                  |
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|                     | R614-301-524.310. | Notification of Residents.  |                  |
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|                     | R614-301-524.330. | Assessment of Facilities.   |                  |
|                     | R614-301-524.340. | Report of Survey.   |                  |
|                     | R614-301-524.350. | Completion of Survey Prior to Blast.  |                  |
| Chapter 3, p. 33    | R614-301-524.400. | Blast Schedule.   |                  |
| Chapter 3, p. 33    | R614-301-524.410. | Unscheduled Blasts.   |                  |
| Chapter 3, p. 33    | R614-301-524.420. | Time Periods for Blasting.  |                  |
| Chapter 3, p. 33    | R614-301-524.430. | Blasting Notices for Underground ining Operations.                              |                  |
| N/A                 | R614-301-524.440. | Blasting Notices for Surface ining Operations.                                  |                  |
| N/A                 | R614-301-524.450. | Blasting Schedule Publication and Distribution.                                 |                  |
| N/A                 | R614-301-524.451. | Newspaper Publication.  |                  |
| N/A                 | R614-301-524.452. | Distribution of Notices.  |                  |
| N/A                 | R614-301-524.453. | Republishing and redistribution.  |                  |
| N/A                 | R614-301-524.460. | Blasting Schedule Contents.   |                  |
| N/A                 | R614-301-524.461. | Operator Identification.  |                  |
| N/A                 | R614-301-524.462. | Blasting Mocation.  |                  |
| N/A                 | R614-301-524.463. | Dates and Time Periods of Detonations.  |                  |
| N/A                 | R614-301-524.464. | Access Control ethods.  |                  |
| N/A                 | R614-301-524.465. | Warning Signals.  |                  |

## MRP Location:

## Rule:

## Description:

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| Chapter 3, pp. 33 and 34 | R614-301-524.500. | Description of Blasting Safeguards.                                    |
| Chapter 3, pp. 33 and 34 | R614-301-524.510. | Blasting Signs.  |
| Chapter 3, pp. 33 and 34 | R614-301-524.511. | Conspicuously Placed Signs.  |
| Chapter 3, pp. 33 and 34 | R614-301-524.512. | Entrances from Public Roads or Highways.                               |
| Chapter 3, pp. 33 and 34 | R614-301-524.520. | Warnings.  |
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| Chapter 3, pp. 33 and 34 | R614-301-524.531. | Unusual Hazards.   |
| Chapter 3, pp. 33 and 34 | R614-301-524.532. | Access Within the Blasting Area.                                       |
| Chapter 3, pp. 33 and 34 | R614-301-524.600. | Control of Adverse Blasting Effects.                                   |
| Chapter 3, pp. 33 and 34 | R614-301-524.610. | General Requirements.  |
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| N/A                      | R614-301-524.621. | Maximum Airblast Limits.   |
| N/A                      | R614-301-524.622. | Prevention of Damage.  |
| N/A                      | R614-301-524.630. | Monitoring.  |
| N/A                      | R614-301-524.631. | Measurements and Locations.  |
| N/A                      | R614-301-524.632. | Measuring Systems.   |
| N/A                      | R614-301-524.633. | Flyrock.   |
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| N/A                      | R614-301-524.641. | General.   |
| N/A                      | R614-301-524.642. | Maximum Peak-Particle Velocity.  |
| N/A                      | R614-301-524.643. | Seismographic Record.  |
| N/A                      | R614-301-524.650. | Scaled-distance equation.  |
| N/A                      | R614-301-524.651. | Allowable Charge Weight.   |
| N/A                      | R614-301-524.652. | Modified Scaled-Distance Factor.                                       |
| N/A                      | R614-301-524.660. | Blasting-Level-Chart.  |
| N/A                      | R614-301-524.661. | Ground-Vibration Limits.   |
| N/A                      | R614-301-524.662. | Particle Velocity and Vibration-Frequency Levels.                      |
| N/A                      | R614-301-524.670. | Damage Protection.   |
| N/A                      | R614-301-524.680. | Seismic Monitoring.  |
| N/A                      | R614-301-524.690. | Structures Not Subject to Airblast and Ground-Vibration Limits.        |
|                          | R614-301-524.700. | Records of Blasting Operations.  |
|                          | R614-301-524.710. | Records.   |
|                          | R614-301-524.711. | Operator Identification.   |
|                          | R614-301-524.712. | Blast Location and Schedule.   |
|                          | R614-301-524.713. | Blaster Certification.   |
|                          | R614-301-524.720. | Nearest Dwelling or Facility Outside the Permit Area.                  |
|                          | R614-301-524.730. | Weather Conditions.  |
|                          | R614-301-524.740. | Blasting Record.   |
|                          | R614-301-524.741. | Type of Material Blasted.  |
|                          | R614-301-524.742. | Blasting Pattern.  |
|                          | R614-301-524.743. | Diameter and Depth of Holes.   |
|                          | R614-301-524.744. | Types of Explosives Used.  |
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|                          | R614-301-524.747. | Initiation System.   |
|                          | R614-301-524.748. | Stemming.  |
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|                          | R614-301-524.750. | Seismographic and Airblast Information.                                |
|                          | R614-301-524.751. | Instrumentation.   |
|                          | R614-301-524.752. | Location of Instrumentation.   |
|                          | R614-301-524.753. | Persons Collecting Data.   |
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|                          | R614-301-524.755. | Vibration and/or Airblast Level Recorded.                              |
|                          | R614-301-524.760. | Unscheduled blasts.  |
|                          | R614-301-524.800. | Compliance with Other Appropriate Regulations.                         |
|                          | R614-301-525.     | Subsidence.  |
| Chapters 3 and 7         | R614-301-525.100. | Subsidence Control Plan.   |
| Chapter 7                | R614-301-525.110. | Mining Methods.  |
| Chapters 3 and 7         | R614-301-525.120. | Likelihood of Subsidence.  |
|                          | R614-301-525.130. | Subsidence Control Measures.   |
| Chapters 3 and 7         | R614-301-525.131. | Backstowing or Backfilling of Voids.                                   |
| Chapters 3 and 7         | R614-301-525.132. | Leaving Support Pillars of Coal.                                       |
| Chapters 3 and 7         | R614-301-525.133. | Barrier Pillars.   |

| MRP Location:   | Rule:               | Description:  |                  |
|---|---------------------|---|------------------|
| Chapters 3 and 7  | R614-301-525.134.   | Measures to Prevent Damage.   | <b>SUBMITTED</b> |
| Chapters 3 and 7  | R614-301-525.140.   | Monitoring.   |                  |
| Chapters 3 and 7  | R614-301-525.150.   | Anticipated Effects of Planned Subsidence.  | FEB 1991         |
| Chapters 3 and 7  | R614-301-525.160.   | Mitigation or Remedy of Subsidence-Related Damage.                                  |                  |
| Chapters 3 and 7  | R614-301-525.170.   | Other Information.  |                  |
|   | R614-301-525.200.   | Subsidence Control.   |                  |
| Chapters 3 and 7  | R614-301-525.210.   | Subsidence Design.  |                  |
| Chapters 3 and 7  | R614-301-525.220.   | Compliance with Subsidence Control Plan.  |                  |
|   | R614-301-525.230.   | Operator Requirements.  |                  |
| Chapters 3 and 7  | R614-301-525.231.   | Subsidence Mitigation.  |                  |
| Chapters 2 and 7  | R614-301-525.232.   | Compensation.   |                  |
|   | R614-301-525.240.   | Restricted Facilities.  |                  |
| Chapter 7   | R614-301-525.241.   | Public Buildings and Facilities.  |                  |
| Chapter 7   | R614-301-525.242.   | Churches, Schools, and Hospitals;   |                  |
| Chapter 7   | R614-301-525.243.   | Impoundments With a Volume of 20 Acre-Feet or More.                                 |                  |
|   | R614-301-525.244.   | Significant Water Source for Any Public Water Supply System.                        |                  |
|   | R614-301-525.250.   | Suspension of Mining to Modify Subsidence Control Plan.                             |                  |
|   | R614-301-525.260.   | Suspension of Mining Due to Imminent Danger.  |                  |
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|   | R614-301-525.300.   | Public Notice of Proposed Mining.   |                  |
| Chapter 3, All Sections                                 | R614-301-526.       | Mine Facilities.  |                  |
|   | R614-301-526.100.   | Mine Structures and Facilities.   |                  |
| Chapter 3, All Sections                                 | R614-301-526.110.   | Existing Structures.  |                  |
|   | R614-301-526.111.   | Location.   |                  |
|   | R614-301-526.112.   | Plans or Photographs.   |                  |
|   | R614-301-526.113.   | Dates of Construction of Existing Structures.                                       |                  |
|   | R614-301-526.114.   | Monitoring Data.  |                  |
|   | R614-301-526.115.   | Compliance Plan.  |                  |
|   | R614-301-526.115.1. | Design Specifications.  |                  |
|   | R614-301-526.115.2. | Construction Schedule.  |                  |
|   | R614-301-526.115.3. | Monitoring Schedule.  |                  |
|   | R614-301-526.115.4. | Minimizing Risk or Harm to Environment, Health, or Public Safety.                   |                  |
|   | R614-301-526.116.   | Protection of Public and Landowners.  |                  |
|   | R614-301-526.116.1. | Mining Operations within 100 feet of the Right-of-Way of a Public Road.             |                  |
|   | R614-301-526.116.2. | Relocating a Public Road;   |                  |
|   | R614-301-526.200.   | Utility Installation and Support Facilities.  |                  |
|   | R614-301-526.210.   | Description.  |                  |
|   | R614-301-526.220.   | Compliance Requirements.  |                  |
|   | R614-301-526.221.   | Protection.   |                  |
|   | R614-301-526.222.   | Minimization of Environmental Impact and Compliance with Effluent Limitations.      |                  |
|   | R614-301-526.300.   | Water Pollution Control Facilities.   |                  |
|   | R614-301-526.400.   | Air Pollution Control Facilities.   |                  |
|   | R614-301-527.       | Transportation Facilities.  |                  |
|   | R614-301-527.100.   | Road Classification.  |                  |
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|   | R614-301-527.120.   | Primary Roads.  |                  |
|   | R614-301-527.122.   | Frequent Use or for Periods in Excess of 6 Months.                                  |                  |
|   | R614-301-527.123.   | Retained for Postmining Land Use.   |                  |
|   | R614-301-527.130.   | Ancillary Roads.  |                  |
|   | R614-301-527.200.   | Transportation Facilities.  |                  |
|   | R614-301-527.210.   | Designs and Specifications.   |                  |
|   | R614-301-527.220.   | Relocation of a Natural Drainageway.  |                  |
|   | R614-301-527.230.   | Maintenance and Repairs.  |                  |
|   | R614-301-527.240.   | Geotechnical Analysis.  |                  |
| Chapter 3, Sections 3-4, 3-4A, B and C, Appendix B      | R614-301-528.       | Handling and Disposal of Coal, Overburden, Excess Spoil, and Coal Mine Waste.       |                  |
|   | R614-301-528.100.   | Coal Removal, Handling, Storage, Cleaning, and Transportation Areas and Structures. |                  |

| MRP Location:   | Rule:               | Description:  |
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| Chapter 6   | R614-301-528.200.   | Overburden.   |
| Chapter 3, Sections 3-4, 3-4A,<br>B and C, Appendix B | R614-301-528.300.   | Spoil, Coal Processing Waste, Mine<br>Development Waste, and Noncoal Waste<br>Removal.              |
| N/A   | R614-301-528.310.   | Excess Spoil.   |
|   | R614-301-528.320.   | Coal Mine Waste.  |
| N/A   | R614-301-528.321.   | Return of Coal Processing Waste to Abandoned<br>Underground Workings.                               |
| Chapter 3, Sections 3-4, 3-4A,<br>B and C, Appendix B | R614-301-528.322.   | Refuse Piles.   |
|   | R614-301-528.323.   | Burning and Burned Waste Utilization.   |
|   | R614-301-528.323.1. | Coal Mine Waste Fires.  |
|   | R614-301-528.323.2. | Burning or Burned Coal Mine Waste Removal<br>Plan.  |
|   | R614-301-528.330.   | Noncoal Mine Waste.   |
|   | R614-301-528.331.   | Designation of Noncoal Mine Waste Materials.  |
|   | R614-301-528.332.   | Final Disposal of Noncoal Mine Wastes.  |
|   | R614-301-528.333.   | Restrictions on disposal on Noncoal Mine Waste<br>Material.   |
|   | R614-301-528.334.   | Hazardous Waste Materials.  |
|   | R614-301-528.340.   | Underground Development Waste.  |
|   | R614-301-528.350.   | Disposal Requirements.  |
|   | R614-301-528.400.   | Dams, embankments and other impoundments.   |
| Chapter 3, p. 22                                      | R614-301-529.       | Management of Mine Openings.  |
|   | R614-301-529.100.   | Closure of Mine Openings.   |
|   | R614-301-529.200.   | Underground Mining Operations.  |
|   | R614-301-529.210.   | Temporarily Inactive Operations.  |
| N/A   | R614-301-529.220.   | Return Underground Development Waste, Coal<br>Processing Waste or Water to Underground<br>Workings. |
|   | R614-301-529.300.   | Holes Used for Blasting.  |
| N/A   | R614-301-529.400.   | Surface Mining Operations.  |
|   | R614-301-530.       | Operational Design Criteria and Plans.  |
| Chapter 3, All Sections,<br>Chapter 6                 | R614-301-531.       | General.  |
| Chapter 3, All Sections                               | R614-301-532.       | Sediment Control.   |
| Chapter 3, All Sections                               | R614-301-532.100.   | Minimizing Disturbances.  |
| Chapter 3, All Sections                               | R614-301-532.200.   | Stabilizing Backfilled Material.  |
| Chapter 3, All Sections                               | R614-301-533.       | Impoundments.   |
| Chapter 3, Section 3-4A                               | R614-301-533.100.   | Stability.  |
| Chapter 3, Section 3-4A                               | R614-301-533.200.   | Foundation Design.  |
| Chapter 3, Section 3-4A                               | R614-301-533.210.   | Stability.  |
| Chapter 3, Section 3-4A                               | R614-301-533.220.   | Preparation.  |
| Chapter 3, Section 3-4A                               | R614-301-533.300.   | Slope Protection.   |
| Chapter 3, Section 3-4A                               | R614-301-533.400.   | Vegetation of Embankments.  |
|   | R614-301-533.500.   | Submerged Highwalls.  |
|   | R614-301-533.600.   | MSHA Impoundments.  |
| Chapter 3, Section 3.4                                | R614-301-533.610.   | Geotechnical Investigations.  |
| Chapter 3, Section 3.4                                | R614-301-533.620.   | Engineering Design.   |
| Chapter 3, All Sections,<br>Chapter 7                 | R614-301-533.700.   | Non MSHA Impoundment Design<br>Requirements.  |
|   | R614-301-534.       | Roads.  |
| Chapter 3, Section 3.7-3(2)                           | R614-301-534.100.   | Design, Use and Reclamation.  |
|   | R614-301-534.110.   | Damage to Public or Private Property.   |
|   | R614-301-534.120.   | Nonacid- or Nontoxic-Forming Substances in<br>Road Surfacing.                                       |
|   | R614-301-534.130.   | Factor of Safety for Road Embankments.  |
|   | R614-301-534.200.   | Safety and Environmental Protection.  |
|   | R614-301-534.300.   | Primary Roads.  |
|   | R614-301-534.310.   | Location.   |
|   | R614-301-534.320.   | Surfacing.  |
|   | R614-301-534.330.   | Maintenance.  |
|   | R614-301-534.340.   | Culvert Design.   |
| N/A   | R614-301-535.       | Spoil.  |
| N/A   | R614-301-535.100.   | Disposal of Excess Spoil.   |
| N/A   | R614-301-535.110.   | Minimum Factor of Safety.   |

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|--|-------------------|---|-------------------------------------|
| N/A  | R614-301-535.111. | Location.   | <b>SUBMITTED</b><br><b>FEB</b> 1991 |
| N/A  | R614-301-535.112. | Foundation Investigations.  |                                     |
| N/A  | R614-301-535.113. | Keyway Cuts or Rock Toe Buttresses.                               |                                     |
| N/A  | R614-301-535.120. | Excess Spoil Disposed of in Underground Workings.                 |                                     |
| N/A  | R614-301-535.130. | Placement of Excess Spoil.  |                                     |
| N/A  | R614-301-535.140. | Surface Coal Operations.  |                                     |
| N/A  | R614-301-535.141. | Geologic Conditions.  |                                     |
| N/A  | R614-301-535.142. | Seep and Spring Survey.   |                                     |
| N/A  | R614-301-535.143. | Effects from Subsidence.  |                                     |
| N/A  | R614-301-535.144. | Rock Chimney Cores or Drainage Blankets.                          |                                     |
| N/A  | R614-301-535.145. | Stability Analysis.   |                                     |
| N/A  | R614-301-535.150. | Surface Mining Operations.  |                                     |
| N/A  | R614-301-535.151. | Test Borings.   |                                     |
| N/A  | R614-301-535.152. | Engineering Specifications for Rock-Toe Buttress or Key-Way Cuts. |                                     |
| N/A  | R614-301-535.200. | Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills.      |                                     |
| N/A  | R614-301-535.210. | Rock-Core Chimney Drains.   |                                     |
| N/A  | R614-301-535.220. | Design and Construction of the Fill.                              |                                     |
| N/A  | R614-301-535.221. | Design Requirements.  |                                     |
| N/A  | R614-301-535.222. | Filter System.  |                                     |
| N/A  | R614-301-535.223. | Grading and Drainage.   |                                     |
| N/A  | R614-301-535.300. | Disposal of Excess Spoil: Durable Rock Fills.                     |                                     |
| N/A  | R614-301-535.310. | Restrictions.   |                                     |
| N/A  | R614-301-535.320. | Requirements.   |                                     |
| N/A  | R614-301-535.330. | Factor of Safety.   |                                     |
| N/A  | R614-301-535.340. | Underdrain Systems.   |                                     |
| N/A  | R614-301-535.400. | Disposal of Excess Spoil: Preexisting Benches.                    |                                     |
| N/A  | R614-301-535.410. | Placement.  |                                     |
| N/A  | R614-301-535.420. | Design.   |                                     |
| N/A  | R614-301-535.430. | Grading and Highwall Elimination.                                 |                                     |
| N/A  | R614-301-535.440. | Gravity Transportation.   |                                     |
| N/A  | R614-301-535.441. | Hazards.  |                                     |
| N/A  | R614-301-535.442. | Stability.  |                                     |
| N/A  | R614-301-535.443. | Safety Berms.   |                                     |
| N/A  | R614-301-535.444. | Final Disposition.  |                                     |
| N/A  | R614-301-535.500. | Faceup Operations.  |                                     |
| Chapter 3, Sections 3-4, 3-4A, B and C, Appendix B | R614-301-536.     | Coal Mine Waste.  |                                     |
| Chapter 3, Sections 3-4, 3-4A, B and C, Appendix B | R614-301-536.100. | Disposal Facility.  |                                     |
| Section 3-4, Appendix B                            | R614-301-536.110. | Stability.  |                                     |
| Section 3-4A                                       | R614-301-536.120. | Foundation Design.  |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.200. | Placement.  |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.210. | Construction.   |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.220. | Public Hazards.   |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.230. | Prevent Combustion.   |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.300. | Coal Mine Waste Disposed of in Excess Spoil Fills.                |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.310. | Requirements.   |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.320. | Nontoxic and Nonacid Forming.                                     |                                     |
| Chapter 3, Sections 3-4A, B and C, Appendix B      | R614-301-536.330. | Design Stability.   |                                     |
| N/A  | R614-301-536.400. | Other Requirements.   |                                     |
| N/A  | R614-301-536.410. | Restrictions.   |                                     |
| N/A  | R614-301-536.420. | Design Plan.  |                                     |
| N/A  | R614-301-536.500. | Disposal of Coal Mine Waste in Special Areas.                     |                                     |
| N/A  | R614-301-536.510. | Outside a Permit Area.  |                                     |
| N/A  | R614-301-536.520. | Underground Disposal.   |                                     |
| N/A  | R614-301-536.600. | Underground Development Waste.                                    |                                     |

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| N/A   | R614-301-536.700. | Coal Processing Waste.                                    |
| N/A   | R614-301-536.800. | Coal Processing Waste Embankments.                        |
| N/A   | R614-301-536.810. | Requirements.   |
| N/A   | R614-301-536.820. | MSHA Requirements.  |
| N/A   | R614-301-536.821. | Borings and Test Pits.                                    |
| N/A   | R614-301-536.822. | Foundation Design.  |
| N/A   | R614-301-536.823. | Seep and Spring surveys.                                  |
| Chapter 3, Section 3-4A,<br>B and C, Appendix B   | R614-301-536.824. | Hazards.  |
|   | R614-301-536.900. | Refuse Piles.   |
|   | R614-301-537.     | Regraded Slopes.  |
|   | R614-301-537.100. | Geotechnical Analysis.                                    |
|   | R614-301-537.200. | Regrading Settled and Revegetated Fills.                  |
|   | R614-301-537.210. | Restrictions.   |
|   | R614-301-537.220. | Location.   |
|   | R614-301-537.230. | Stability.  |
|   | R614-301-537.240. | Vegetation and Surface Runoff Control.                    |
|   | R614-301-537.250. | Hazardous Conditions.                                     |
|   | R614-301-540.     | Reclamation Plan.   |
|   | R614-301-541.     | General.  |
| Chapter 3   | R614-301-541.100. | Cessation of Mining Operations.                           |
| N/A   | R614-301-541.200. | Removal of Facilities.                                    |
| Chapter 3, p. 22  | R614-301-541.300. | Postmining Facilities and Monitoring.                     |
| Chapter 3, Sections 3.2, 3.3<br>3.4 and 3.7   | R614-301-541.400. | Compliance Requirements for Reclamation.                  |
|   | R614-301-542.     | Narratives, Maps and Plans.                               |
| Chapter 3, All Sections   | R614-301-542.100. | Timetable.  |
|   | R614-301-542.200. | Backfilling and Grading Plan.                             |
| Exhibits 3.2-3, 3.2-5 thru 8,<br>3.3-3, 3.3-4, 3.3-8, 3.3-8A & B,<br>3.4-12A, 3.4-12B, 3.7-9,<br>and 3.7-9A-F | R614-301-542.300. | Final Surface Configuration Maps.                         |
| Exhibits 3.23, 3.2-5 thru 8,<br>3.3-3, 3.3-4, 3.3-8, 3.3-8A & B,<br>3.4-12A, 3.4-12B, 3.7-9,<br>and 3.7-9A-F  | R614-301-542.310. | Certification Requirements.                               |
| Exhibits 3.2-3, 3.3-8, 3.3-4,<br>and 3.7-9  | R614-301-542.320. | Permanent Facilities.                                     |
| Chapter 3, All Sections   | R614-301-542.400. | Final Abandonment or Bond Release.                        |
| Chapter 3, All Sections   | R614-301-542.500. | Impoundments and Embankments.                             |
| Chapter 3, All Sections   | R614-301-542.600. | Roads.  |
|   | R614-301-542.610. | Closure.  |
|   | R614-301-542.620. | Removal of Bridges and Culverts.                          |
|   | R614-301-542.630. | Topsoil Replacement and Revegetation.                     |
|   | R614-301-542.700. | Final Abandonment of Mine Openings and<br>Disposal Areas. |
|   | R614-301-542.710. | Description.  |
| N/A   | R614-301-542.720. | Disposal of Excess Spoil.                                 |
| Chapter 3, Section 3.4  | R614-301-542.730. | Disposal of Coal Mine Waste.                              |
|   | R614-301-542.740. | Disposal of Noncoal Mine Wastes.                          |
|   | R614-301-542.741. | Placement and Storage.                                    |
|   | R614-301-542.742. | Final Disposal.   |
| Chapter 3, All Sections   | R614-301-542.800. | Reclamation Cost Estimate.                                |
| Chapter 3, All Sections   | R614-301-550.     | Reclamation Design Criteria and Plans.                    |
| Chapter 3, All Sections   | R614-301-551.     | Casing and Sealing of Underground Openings.               |
|   | R614-301-552.     | Permanent Features.                                       |
|   | R614-301-552.100. | Small Depressions.  |
|   | R614-301-552.200. | Permanent Impoundments.                                   |
|   | R614-301-553.     | Backfilling and Grading.                                  |
| Chapter 3, All Sections   | R614-301-553.100. | Disturbed Areas.  |
| Chapter 3, All Sections   | R614-301-553.110. | AOC Requirements.   |
| Chapter 3, All Sections   | R614-301-553.120. | Highwall and Spoils Pile Elimination.                     |
| Chapter 3, All Sections   | R614-301-553.130. | Slope Protection and Stability.                           |
| Chapter 3, All Sections   | R614-301-553.140. | Erosion and Water Pollution.                              |
| Chapter 3, All Sections   | R614-301-553.150. | Support Postmining Land Use.                              |
|   | R614-301-553.200. | Spoil and Waste.  |
|   | R614-301-553.210. | Requirements for disposal.                                |
|   | R614-301-553.220. | Restrictions for Placement.                               |

MRP Location:

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| MRP Location           | Rule              | Description  |
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| .....                  | R614-301-553.221. | Clearing and Grubbing.   |
| .....                  | R614-301-553.222. | Topsoil Removal and storage.                                   |
| .....                  | R614-301-553.223. | Backfilling and Grading.                                       |
| .....                  | R614-301-553.230. | Final Surface Grading.   |
| .....                  | R614-301-553.240. | Final Configuration.   |
| .....                  | R614-301-553.250. | Refuse Piles.  |
| .....                  | R614-301-553.251. | Final Configuration.   |
| Chapter 3, Section 3-4 |                   |  |
| Chapter 3, Section 3.4 |                   |  |
| and Chapter 8, p. 27   | R614-301-553.252. | Cover Requirements.  |
| N/A                    | R614-301-553.260. | Disposal of Coal Processing Wastes in Mined-Out Surface Areas. |
| N/A                    | R614-301-553.300. | Restrictions and Requirements.                                 |
| .....                  | R614-301-553.400. | Cut-and-Fill Terraces.   |
| .....                  | R614-301-553.410. | Compatibility.   |
| .....                  | R614-301-553.420. | Specialized Facilities for Implementing Postmining Land Use.   |
| .....                  | R614-301-553.500. | Previously Mined Areas.  |
| .....                  | R614-301-553.510. | Remining Areas Containing Highwalls.                           |
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| N/A                    | R614-301-553.642. | Thick Overburden.  |
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| N/A                    | R614-301-553.700. | Backfilling and Grading: Thin Overburden.                      |
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| N/A                                       | R614-301-731.511.2. | Violation of Water Quality Standards or Effluent Limitations.                |
| N/A                                       | R614-301-731.511.3. | Compliance Requirements.   |
| N/A                                       | R614-301-731.511.4. | Meet with the approval of MSHA.  |
| N/A                                       | R614-301-731.512.   | Discharge Limitations.   |
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| N/A                                       | R614-301-731.512.5. | Flue-Gas Desulfurization Sludge;   |
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| Chap. 3, All Sections, Chap. 7 | R614-301-742.223.1.  | Open Channel Spillway.                            |
| Chap. 3, All Sections, Chap. 7 | R614-301-742.223.2.  | Lining.   |
|                                | R614-301-742.230.    | Other Treatment Facilities.                       |
| N/A                            | R614-301-742.231.    | Design Event.                                     |
| N/A                            | R614-301-742.232.    | Requirements.                                     |
| N/A                            | R614-301-742.240.    | Exemptions.                                       |
|                                | R614-301-742.300.    | Diversions.                                       |
|                                | R614-301-742.310.    | General Requirements.                             |
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| Chapters 3 and 7               | R614-301-742.312.    | Design.   |
| Chapters 3 and 7               | R614-301-742.312.1.  | Stability.  |
| Chapters 3 and 7               | R614-301-742.312.2.  | Flood Protection.                                 |
| Chapters 3 and 7               | R614-301-742.312.3.  | Suspended Solids.                                 |
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| N/A                            | R614-301-742.321.    | Buffer Zone Requirements.                         |
| N/A                            | R614-301-742.322.    | Design Capacity.                                  |
| N/A                            | R614-301-742.323.    | Design Event.                                     |
| N/A                            | R614-301-742.324.    | Certification.                                    |
| N/A                            | R614-301-742.330.    | Diversion of Miscellaneous Flows.                 |
| N/A                            | R614-301-742.331.    | Requirements.                                     |
| N/A                            | R614-301-742.332.    | Design.   |
| N/A                            | R614-301-742.333.    | Design Event.                                     |
|                                | R614-301-742.400.    | Road Drainage.                                    |
|                                | R614-301-742.410.    | All Roads.  |
| Chapter 3, Section 3-7         | R614-301-742.411.    | Protection and Safety.                            |
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| Chap. 3, All Sections, Chap. 7 | R614-301-744.200.    | Design.   |
|                                | R614-301-745.        | Disposal of Excess Spoil.                         |
| N/A                            | R614-301-745.100.    | General Requirements.                             |
| N/A                            | R614-301-745.110.    | Disposal Area.                                    |
| N/A                            | R614-301-745.111.    | Effects on Surface and Ground Water.              |
| N/A                            | R614-301-745.112.    | Impoundments on Fill.                             |
| N/A                            | R614-301-745.113.    | Cover.  |
| N/A                            | R614-301-745.120.    | Drainage control.                                 |

## MRP Location:

## Rule:

## Description:

| MRP Location  | Rule              | Description   |                  |
|---|-------------------|---|------------------|
| N/A   | R614-301-745.121. | Diversions.   |                  |
| N/A   | R614-301-745.122. | Underdrains.  |                  |
| N/A   | R614-301-745.200. | Valley Fills and Head-of-Hollow Fills.                                | <b>SUBMITTED</b> |
| N/A   | R614-301-745.210. | Requirements.   |                  |
| N/A   | R614-301-745.220. | Drainage Control.   |                  |
| N/A   | R614-301-745.221. | Restrictions.   | <b>FEB 1991</b>  |
| N/A   | R614-301-745.222. | Runoff Control.   |                  |
| N/A   | R614-301-745.300. | Durable Rock Fills.   |                  |
| N/A   | R614-301-745.310. | Requirements.   |                  |
| N/A   | R614-301-745.320. | Underdrains.  |                  |
| N/A   | R614-301-745.330. | Runoff Control.   |                  |
| N/A   | R614-301-745.400. | Preexisting Benches.  |                  |
| N/A   | R614-301-746.     | Coal Mine Waste.  |                  |
| Chap. 3, Sections 3-4, 3-4A,<br>B and C, Appendix B | R614-301-746.100. | General Requirements.   |                  |
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| Chap. 3, Sections 3-4, 3-4A,<br>B and C, Appendix B | R614-301-746.212. | Uncontrolled Surface Drainage.  |                  |
| Chap. 3, Sections 3-4, 3-4A,<br>B and C, Appendix B | R614-301-746.213. | Underdrains.  |                  |
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| Chap. 3, Sections 3-4, 3-4A,<br>B and C, Appendix B | R614-301-746.222. | Impoundment Restrictions.   |                  |
| N/A   | R614-301-746.300. | Impounding Structures.  |                  |
| N/A   | R614-301-746.310. | Coal Mine Waste.  |                  |
| N/A   | R614-301-746.311. | Requirements.   |                  |
| N/A   | R614-301-746.312. | MSHA Impounding Structure.  |                  |
| N/A   | R614-301-746.320. | Spillways and Outlet Works.   |                  |
| N/A   | R614-301-746.330. | Drainage control.   |                  |
| N/A   | R614-301-746.340. | Water Storage.  |                  |
| N/A   | R614-301-746.400. | Return of Coal Processing Waste to Abandoned<br>Underground Workings. |                  |
| N/A   | R614-301-746.410. | Hydrologic Impacts.   |                  |
| N/A   | R614-301-746.420. | Monitoring Wells.   |                  |
| N/A   | R614-301-746.430. | Pneumatic Backfilling.  |                  |
| N/A   | R614-301-747.     | Disposal of Noncoal Mine Waste.                                       |                  |
| N/A   | R614-301-747.100. | Requirements.   |                  |
| N/A   | R614-301-747.200. | Placement and Storage.  |                  |
| N/A   | R614-301-747.300. | Final Disposal.   |                  |
| N/A   | R614-301-748.     | Casing and Sealing of Wells.  |                  |
| Chapter 7   | R614-301-750.     | Performance Standards.  |                  |
| Chapter 7   | R614-301-751.     | Water Quality Standards and Effluent<br>Limitations.                  |                  |
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|   | R614-301-752.210. | Control of Erosion and Pollution.                                     |                  |
|   | R614-301-752.220. | Control of Suspended Solids.  |                  |
|   | R614-301-752.230. | Compliance with Effluent Standards.                                   |                  |
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| Chap. 3, Section 3-4                                | R614-301-754.     | Disposal of Excess Spoil, Coal Mine Waste and<br>Noncoal Mine Waste.  |                  |
|   | R614-301-755.     | Casing and Sealing of Wells.  |                  |

**MRP Location:**

**Rule:**

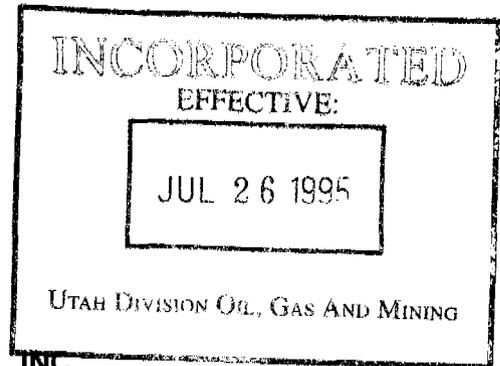
**Description:**

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|                                       |                   |  |
|---------------------------------------|-------------------|--|
| .....                                 | R614-301-760.     | Reclamation.                           |
| Chapter 3, All Sections .....         | R614-301-761.     | General Requirements.                  |
| Chapter 3, Sections 3-2 and 3-7 ..... | R614-301-762.     | Roads.                                 |
| .....                                 | R614-301-762.100. | Restoring Natural Drainage Patterns.   |
| Chapter 3, Exhibits 3.2-4,            |                   |  |
| 3.3-4, 3.6-4 and 3.7-9 .....          | R614-301-762.200. | Regrading.                             |
| .....                                 | R614-301-763.     | Siltation Structures.                  |
| .....                                 | R614-301-763.100. | Restrictions.                          |
| .....                                 | R614-301-763.200. | Requirements.                          |
| .....                                 | R614-301-764.     | Structure Removal.                     |
| .....                                 | R614-301-765.     | Permanent Casing and Sealing of Wells. |

**CHAPTER 1  
INTRODUCTION AND SUMMARY OF PERMIT APPLICATION**

**CASTLE GATE MINE  
AMAX COAL COMPANY  
Carbon County, Utah**



**Prepared by  
EARTHFAX ENGINEERING, INC.  
Midvale, Utah**

**April 1995**

**CHAPTER 1**  
**INTRODUCTION AND SUMMARY OF PERMIT APPLICATION**

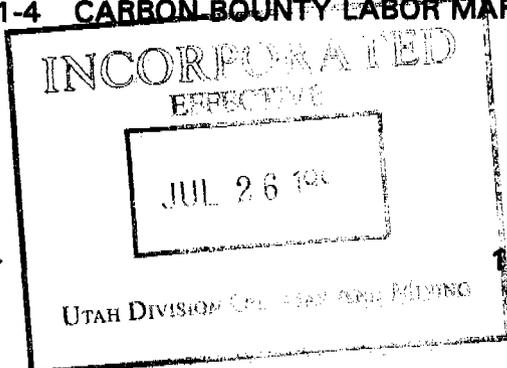
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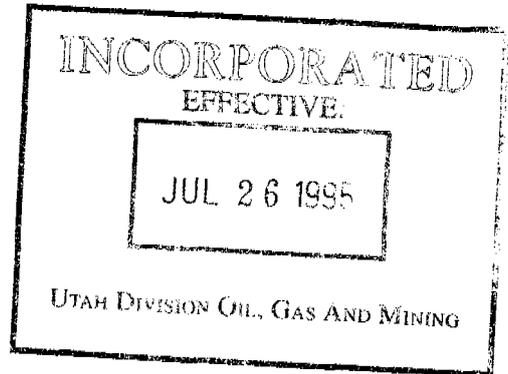
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**CHAPTER 1  
GENERAL INFORMATION**

**1.0 INTRODUCTION**

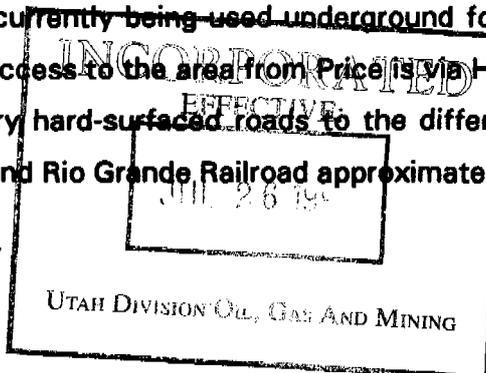
This underground Mining and Reclamation Permit (M&RP) application was submitted by Price River Coal Company. Blackhawk Coal Company, a wholly owned subsidiary of Indiana and Michigan Electric Company, controlled by the American Electric Power Company, Inc., a public utility holding company, acquired lands and interests in lands, including county, State and Federal leases, in order that coal might be mined for use in its affiliated electric utility companies. This underground mining permit was prepared by Price River Coal Company, and submitted for review and approval by the regulatory authorities. Castle Gate Coal Company purchased the rights to mine lands acquired by Blackhawk Coal Company as described in Chapter 2 of this submittal.

The proposed Mine Plan Area is located approximately 10 miles north of Price, Utah, and 110 miles southeast of Salt Lake City, as shown on Figure 1-1. The unit is in the Wasatch Plateau of Book Cliff fields in Carbon County (see Figure 1-2). The involved lands are mountainous and dissected by numerous steep canyons with ground surface elevation varying between 6,000 and 9,500 feet above sea level. There are two perennial streams: The Price River and Willow Creek which traverse the area. Scofield Reservoir, with available storage of 30,000 acre feet, supplements the flow of Price River. A number of springs have been developed for mining use. Water quality data for Willow Creek and developed spring water is limited. The Price River water is high in total dissolved solids. An intermittent stream, Spring Canyon Spring Canyon Creek, is typically high in hardness, dissolved solids, and sulfate. Water accumulations in abandoned mine workings are substantial and have been and are currently being used underground for industrial purposes.

Access to the area from Price is via Highway 6 north to the various turnoffs, then by secondary hard-surfaced roads to the different mines and facilities. The main line of the Denver and Rio Grande Railroad approximately on the eastern border of the area of operation.

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UTAH DIVISION OIL, GAS AND MINING

The city of Helper, approximately 2 miles south with an estimated population of 2,000, and the city of Price, approximately 10 miles south with an estimated population of 8,000, are the nearest population centers.

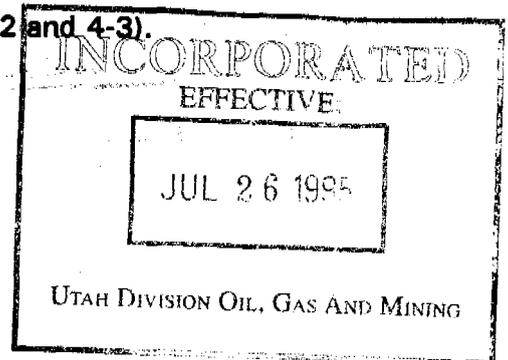
There are no recreational areas of national importance in the region. Recreational facilities of local importance include Scofield Reservoir, some 25 miles northwest, and numerous facilities in the cities of Helper and Price. Price Canyon Recreation Area lies partially within the Mine Plan Area (see Exhibit 1-1).

The area is rich in coal mining history, with many abandoned mines in the area, in addition to other operating mines. Underground mining has occurred in the area since before the turn of the century.

The Mine Plan Area is located in T.12S, T.13S and R.8E, R.9E and R.10E, and extends from the upper part of Spring Canyon and west for a distance of 7 miles to the east. The holdings represent a consolidation of several properties, including the Carbon Fuel Company, Spring Canyon Coal Company, and the Kanawha & Hocking Coal and Coke Company. The boundaries of the Mine Plan Area and the Permit Area are depicted on Exhibit 1-1. Most surface facilities discussed in this application will be in service for all or most of the mine life. To provide necessary long-range planning flexibility, discussion of additional portions of the Mine Plan Area are also included for the information of the regulatory authorities. Through these discussions, we hope to acquaint and advise the reviewers of our long-range development intentions in an effort to make repermitting in the future easier for all parties.

Included are lands held under various title classification. A large part of the tract, particularly along the south side, is held in fee title, including all coal rights. Surface title is also held on several areas where coal is under lease, and other surface rights are owned where coal does not underlie the area.

A large part of the undeveloped section of the property, particularly in the northern part of the tract, is held under State and Federal leases, and coal leases on several small tracts have been obtained from Carbon County (see Exhibits 4-1, 4-2 and 4-3).



**1.1 SCOPE OF OPERATIONS**

Castle Gate Coal Company intends to continue underground mining operation, developing the nine minable coal seams within a 7,619 acre permit in northwestern Carbon County, Utah. Mining activities began in 1971 (year of the consolidation of reserves into a single mining unit), originally conducted by the corporate entity, Braztah. On December 1, 1979, through internal reorganization, the operating company for this property became Price River Coal (Castle Gate Coal Company obtained rights to mine the western reserve on May 30, 1986, from Price River Coal Company.) Prior to the consolidation of the present leased and fee simple reserves, mining activities have occurred to some degree in all minable seams by various business entities since the turn of the century.

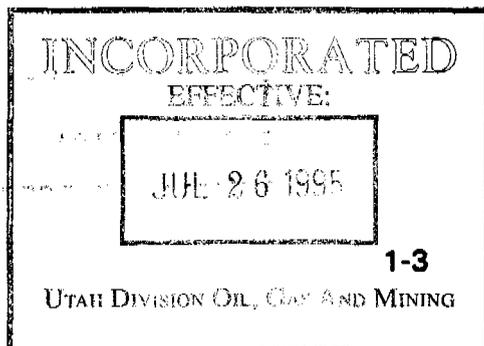
Sufficient reserves remain to provide a minimum twenty year mining plan, with a potential to extend operations to forty years or longer depending on market conditions and advancements in recovery technology. Current production is about 1.0 million tons of clean coal annually. Increase of production to a peak of around 1.8 million tons per year is expected within five years (Chapter 3 further describes this development).

There are about 225 personnel working at the present rate of production. Castle Gate Coal Company employment level, along with similar trends of other local coal mining companies, will not result in profound alterations in the structure and development of Price, Helper, and other Carbon county communities.

**1.2 SUMMARY OF ENVIRONMENTAL IMPACTS**

The potential environmental impacts resulting from this operation are included within the following sections.

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### 1.2-1 Subsidence

A subsidence monitoring program was completed in 1982 to monitor vertical movements at the surface. Some minor surface indication of subsidence was noted. The overlying area is used for grazing and wildlife habitat. The effects of subsidence are non-catastrophic. See Chapter 3, Section 3.1-2, for the detailed subsidence monitoring program.

### 1.2-2 Alteration of the Hydrologic Balance

**Groundwater Hydrology** - To date indications are that the overlying bedrock formations are of such permeability that the impact of the mining on the hydrologic environment is minimal. This is evidenced by heads measured in monitor wells located in Sowbelly Gulch and Bear Canyon. The head in the Blackhawk Formation at the two sites is the same, even though the Sowbelly Well is overlying existing workings while the Bear Well is not. This monitoring is fairly recent, however, and more will be known with time.

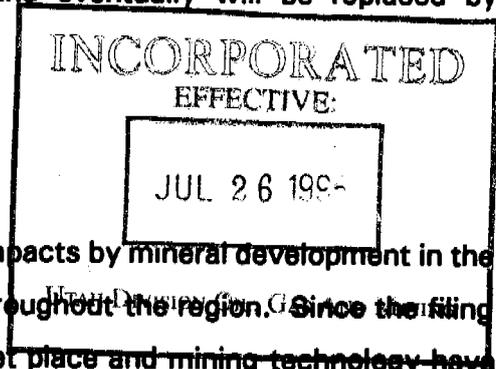
**Surface Hydrology** - Deleterious impacts on surface waters will be minimized by construction and maintenance of runoff control structures for all surface disturbances. See Chapter 7 for more detailed hydrological discussions.

### 1.2-3 Reduction of the Areal Extent of Land Uses

Such reductions are of a temporary nature and eventually will be replaced by reclamation activities (see Chapter 9).

### 1.2-4 Social-Economic Effects

Price River Coal Company predicted significant impacts by mineral development in the region brought on by a rapidly expanding work force throughout the region. Since the filing of this M&RP in 1982, significant changes in the market place and mining technology have



been made. Price River predicted they would have 2,000 workers mining six million tons by 1990. Castle Gate Coal will mine a maximum of 1.8 million tons with 225 personnel. Similar cutbacks in predictions by other companies in the region have brought a condition of no growth in the area. New longwall mining technology and the need to lower costs will mean fewer men mining more coal in the future.

**1.2-4(1) Social Services and Economics**

**Annual Employment Payroll** - Figure 1-3 contains the company labor forecast. The actual payroll for Castle Gate Coal during 1988 was 7.2 million dollars.

**Capital Expenditures** - Through 1991, capital expenditures are projected to be \$15.0 million.

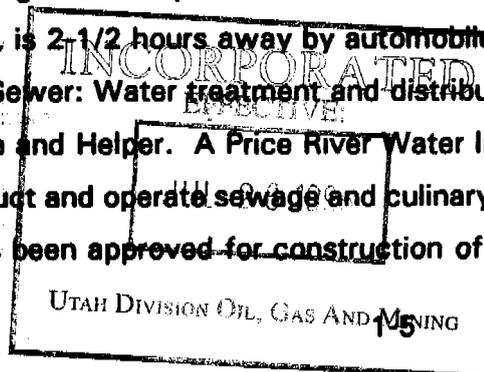
**Service and Support Industries** - Coal will be transported from the mine by the D&RGW Railroad. When full production is reached, an average of 3 loaded unit trains per week will leave the area assuming an average of 8,400 tons per unit train.

**Annual Taxes** - Based on current tax rates, annual property taxes are estimated to be in excess of \$500,000.

**Employee Housing Availability** - Price River reported a housing shortage in the original M&RP. Since 1982 when the original data was prepared, the demand for housing has eased. Numerous apartments and houses are available for sale or rent. This buyers' market is expected for the foreseeable future.

**Availability of Services - Hospital & Medical:** The Castlevew Hospital in Price serves the entire area. The facility has about 100 beds and maintains ambulance service. Some 20 physicians and surgeons now practice in the Price-Helper area. Salt Lake City, with excellent hospital facilities, is 2 1/2 hours away by automobile, or about 1 hour by air.

**Water & Sewer:** Water treatment and distribution facilities are currently operated by the cities of Price and Helper. A Price River Water Improvement District (PRWID) has been formed to construct and operate sewage and culinary water distribution systems in the area. A bond issue has been approved for construction of a water distribution system, and plans



for such system is in progress. PRWID operates an area sewage system considered adequate for foreseeable needs. Castle Gate Coal Company currently is buying culinary water from Helper City.

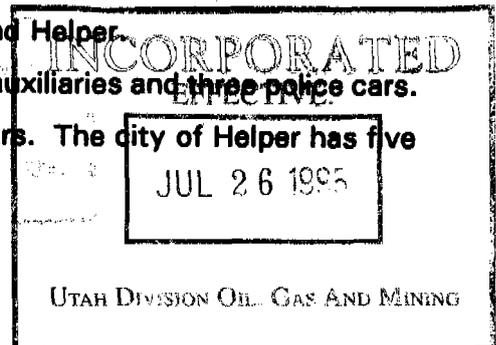
Schools: Public and private schools available in the general area are listed below:

| ELEMENTARY             |                 |                       |
|------------------------|-----------------|-----------------------|
| SCHOOL NAME            | ENROLLMENT 1987 | EST. MAXIMUM CAPACITY |
| Durrant                | 443             | 600                   |
| Price                  | 497             | 600                   |
| Peterson (East Carbon) | 272             | 300                   |
| Sally Mauro (Helper)   | 478             | 600                   |
| Castle Heights         | 474             | 600                   |
| Creek View             | 414             | 600                   |
| Wellington             | 569             | 600                   |
| <b>TOTALS</b>          | <b>2,059</b>    | <b>2,550</b>          |
| JUNIOR HIGH            |                 |                       |
| Mont Harmon            | 770             | 650                   |
| Helper                 | 226             | 230                   |
| <b>TOTALS</b>          | <b>849</b>      | <b>975</b>            |
| SENIOR HIGH            |                 |                       |
| East Carbon            | 184             | 350                   |
| Carbon                 | 838             | 750                   |
| <b>TOTALS</b>          | <b>1,046</b>    | <b>1,356</b>          |

Libraries: Public libraries are available both in Price and Helper.

Police: The city of Price has nine full-time officers, six auxiliaries and three police cars.

The Sheriff's department has five officers and three police cars. The city of Helper has five full-time officers and one car.



**Fire:** Fire protection in each of the cities is provided by a volunteer fire department. Price has 21 volunteer firemen, and four vehicles; Helper has 16 volunteer firemen and three vehicles.

**Utilities:** Electricity, furnished by UP&L, and natural gas, furnished by Mountain Fuel Supply Company, should pose no problems to growth in the area. Telephone hook-up service, provided by Mountain Bell, is currently adequate.

**Social Services:** Adequate housing and utilities are available in all communities in the area. The PRWID water distribution system is complete. Availability of other foods and services is considered fair to good in the Price-Helper area. Recreational opportunities include hunting, fishing, hiking, camping, picnicking, horseback riding, and photography. Scofield Reservoir affords both excellent fishing and water skiing. Price Canyon Recreation Area access is being upgraded to provide trailer spaces, so use of these facilities should appreciably increase. Public swimming pools are located both in Price and Helper and a nine hole public golf course is located between Price and Helper.

**Community Attitudes:** Coal mining has historically been the largest single base of income for the area, and this is not a new or foreign experience to local residents.

Factors which affect public opinion are:

1. Employment

- a. Over 200 new jobs will be directly or indirectly created by Castle Gate Coal Company between 1986 and 1989.
- b. Local communities will supply the manpower, therefore, there will be no influx of people from other areas of the country.

2. Population

The current population of Carbon County is about 20,000.

3. Housing

INCORPORATED

EFFECTIVE

SUL 26 1988

a. The demand for new housing units in the Price-Helper area has stabilized due to the surplus of existing housing.

b. Present studies indicate the supply of housing is adequate for the area.

4. Other Communities

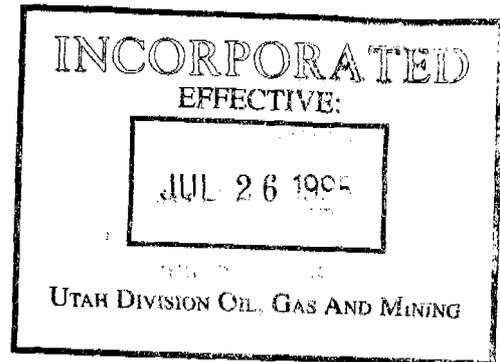
- a. Several other towns are surveyed for growth potential.
- b. All of these towns are limited by their facilities or are too far removed from the job sites to make them attractive to workers searching for a place to live.

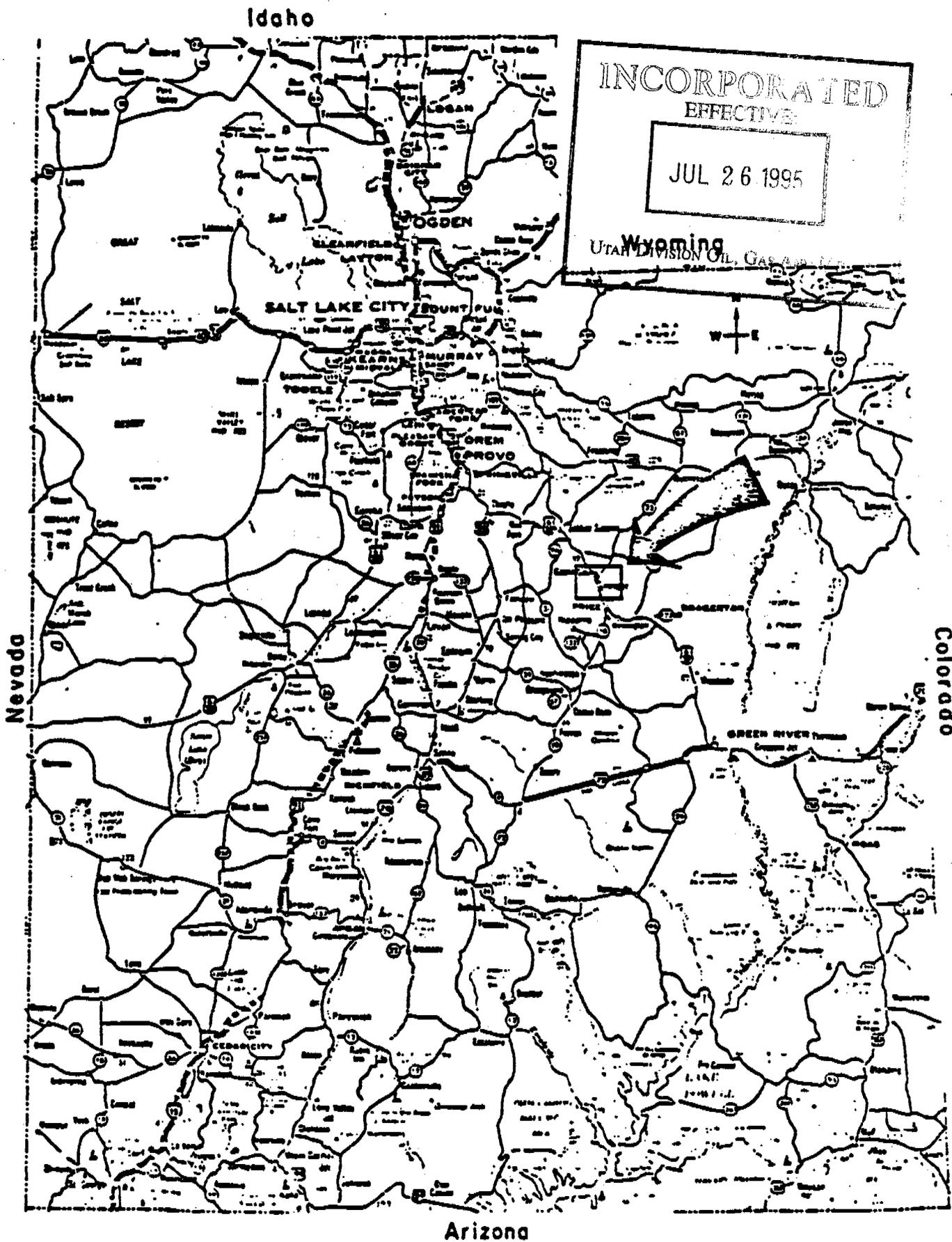
Effect of Local Economy: Since the very optimistic projections done by Price River Coal Company will not come to fruition, no negative impact will come to the local communities. On the contrary, most of the personnel called back to work by Castle Gate Coal Company were unemployed and seeking work.

**1.3 MINE DEVELOPMENT SCHEDULE**

Castle Gate Coal Company will complete mining activities at Portal No. 5 in Sowbelly Canyon late in 1988.

Mining began in Portal No. 3 in Hardscrabble Canyon in September of 1987. Mining in this portal will be at the rate of up to 1.8 million tons per year for a period of 20 years.

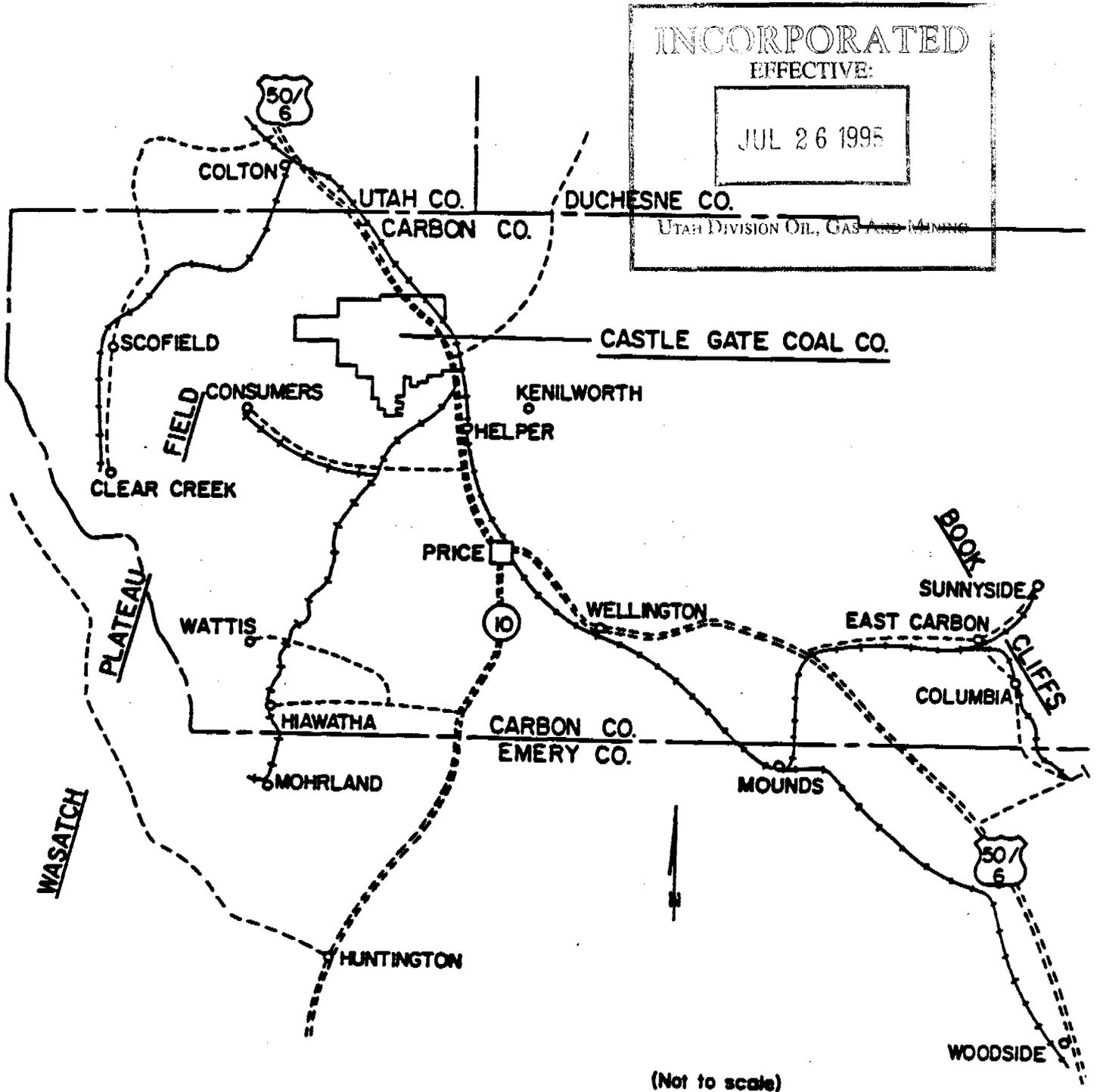




INCORPORATED  
EFFECTIVE  
JUL 26 1995  
Utah Division of Oil, Gas and Minerals

Project No. 1-9; Revised C.L. Date 7/79

Arizona



**FIGURE 1-3**  
**INCREASES OF LABOR FORCE**

|                 | 1983 | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 |
|-----------------|------|------|------|------|------|------|------|------|------|------|------|
| Construction    |      |      |      |      |      |      |      |      |      |      |      |
| Mine Employees  | 130  | 130  | 15   | 35   | 190  | 225  | 225  | 225  | 225  | 225  | 225  |
| Total Employees | 180  | 130  | 15   | 35   | 190  | 225  | 225  | 225  | 225  | 225  | 225  |

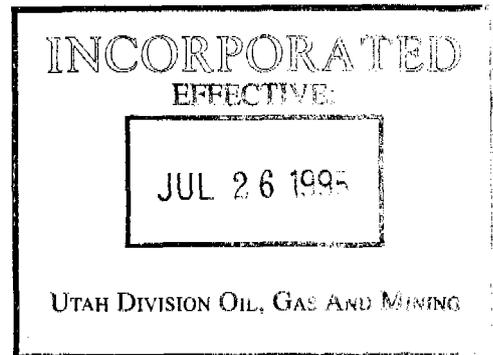
Revised: 2/23/87

**FIGURE 1-4**  
**CARBON COUNTY LABOR MARKET DATA 1987 YEAR AVERAGE**

|                                     |       |
|-------------------------------------|-------|
| Total Civilian Work Force           | 8,659 |
| Total Employed Non Agriculture      | 7,292 |
| Mining                              | 1,646 |
| Contract Construction               | 181   |
| Manufacturing                       | 241   |
| Transportation and Public Utilities | 396   |
| Wholesale and Retail Trade          | 1,637 |
| Finance, Insurance, Real Estate     | 188   |
| Service and Miscellaneous           | 1,262 |
| Government                          | 1,923 |
| Total Unemployed                    | 885   |
| Unemployed as % of Work Force       | 10.2  |

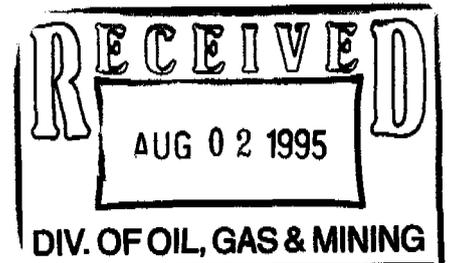
**CHAPTER 2  
GENERAL CONTENTS**

**CASTLE GATE COAL MINE  
AMAX COAL COMPANY  
Carbon County, Utah**



**Prepared by  
EARTHFAX ENGINEERING, INC.  
Midvale, Utah**

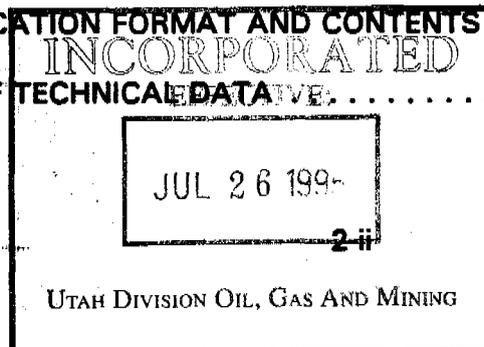
**July 1995**



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GENERAL CONTENTS**

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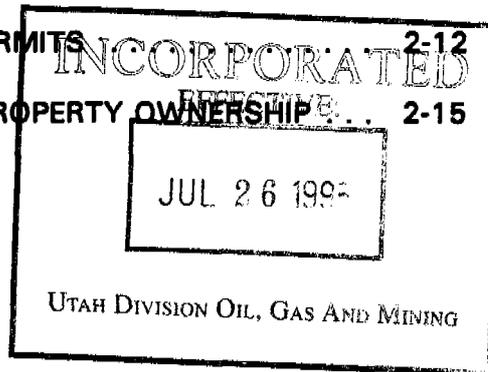


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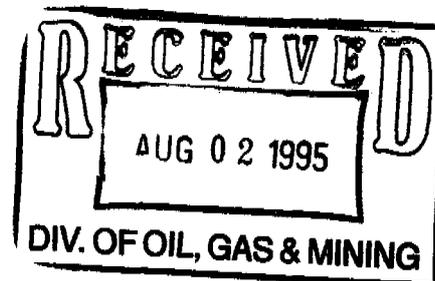


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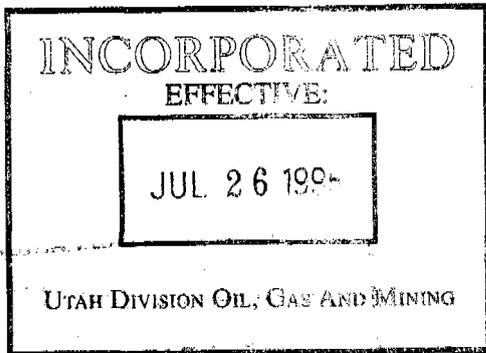


**LIST OF APPENDICES (Continued)**

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- APPENDIX 2-6      FILING FEE VERIFICATION
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**LIST OF EXHIBITS**

- EXHIBIT 2-1 MINING PROGRESSION NO. 3 MINE ..... MS
- EXHIBIT 2-2 MINING PROGRESSION NO. 5 MINE ..... MS



**CHAPTER 2  
GENERAL CONTENTS**

**2.1 MINIMUM REQUIREMENTS FOR LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

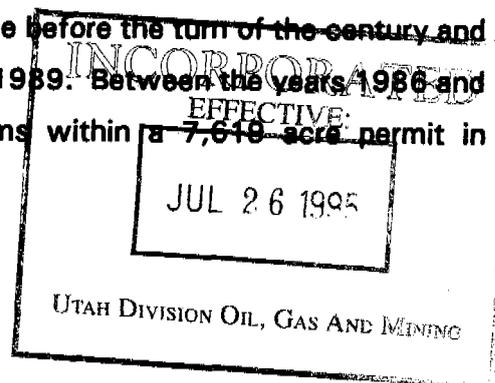
**2.1-1 Introduction**

The permit area is located approximately 10 miles north of Price, Utah, and 110 miles southeast of Salt Lake City (Figure 2-1). The area is mountainous and dissected by steep canyons with ground surface elevations varying between 6,000 and 9,500 feet above sea level. The Price River and Willow Creek traverse the area and are both considered perennial streams. The permit boundaries can be found on Exhibit 1-1.

Property is held under various title classifications. A large part of the tract, particularly along the south side, is held in fee title, including all coal rights. Surface title is also held on several areas where coal is under lease, and other surface rights are owned where coal does not underlie the area. A large part of the undeveloped section of the property, particularly in the northern part of the tract, is held under State and Federal leases, and coal leases on several small tracts have been obtained from Carbon County.

Surface ownership is depicted on Exhibit 4-1, mineral ownership on Exhibit 4-2 and oil and gas leases and ownership on Exhibit 4-3.

Underground mining has occurred in the area since before the turn of the century and ceased at the Castle Gate Mine (Castle Gate) in April of 1989. Between the years 1986 and 1989, Castle Gate developed nine minable coal seams within a 7,649 acre permit in northwestern Carbon County, Utah.



Consolidated mining activities by Braztah Corporation were initiated in 1971. On December 1, 1979, through internal reorganization at Braztah Corporation, the operating company for the mine became Price River Coal Company. Castle Gate Coal Company through permit transfer, obtained the rights from Price River Coal Company to mine the western reserve on May 30, 1986. At that time Castle Gate Coal Company received approval from the Utah Division of Oil, Gas and Mining (UDOGM) to transfer permit ACT 007/004 from Price River Coal Company (Appendix 2-1). When Castle Gate Coal Company was purchased by Amax Coal Company on March 31, 1991, Amax Coal Company became the sublessee of Federal Coal Leases U-25484, U-25485, U-058184, U-019524, SL-029093-046653 and SL-071737; State Leases ML-11940, ML-18148 and ML-13681. When the permit expired on December 24, 1989, a one year permit was issued to Castle Gate Coal Company by UDOGM extending the permit to December 24, 1990 and upon compliance with UDOGM requirements was extended to December 24, 1994, completing the five year permit term. Approval was given December 24, 1994 to Amax Coal Company to extend Permit ACT/007/004 through December 24, 1999.

For reference see, Chapter 2 from the 1989 permit submittal contained in Appendix 2-2.

### 2.1-2 Identification of Interests

Castle Gate is owned by Amax Coal Company, a subsidiary of Cyprus Amax Coal Company, a subsidiary of Amax Energy Inc. which is wholly owned by Cyprus Amax Minerals Company, a Delaware corporation (see Appendix 2-3).

Amax Coal Company is the operator of the surface facilities and mining operation located within Township 12 South, Range 9 East and Township 13 South, Range 9 East. Utah Highway 6 accesses the mining operation area, with various secondary roads accessing the different mines and facilities.

The mineral and land leases for Castle Gate are subleased from Amax Land Company, who subleases the mineral and land rights from Blackhawk Coal Company.

**2.1-2(1) Applicant and Operator**

**APPLICANT:** Amax Coal Company  
Castle Gate Mine  
C/O Cyprus Plateau Mining Corp.  
Post Office Box PMC  
Price, Utah 84501

Area Code (801) 637-2875

**OPERATOR:** Amax Coal Company  
One Riverfront  
20 NW 1st Street  
Evansville, Indiana 47708

Area Code (812) 421-3900

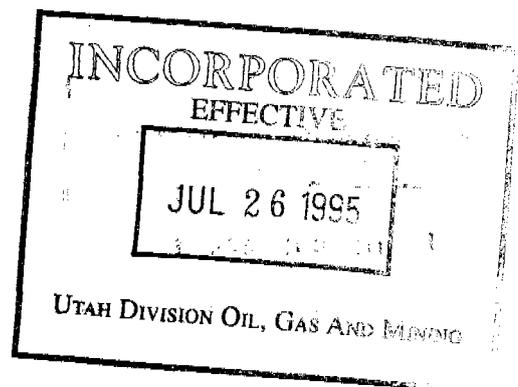
**RESIDENT AGENT:** C. T. Corporation System  
50 West Broadway, 8th Floor  
Salt Lake City, Utah 84101

Area Code (801) 364-5101

The Operator will be responsible for payment of the "Abandoned Mine Land Reclamation Fee".

**2.1-2(2) Officers and Directors**

The officers and directors of Amax Coal Company are:



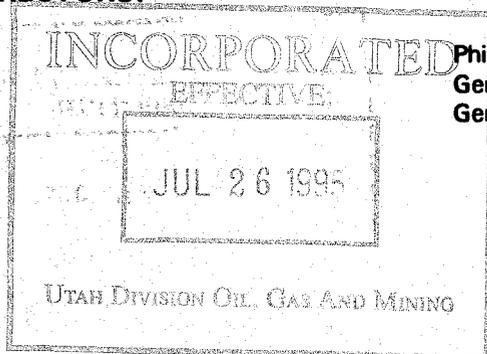
**OFFICERS:**

| <u>Title</u>   | <u>Name</u>         | <u>Social Security Number</u> | <u>Date Assumed Office</u> |
|--|---------------------|-------------------------------|----------------------------|
| President  | W. Mark Hart        | [REDACTED]                    | January 3, 1995            |
| Senior Vice President                                  | Gerald J. Malys     | [REDACTED]                    | December 20, 1993          |
| Senior Vice President, General Counsel and Secretary   | Philip C. Wolf      | [REDACTED]                    | December 20, 1993          |
| Senior Vice President, Sales and Marketing             | Nicholas P. Moros   | [REDACTED]                    | December 20, 1993          |
| Vice President, Sales and Marketing                    | Donald J. Drabant   | [REDACTED]                    | December 20, 1993          |
| Vice President, Labor, Safety and Government Relations | Chris L. Crowl      | [REDACTED]                    | December 20, 1993          |
| Vice President   | G.E. Vajda          | [REDACTED]                    | January 3, 1995            |
| Vice President and General Manager                     | Arthur T. Palm      | [REDACTED]                    | May 11, 1995               |
| Vice President and General Manager                     | Jerry R. Kempf      | [REDACTED]                    | April 3, 1995              |
| Vice President and Treasurer                           | Francis J. Kane     | [REDACTED]                    | January 11, 1994           |
| Vice President and Controller                          | Frank J. Wood       | [REDACTED]                    | December 20, 1993          |
| Assistant Treasurer                                    | Farokh S. Hakimi    | [REDACTED]                    | December 20, 1993          |
| Director of Tax  | J. David Flemming   | [REDACTED]                    | December 20, 1993          |
| Assistant Secretary                                    | Kathleen J. Gormley | [REDACTED]                    | December 20, 1993          |
| Assistant Secretary                                    | Greg A. Walker      | [REDACTED]                    | December 20, 1993          |
| Assistant Secretary                                    | Morris W. Kegley    | [REDACTED]                    | June 27, 1991              |
| Assistant Secretary                                    | Dale E. Huffman     | [REDACTED]                    | July 15, 1994              |
| Assistant Secretary                                    | Susan E. Chetlin    | [REDACTED]                    | April 3, 1995              |

**Resignations:**

| <u>Title</u>                       | <u>Name</u>         | <u>Date Resigned</u> |
|------------------------------------|---------------------|----------------------|
| President                          | A. Frank Dunham     | December 20, 1993    |
| Vice President                     | Frederick L Alvarez | December 20, 1993    |
| Vice President                     | J. Mark Cook        | December 20, 1993    |
| Vice President and Secretary       | Wayne E. Gresham    | December 20, 1993    |
| Vice President                     | Richard B. Meschke  | December 20, 1993    |
| Vice President                     | Robert S. Tevault   | December 20, 1993    |
| Assistant Secretary                | Phyllis A. Elkins   | December 20, 1993    |
| Assistant Secretary                | Robert P. Kobza     | December 20, 1993    |
| Director                           | Helen M. Feeney     | November 15, 1993    |
| President                          | Donald E. Hudson    | January 3, 1995      |
| Assistant Secretary                | Michael R. Peelish  | January 3, 1995      |
| Director                           | Donald P. Brown     | December 30, 1994    |
| Vice President and General Manager | E. Wayne Parke      | May 9, 1995          |

**DIRECTORS:**



Philip C. Wolf  
 Gerald J. Malys  
 Gerald R. Spindler



November 15, 1993  
 November 15, 1993  
 January 3, 1995

The officers and directors of Cyprus Amax Coal Company are:

**OFFICERS:**

| <u>Title</u>   | <u>Name</u>             | <u>Social Security Number</u> | <u>Date Assumed Office</u> |
|--|-------------------------|-------------------------------|----------------------------|
| President  | Gerald R. Spindler      | [REDACTED]                    | January 3, 1995            |
| Senior Vice President                                  | Gerald J. Malys         | [REDACTED]                    | December 20, 1993          |
| Senior Vice President, General Counsel and Secretary   | Philip C. Wolf          | [REDACTED]                    | December 20, 1993          |
| Senior Vice President, Development                     | Richard D. Mills        | [REDACTED]                    | April 3, 1995              |
| Senior Vice President, Sales and Marketing             | Nicholas P. Moros       | [REDACTED]                    | December 20, 1993          |
| Senior Vice President, Eastern Operations              | W. Mark Hart            | [REDACTED]                    | January 3, 1995            |
| Senior Vice President, Western Operations              | Randall J. Scott        | [REDACTED]                    | January 3, 1995            |
| Vice President, Labor, Safety and Government Relations | Chris L. Crowl          | [REDACTED]                    | December 20, 1993          |
| Vice President, Allied Resources                       | Peter J. Bethell        | [REDACTED]                    | April 3, 1995              |
| Vice President, International Business Development     | Vincent J. Calarco, Jr. | [REDACTED]                    | April 3, 1995              |
| Vice President and Treasurer                           | Francis J. Kane         | [REDACTED]                    | January 11, 1994           |
| Vice President and Controller                          | Frank J. Wood           | [REDACTED]                    | December 20, 1993          |
| Assistant Treasurer                                    | Farokh S. Hakimi        | [REDACTED]                    | December 20, 1993          |
| Director of Tax  | J. David Flemming       | [REDACTED]                    | December 20, 1993          |
| Assistant Secretary                                    | Kathleen J. Gormley     | [REDACTED]                    | December 20, 1993          |
| Assistant Secretary                                    | Greg A. Walker          | [REDACTED]                    | December 20, 1993          |
| Assistant Secretary                                    | Morris W. Kegley        | [REDACTED]                    | December 20, 1993          |
| Assistant Secretary                                    | Dale E. Huffman         | [REDACTED]                    | February 1, 1994           |
| Assistant Secretary                                    | Susan E. Chetlin        | [REDACTED]                    | April 3, 1995              |

**Resignations:**

| <u>Title</u>  | <u>Name</u>            | <u>Social Security Number</u> | <u>Date Resigned</u> |
|---|------------------------|-------------------------------|----------------------|
| Senior Vice President, General Counsel, and Secretary                     | Kevin Loughrey         | [REDACTED]                    | November 13, 1993    |
| Senior Vice President, Sales and Marketing                                | George E. Vajda        | [REDACTED]                    | December 20, 1993    |
| Vice President, Materials, Maintenance & Technical Resources              | W. Mark Hart           | [REDACTED]                    | December 20, 1993    |
| Vice President, Strategic Planning, and Controller                        | Joseph Caffarelli, Jr. | [REDACTED]                    | December 20, 1993    |
| Vice President, Business Development                                      | John E. Baum           | [REDACTED]                    | December 20, 1993    |
| Vice President, Associate General Coun., Assistant Secretary and Director | Deborah J. Friedman    | [REDACTED]                    | December 31, 1993    |
| Vice President and Treasurer  | Dennis C. Haugh        | [REDACTED]                    | December 31, 1993    |
| President and Director  | Donald P. Brown        | [REDACTED]                    | December 30, 1994    |
| Senior Vice President, Eastern Oper.                                      | Donald E. Hudson       | [REDACTED]                    | January 3, 1995      |
| Senior Vice President, Western Oper.                                      | J. Mark Cook           | [REDACTED]                    | January 3, 1995      |
| Assistant Secretary   | Michael R. Peelish     | [REDACTED]                    | January 3, 1995      |
| Senior Vice President, Development  | Donald E. Hudson       | [REDACTED]                    | April 3, 1995        |

INCORPORATED  
 BE  
 JULY 1995  
 APRIL 3, 1995  
 UTAH DIVISION OIL, GAS AND MINING

**DIRECTORS:**

|                    |             |                   |
|--------------------|-------------|-------------------|
| Philip C. Wolf     | 317-50-5623 | December 31, 1993 |
| Gerald J. Malys    | 165-36-0198 | August 1, 1989    |
| Garold R. Spindler | 233-74-2870 | January 3, 1995   |

An organizational chart outlining the sequence of ownership and business information pertaining to Cyprus Amax Minerals Company, Amax Energy Inc., Cyprus Amax Coal Company and Amax Coal Company can be found in Appendix 2-3.

Correspondence regarding the operations of Castle Gate should be addressed to:

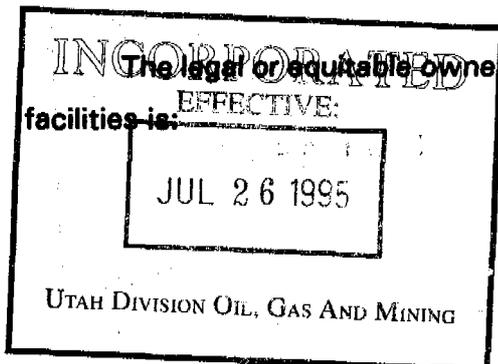
W. John Borla, P.E.  
Cyprus Plateau Mining  
P.O. Box PMC  
Price, Utah 84501

**2.1-2(3) Coal Mining and Reclamation Operation Permit Applications Previous, Current or Pending**

Identification numbers of applications or permits issued to Castle Gate are contained in Table 2-1. However, many of the agencies listed have review responsibility only and may not have submitted a numbered permit.

Permits and operations held by the subsidiaries, officers and directors of Cyprus Amax Minerals Company are located in Appendix 2-4.

**2.1-2(4) Legal or Equitable Owner of the Surface and Mineral Properties to be Mined**



Blackhawk Coal Company  
One Memorial Drive  
P.O. 700  
Lancaster, OH 43130-0700

The legal or equitable owners of the coal are:

Blackhawk Coal Company  
One Memorial Drive  
P.O. 700  
Lancaster, OH 43130-0700

United States of America  
Department of Interior  
Bureau of Land Management  
Price Coal Office  
900 North 700 East  
Price, Utah 84501

State of Utah  
Division of State Lands  
411 Empire Building  
231 East 400 South  
Salt Lake City, Utah 84111

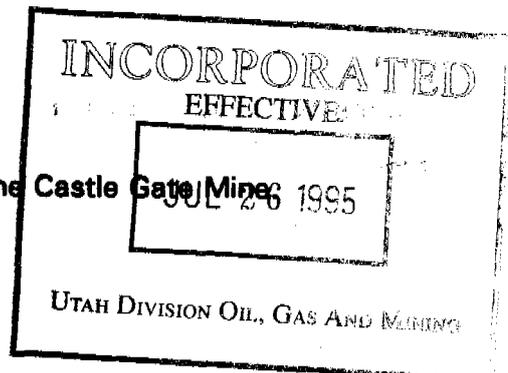
No area within the lands to be affected by surface operations and facilities or within the area of coal to be mined is under a real estate contract.

**2.1-2(5) Owners of Record of Property Contiguous to Proposed Permit Area**

Table 2-2 and Section 12.1.1.2.6 contains the names and addresses of all owners of surface lands and mineral rights contiguous to the permit boundary.

**2.1-2(6) MSHA Numbers**

Table 2-1 includes the MSHA ID Numbers for the Castle Gate Mine.



**2.1-2(7) Interest in Contiguous Lands**

There are not outstanding interests in lands, options, or pending bids made by the Applicant for lands contiguous to the permit area.

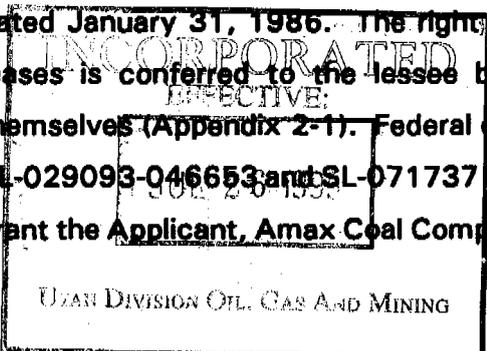
**2.1-3 Violation Information**

Neither the Applicant, nor any of its subsidiaries, affiliates, or persons controlled by or under common control with the Applicant has had a Federal or State mining permit suspended or revoked in the last five years, nor forfeited a mining bond or similar security deposited in lieu of bond.

Appendix 2-7 contains the NOV history for the Castle Gate Mine. Violation notices received by the Applicant during the proceeding three years are contained in Appendix 2-7. Don Hilden, Manager of Permit Compliance for the Division of Water Quality confirmed on June 8, 1995 (per telephone conversation) that no violation has been issued to Castle Gate Coal Mine for 1992 through June 8, 1995. Norm Erickson of the Division of Air Quality verified that no violation has been issued to Castle Gate during 1992, 1993, 1994, or to date in 1995 (telephone conversation 6/8/95).

**2.1-4 Right-of-Entry Information**

Amax Coal Company has leased or subleased surface entry and coal extraction rights for the permit area from Blackhawk Coal Company under the "Lease Transaction Agreement", dated January 31, 1986. The right to enter the leaseholds conveyed by the Federal Coal leases is conferred to the lessee by the Mineral Leasing Act of 1920 and the leases themselves (Appendix 2-1). Federal coal leases U-25484, U-25485, U-058184, U-019524, SL-029093-046653 and SL-071737 and State Leases ML-11940, ML-18148 and ML-13681 grant the Applicant, Amax Coal Company, the right to enter and conduct underground mining



operations on the leased properties. The Applicant's right to enter and begin operation is not subject to pending litigations.

The Castle Gate permit lease area is located in Carbon County, Utah as follows: Township 12 South, Range 9 East, SLBM - Portions SE1/4 SW1/4 and SW1/4 SE 1/4 of Section 22; Section 26 all except for E1/2 E1/2; Section 27; Section 28; Section 29 all except N1/2 NW1/4 and NW1/4 NE1/4; Section 30 all except N1/2 N1/2; Section 31; Section 32; Section 33; Section 34; portions of N1/2, W1/2 SW1/4, and SE1/4 SE1/4 of Section 35; S1/2 NW1/4 and portions of SW1/4 and NE1/4 of Section 36.

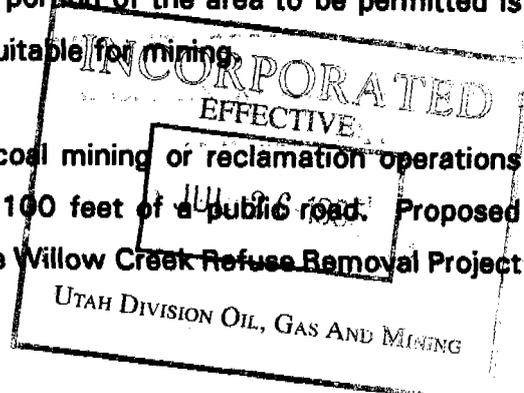
Township 13 South, Range 9 East, SLBM - Portion of NW1/4 NW1/4 of Section 1; portions of NE1/4 and NW1/4 of Section 2; NW1/4 and portions of NE1/4, SE1/4, and SW1/4 of Section 3; N1/2 and portions of SE1/4 and SW1/4 of Section 4; NE1/4 and portions of NW1/4, SE1/4 and SW1/4 of Section 5; N1/2 and portions of SW1/4 and SE1/4 of Section 6; portion of NE1/4 of Section 8; portions of NE1/4, NW1/4 and SW1/4 of Section 9; portions of NE1/4 and NW1/4 of Section 10.

The Willow Creek Refuse Removal area is located in Carbon County, Utah: SW1/4 of Section 31, Township 12 South, Range 10 East; NW1/4 of Section 6, Township 13 South, Range 10 East; NE1/4 of Section, Township 13 South, Range 9 East.

#### **2.1-5 Status of Unsuitability Claims**

To the best of the Applicant's knowledge, no portion of the area to be permitted is designated, or under study for being designated, unsuitable for mining.

The Applicant does not propose to conduct coal mining or reclamation operations within 300 feet of any occupied dwelling or within 100 feet of a public road. Proposed reclamation operations adjacent to a public road for the Willow Creek Refuse Removal Project



are discussed in Section 12.5.4. The Willow Creek Refuse Removal Project does not intend to mine coal.

### **2.1-6 Permit Term**

The anticipated mining progression during the operation of Castle Gate Mine No. 3 and No. 5 are outlined on Exhibits 2-1 and 2-2, respectively. Reclamation operations are discussed in Chapters 3, 7, 8, 9, 10, and 12.

### **2.1-7 Insurance and Proof of Publication**

Certificates of Insurance issued to Amax Coal Company, are located in Appendix 2-5.

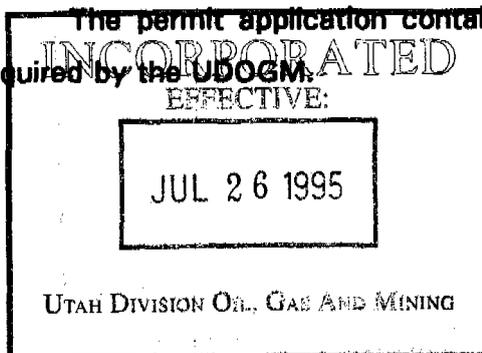
The newspaper advertisement of application for a permit and verification of the advertisement appear in Appendix 2-5. Any future newspaper advertisement and verification will be submitted to the Division no later than 4 weeks after final publication.

### **2.1-8 Filing Fee**

A permit filing fee of \$5.00 was submitted with this application and a certificate of verification included in Appendix 2-6.

## **2.2 PERMIT APPLICATION FORMAT AND CONTENTS**

The permit application contains clear, concise, current information, in the format required by the UDOGM.



### **2.3 REPORTING OF TECHNICAL DATA**

All technical data submitted in the permit application is accompanied by the names of persons or organizations that collected and analyzed the data. The technical data also contains the dates of collection and analysis of the data, and descriptions of the method used to collect and analyze data. A professional qualified in the subject, planned or directed the technical analyses.

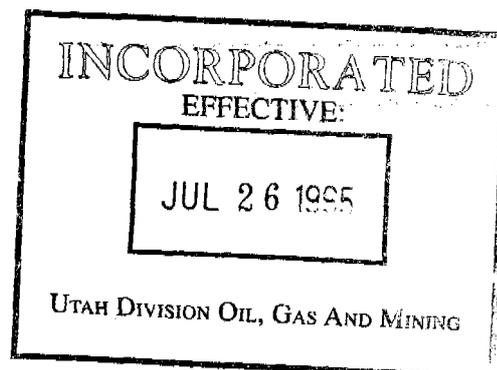
### **2.4 MAPS AND PLANS**

The maps submitted in this permit application correspond to the format required by the regulations.

Those portions in the mine plan area in which underground coal mining activities occurred before August 3, 1977, and from August 3, 1977 to May 3, 1978 are presented for Mine #3 and #5 on Exhibits 2-1 and 2-2.

### **2.50 COMPLETENESS**

The Applicant believes the available information in this permit application to be complete.



July 1995

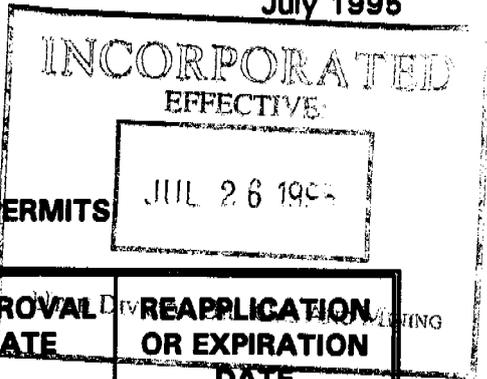
**INCORPORATED**  
 EFFECTIVE:

JUL 26 1995

**TABLE 2-1**  
**ACTIVE AND PENDING LICENSES AND PERMITS**

| TYPE OF LICENSE/PERMIT   | ISSUING AUTHORITY | ID NUMBER   | <small>UTAH DIVISION OF OIL, GAS AND MINING</small> |                                  |
|--|-------------------|-------------|---|----------------------------------|
|  |                   |             | APPROVAL DATE                                       | REAPPLICATION OR EXPIRATION DATE |
| Crandall Canyon Sediment Pond and Oil Separator Construction                       | UDH               | -           | 1/25/82   | None                             |
| Crandall Canyon Wastewater Disposal System Construction                            | UDH               | -           | 10/29/81  | None                             |
| Pond 013 Construction  | UDH               | -           | 3/16/82   | None                             |
| Crandall Canyon Sediment Pond Construction   | UDH               | -           | 2/25/81   | None                             |
| Air Quality - Installation of Petro Chemical Storage Tanks and Emergency Generator | UDH               | -           | 4/22/81   | None                             |
| Crandall Canyon Road Construction  | UDOGM             | -           | 11/12/81  | None                             |
| Commence Crandall Canyon Construction Activities                                   | UDOGM             | -           | 11/13/80  | None                             |
| Ephemeral Stream Crossing in Crandall Canyon                                       | UDOGM             | -           | 4/17/81   | None                             |
| Power Line Construction to Crandall Canyon Facilities                              | UDOGM             | -           | 4/30/81   | None                             |
| Crandall Canyon - Use of Lower Yarding Area  | UDOGM             | -           | 9/2/81  | None                             |
| Willow Creek Area Helipad and Storage Use  | UDOGM             | -           | 7/23/81   | None                             |
| Mining and Reclamation Plan  | UDOGM             | ACT 007/004 | 4/27/77   | 12/24/99                         |
| Discharge of Untreated Groundwater from Shafts in Crandall Canyon                  | UDOGM             | -           | 2/3/82  | -                                |

July 1995



**TABLE 2-1 (Continued)**  
**ACTIVE AND PENDING LICENSES AND PERMITS**

| TYPE OF LICENSE/PERMIT                            | ISSUING AUTHORITY       | ID NUMBER            | APPROVAL DATE          | REAPPLICATION OR EXPIRATION DATE |
|---|-------------------------|----------------------|------------------------|----------------------------------|
| UPDES/NPDES                                       | EPA/UDEQ                | UT-G040012           | 9/1/93                 | 4/30/98                          |
| RCRA  | EPA                     | UTD982581555         | 4/8/88                 | None                             |
| Crandall Canyon Approval of Complete Modification | UDOGM                   | -                    | 4/23/82                | None                             |
|   | OSM                     | -                    | 4/23/82                | None                             |
| Clearance of Cultural Resources - Crandall Canyon | OSM                     | -                    | 3/23/81                | None                             |
| Start of Crandall Canyon Construction Activities  | OSM                     | -                    | 12/23/80               | None                             |
| Building Permit                                   | Carbon County           | 1989                 | 9/8/81                 | None                             |
| Roof Control                                      | MSHA                    | 42-00165<br>42-01202 | Portal #3<br>Portal #5 | Portals sealed                   |
| Ventilation                                       | MSHA                    | 42-00165<br>42-01202 | Portal #3<br>Portal #5 | Portals sealed                   |
| Coal Plant  | MSHA                    | 42-01517             | 1/1/79                 | None                             |
| Refuse Pile Pond                                  | MSHA                    | 1211-UT-09-0165-02   | 6/23/78                | None                             |
| Refuse Disposal Site                              | MSHA                    | 1211-UT-09-0165-01   | 11/17/77               | None                             |
| 211 Mine Plan                                     | USGS                    | -                    | 4/27/77                | -                                |
| #3 Refuse Pile                                    | MSHA                    | -                    | -                      | -                                |
| Barn Canyon Refuse                                | MSHA                    | 1211-UT-0-0029       | -                      | -                                |
| Air Quality Approval Order                        | Division of Air Quality | AO 11-9-87           | 1987                   | -                                |
| Business License                                  | Carbon County           | -                    | -                      | Annually                         |

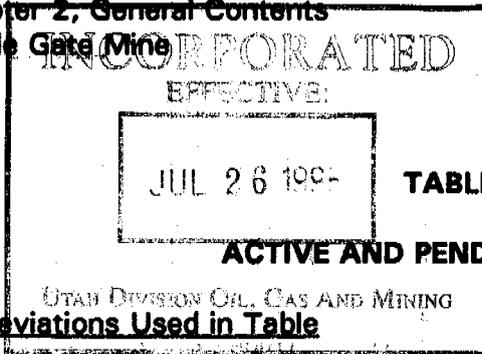


TABLE 2-1 (Continued)

**ACTIVE AND PENDING LICENSES AND PERMITS**

**Abbreviations Used in Table**

- UDEQ = Utah Department of Environmental Quality
- UDH = Utah Department of Health
- UDOGM = Utah Division of Oil, Gas and Mining
- EPA = Environmental Protection Agency
- OSM = Office of Surface Mining
- USGS = U.S. Geological Survey
- MSHA = Mine Safety and Health Administration

July 1995

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TABLE 2-2

CONTIGUOUS SURFACE AND MINERAL PROPERTY OWNERSHIP<sup>(a)</sup>

| OWNER  | SURFACE PROPERTY | MINERAL PROPERTY |
|--|------------------|------------------|
| Daniel W. & Beverly A. Deveraux<br>3210 W. 100th Avenue<br>Anchorage, Alaska 99515   | X                |                  |
| Blackhawk Coal Company<br>Suite 400, Desert Building<br>Salt Lake City, Utah 84111   | X                | X                |
| Robert L. Youngblood<br>880 East 9400 South, Suite 111<br>Sandy, Utah 84094  | X                |                  |
| Bill N. Diamanti, Chris N. Diamanti,<br>Nick G. Diamanti and Lee N. Diamanti<br>c/o Lee Diamanti<br>505 South Carbon Avenue<br>Price, Utah 84501 | X                |                  |
| Duvels, Inc.<br>395 West 4650 North<br>Provo, Utah 84604   | X                | X                |
| Max R. Rogers<br>28515 158th Avenue East<br>Graham, Washington 98338   | X                |                  |
| K.C. Jensen & Tonda Hampton<br>P.O. Box 957<br>Price, Utah 84501   | X                |                  |
| LDS Church Real Estate Division<br>12th Floor East<br>50 East North Temple Street<br>Salt Lake City, Utah 84150                                  | X                |                  |

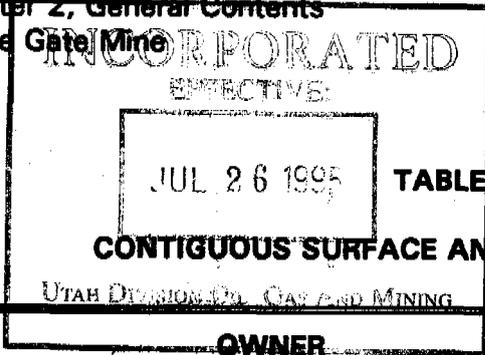


TABLE 2-2 (Continued)

**CONTIGUOUS SURFACE AND MINERAL PROPERTY OWNERSHIP<sup>(a)</sup>**

| OWNER  | SURFACE PROPERTY | MINERAL PROPERTY |
|--|------------------|------------------|
| Steven J. Giacoletto<br>3625 W. Gordon Creek Rd.<br>Price, Utah 84501  | X                |                  |
| Richard Cook<br>116 Shuman<br>East Carbon, Utah 84520  | X                |                  |
| E.R. & E.E. Evatz<br>3115 Cory Drive<br>Reno, Nevada 89509   | X                |                  |
| Carbon County<br>Courthouse Bldg.<br>Price, Utah 84501   | X                |                  |
| Marian N. Shaw, et al.<br>West 8th Street, Pioneer Apt. 21<br>Gillette, Wyoming 82716  | X                |                  |
| August M. Pollastro<br>7 E Street<br>Helper, Utah 84536  | X                |                  |
| City of Price<br>Municipal Building<br>Price, Utah 84501   | X                |                  |
| Price River Water Improvement District<br>P.O. Box 520<br>Price, Utah 84501  | X                |                  |
| State of Utah, Lands & Forestry Division<br>355 West North Temple<br>3 Triad Center, Suite 400<br>Salt Lake City, Utah 84180 | X                | X                |

TABLE 2-2 (Continued)

CONTIGUOUS SURFACE AND MINERAL PROPERTY OWNERSHIP<sup>(a)</sup>

INCORPORATED  
 EFFECTIVE:  
 JUL 26 1995  
 OIL, GAS AND MINING

| OWNER  | SURFACE PROPERTY | MINERAL PROPERTY |
|--|------------------|------------------|
| Annie S. Kosec Trust<br>2177 Kenilworth Road<br>Helper, Utah 84526   | X                |                  |
| Boyd L. & Phyllis Marsing et al.<br>4200 Monarch Way<br>Salt Lake City, Utah 84124   | X                |                  |
| Utah Department of Transportation<br>4105 South 2700 West<br>Salt Lake City, Utah 84119  | X                |                  |
| Boy Scouts of America<br>P.O. Box 106<br>Provo, Utah 84603   | X                |                  |
| United States of America<br>Bureau of Land Management<br>State Office Building<br>324 South State Street<br>Salt Lake City, Utah 84116 | X                | X                |
| Utah Power & Light<br>Highway 10<br>Price, Utah 84501  | X                | X                |
| Utah Railway Company<br>6095 So. 300 East<br>Murray, Utah 84107  | X                |                  |
| Utah State Road Commission<br>District 4 office<br>1168 South Highway 10<br>Price, Utah 84501  | X                |                  |
| Zions National Bank<br>45 South Carbon Avenue<br>Price, Utah 84501   |                  | X                |
| S.E. Investment Co.<br>No Address Listed   | X                |                  |

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TABLE 2-2 (Continued)

**CONTIGUOUS SURFACE AND MINERAL PROPERTY OWNERSHIP<sup>(a)</sup>**

| OWNER<br>UTAH DIVISION OF OIL, GAS AND MINING                        | SURFACE<br>PROPERTY | MINERAL<br>PROPERTY |
|--|---------------------|---------------------|
| E.J. Stokes<br>52 South 350 East<br>North Salt Lake City, Utah 84054 | X                   |                     |
| Stephen A. & Rosemary A. Standley<br>Price, Utah 84501               | X                   |                     |
| Ella M. Santi<br>5115 El Circulo<br>Oceanside, California 92056      | X                   |                     |
| Raymond Winkelried<br>P.O. Box 90<br>Helper, Utah 84526              | X                   |                     |

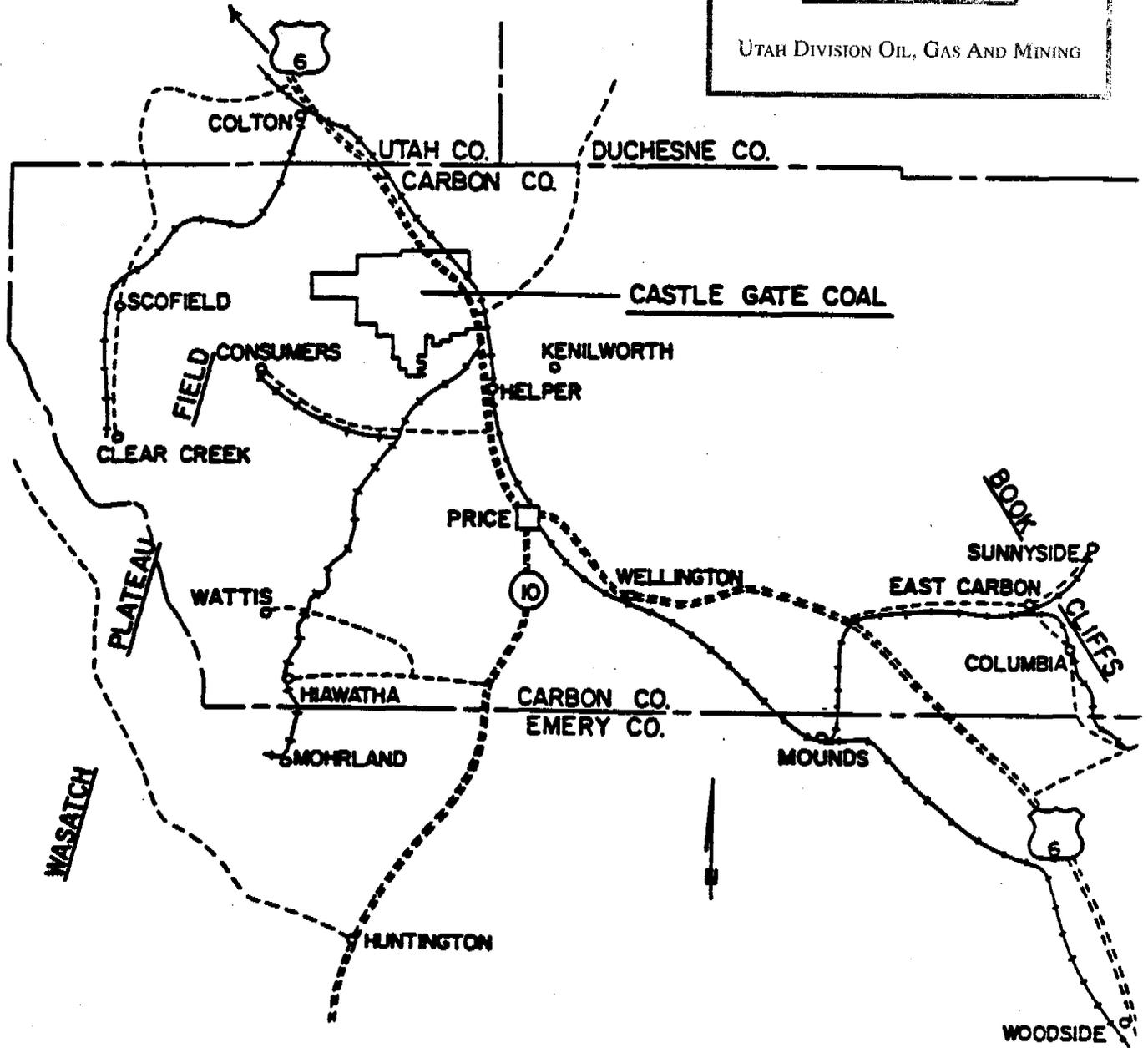
<sup>(a)</sup> Mineral ownership revised April 1991

TO I-15 AND  
SALT LAKE CITY

INCORPORATED  
EFFECTIVE:

JUL 26 1995

UTAH DIVISION OIL, GAS AND MINING



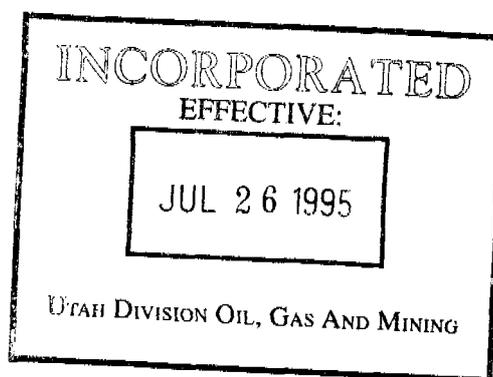
(Not to scale)

FIGURE 2-1. SITE LOCATION MAP.



APPENDIX 2-1

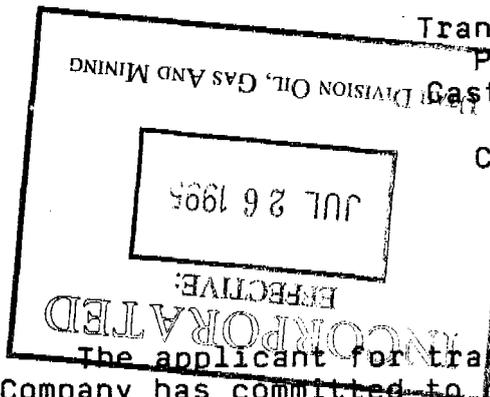
TRANSFER OF PERMIT RIGHTS



FINDINGS

Transfer of Permit Rights  
Price River Complex  
Castle Gate Coal Company  
ACT/007/004  
Carbon County, Utah

May 30, 1986



The applicant for transfer of permit rights, Castle Gate Coal Company has committed to continue to conduct the operations involved in full compliance with the terms and conditions of the original permit issued to Price River Coal Company (UMC 788.18(c)(3)). Therefore, Findings II 1-4, and 9-14 of the original Decision Document (attached) are still pertinent.

However, Castle Gate Coal Company is not going to take over the responsibility for the entire permit area which was under permit by Price River Coal Company. Specifically, Price River Coal Company will retain the liability for the Willow Creek Storage area, and the Kennilworth/Utah Fuel mine fan and intake portals. This area is shown on Attachment number 2 of the Request for Permit Transfers filed by Castle Gate Coal Company.

Currently, Castle Gate Coal Company has submitted a bond sufficient to cover the entire permit area permitted by Price River Coal Company. After this permit transfer has been effected, the Division of Oil, Gas and Mining (DOG M) will determine the amount of bonding liability that Price River Coal Company must continue to carry for reclamation of the area which will not be transferred. Upon posting of the requisite amount by Price River Coal Company, the Castle Gate Coal Company bond will be reduced by the same amount.

The following findings specifically apply to the application for transfer of permit rights.

1. The State of Utah, DOGM has determined that the application for transfer of permit rights is accurate and complete, and complies with the requirements of UMC 788.18(a) and (b).
2. The applicant has obtained a performance bond equivalent to the bonding requirements of the original permit, in the amount of \$2,683,603 (1987 Dollars) (UMC 788.18(c)(2)).
3. The applicant has the legal right to enter and begin coal mining activities pursuant to the Lease Transaction Agreement between Price River Coal Company and Castle Gate Coal Company or a letter of agreement between Blackhawk Coal Company and Castle Gate Coal Company.

4. DOGM's records show that Castle Gate Coal Company has received no violations in Utah, and therefore does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act. Castle Gate Coal Company has paid no fees to the Abandoned Mine Reclamation Fund, as no coal has been mined in Utah.
5. Procedures for public participation have complied with requirements of the Act and the Utah State Program. Notice was published in the Price Sun Advocate on February 14, 1986 as required by UMC 788.18(b)(1). No comments were received.

Susan C. Zimmer  
DOGM Lead Reviewer

James P. Bampton  
Administrator, Mineral Resource  
Development and Reclamation Program

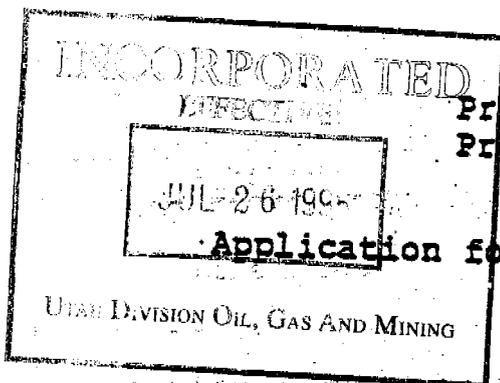
Samuel E. May  
Associate Director, Mining

Barbara Roberts  
Attorney General  
Approved as Form

Dennis P. Nielson  
Director  
UTAH DIVISION OF OIL, GAS AND MINING  
JUL 26 1995  
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INCORPORATED

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## FINDINGS



Price River Coal Company  
Price River Mine Complex

Application for Mining Plan and Permit Approval

- I. The State of Utah and the Office of Surface Mining (OSM) have determined that the mining plan and permit application submitted on March 20, 1981, and updated through July 6, 1984, and the permit with conditions are accurate and complete and comply with the requirements of the approved Utah regulatory program, the Surface Mining Control and Reclamation Act (SMCRA), and the Federal Lands Program [786.19(a)]
- II. The Utah Division of Oil, Gas and Mining (UDOGM) and the Office of Surface Mining (OSM) have reviewed the permit application and prepared the technical and environmental assessment (TEA); and based on this have made the following findings:
  - I. The applicant proposes acceptable practices for the reclamation of disturbed lands. Vegetation will be reestablished utilizing introduced species which were successfully grown in this area prior to the onset of mining operations. UDOGM and OSM have determined that reclamation, as required by the Act, can be feasibly accomplished under the mining plan. [786.19(b)]

OSM has determined that reclamation at the Price River Mine Complex is technologically and economically feasible under SMCRA. [Section 522(b)]
  2. The cumulative hydrologic impact assessment (CHIA) for the Price River Mine Complex has been made by UDOGM and OSM, and the operation has been designed to prevent any material damage to the hydrologic balance. An assessment of mining operations in the vicinity of the Price River mine showed that there are no active coal-mining operations upstream except for those that are isolated from the Price River by Scofield Reservoir. State leases exist upstream of the mine, but mine plans have not yet been developed for these tracts. Although some mining exists downstream on the Price River, the cumulative hydrologic impacts near the Price River Mine Complex are expected to be negligible. Due to the lack of other coal-mining operations in the Price River basin that could potentially have any cumulative impact on the local

hydrologic system, the cumulative impact area (CIA) includes only the PRCC complex lease and immediate area. A summarization of findings follows:

The surface water control plan is sufficient to prevent uncontrolled runoff from leaving disturbed areas within the surface facilities sites. The chemical quality of the surface water in the permit area is generally alkaline with various parameters that have been found to exceed water quality standards or equivalent NPDES criteria for discharge points, primarily as a result of coal and coal fines being allowed to wash into Hardscrabble Canyon in the past. Although the water quality at the mine sites was declining prior to the implementation of surface water controls, current monitoring data indicates that these controls are allowing the water quality to improve.

Reduction of flow of surface water will occur as a result of evaporation from sediment ponds. The amount of waters evaporated is expected to be insignificant; however, there is a potential to reduce baseflow to the streams by less than one percent. An analysis of the amount of ground-water flow intercepted by mining represents only 0.6 to 0.9 percent of the Price River mean annual flow. This intercepted ground water potentially represents a maximum of 56 percent of the water rights held by the mine. Any diminution of baseflow can be replaced by the mine.

During active mining, inflow into the mine from the regional aquifer system is expected to be in excess of the natural recharge of the aquifer system, indicating that water is being removed from storage. This will result in a decrease in the hydrostatic head of the Blackhawk/Star Point aquifer. Due to a lack of potentiometric data, the loss of hydrostatic head cannot be quantified. This water removed from ground-water storage will eventually be replaced as recharge occurs.

Incremental increases in TDS and TSS constituent loads to receiving waters, based on comparing TDS values from the Blackhawk monitoring wells to water from abandoned mine workings, are expected to be within established effluent limitations. The impact is, therefore, considered to be minimal.

Subsidence impacts to the area as a result of mining will be controlled by limited extraction of coal in the mine under Price River and Willow Creek. Impacts to springs and surface waters by subsidence are expected to be minimal due to the amount of overburden and the fact that there is no historical occurrence of subsidence in the area.

The probable cumulative hydrologic impact assessment of all existing and anticipated mining in the general area indicates that the surface facilities and underground mining operation proposed under this application have been designed to prevent damage to the hydrologic balance in associated off-site areas [UMC 786.19(c); TEA, Cumulative Hydrologic Impact Assessment]

3. After reviewing the description of the proposed permit area, the OSM has determined that the area is:
- Not included within an area designated unsuitable for mining operations. [UMC 762.11]
  - Not within an area under study for designating lands unsuitable for coal mining operations. [UMC 764 and 765]
  - Not on any land subject to the prohibitions or limitations of 30 CFR 761.11(a) (national parks, etc.), 761.11(f) (public buildings, etc.), and 761.11(g) (cemeteries). [786.19(d)(3)]

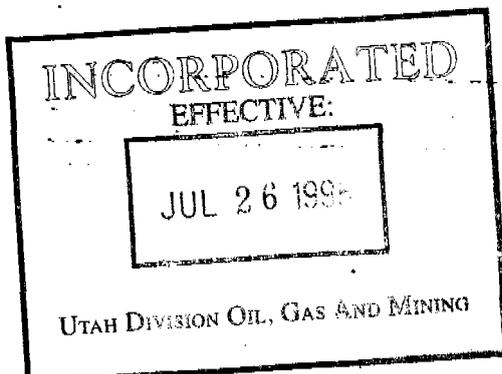
The Willow Creek facilities area is adjacent to the Willow Creek Cemetery but beyond 100 feet from the nearest border of the cemetery. The area is currently used only for storage and a ventilation system with an access road. The area was in existence prior to 1977; therefore, the prohibitions and limitations of 30 CFR 761.11(g) do not apply (see letter from Price River Coal Company dated November 1, 1983). The cemetery will not be impacted by the activities at the Willow Creek site (see TEA, "Cultural Resources"). The Price Canyon Recreation Area, located at the north-central border of the proposed permit area, will most likely experience some subsidence as a result of longwall mining underneath the recreation area by the applicant. No structural damage is anticipated, and subsidence effects are expected to be minimal. The applicant is responsible for material damage to structures or facilities resulting from subsidence and is tied to liability under State of Utah law. The land management agency of this recreation area, the Bureau of Land Management, has consented to permit the applicant to mine under the Price Canyon Recreation Area (see BLM letter of concurrence dated February 2, 1984). Concurrence between BLM and OSM allowing the applicant to mine underneath the Price Canyon Recreation Area is in accordance with UMC 761.11(a)(3).

- d. Within 100 feet of the outside right-of-way of a public road. The operations within 100 feet of public roads existed prior to the passage of PL 95-87. [UMC 786.19(d)(4)]
- e. Not within 300 feet of an occupied building. [UMC 786.19(d)(5)]
- f. Not unsuitable in accordance with section 522(b) and (a)(3) of SMCRA.

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1985  
DIVISION OIL, GAS AND MINING

4. OSM's issuance of a permit and the Secretarial decision on the Mineral Leasing Act plan are in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). The life-of-mine area includes a cemetery site that represents the known extent of cultural resources sites in the vicinity of the permit area. [UMC 786.19(e); see Concurrence Letter section]
5. The applicant has the legal right to enter and begin mining activities in the permit area. [UMC 786.19(f)]
6. The applicant has submitted proof, and OSM's records indicate, that prior violations of applicable laws and regulations either have been corrected or were in the process of being corrected. [786.19(g); verified as of May 17, 1984; personal communication with Steve Martin, OSM, Albuquerque Field Office.
7. OSM's records confirm that all fees for the Abandoned Mine Reclamation Fund have been paid. [UMC 786.19(h); verified as of May 17, 1984; personal communication with Joanna Sanchez, OSM Albuquerque Field Office.
8. OSM records show that the applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act. [786.19(i); verified as of May 17, 1984; personal communication with Steve Martin, OSM Albuquerque Field Office.
9. Coal mining and reclamation operations to be performed under the permit will not be inconsistent with other underground mines in the general vicinity of the Price River Mine Complex. [786.19(j)]

10. The applicant has provided evidence and OSM and UDOGM have found that there are no prime farmlands in the permit area. [UMC 786.19(1)]
11. Negative alluvial valley floor (AVF) determinations have been made for the drainages in the proposed permit area and life-of-mine area. Alluvial deposits along the perennial streams will be not be disturbed further by the continuance of mining operations. Agriculture that does occur downstream of the Price River Mine Complex typically consists of small areas that rely on surface water diversions from the Price River. The mine is not expected to affect this surface water source available to downstream users. [UMC 786.19(1)]
12. The proposed postmining land use for the permit area has been approved by UDOGM, OSM and BLM. [UMC 786.19(m)]
13. UDOGM and OSM have made all specific approvals required by the Act, the Utah regulatory program and the Federal Lands Program. [UMC 786.19(m)]
14. The proposed operation will not affect the continued existence of threatened or endangered species or result in the destruction or adverse modification of their critical habitats. [UMC 786.19(o); letter from U.S. Fish and Wildlife Service]
15. Procedures for public participation have complied with requirements of the Act, the Utah regulatory program, the Federal Lands Program, and Council on Environmental Quality regulations (40 CFR Part 1500 et seq). [30 CFR 741.21(a)(2)(ii); see Chronology of Events]
16. The applicant has complied with all other requirements of applicable Federal laws and either has or has applied for permits from the Environmental Protection Agency. [30 CFR 741.17(d)]



Allen D Klein  
Administrator  
Western Technical Center

\_\_\_\_\_  
Headquarters Reviewing Officer



**CASTLE  
GATE**  
COAL COMPANY

May 13, 1986

Susan C. Linner  
Permit Supervisor  
355 West, North Temple  
3 Triad Center  
Suite 350  
Salt Lake City, Utah 89180-1203

RE: Application for permit transfer ACT-007-004

Dear Susan:

Attached to this letter are copies of the approvals for the State and Federal Sub leases from Blackhawk Coal Company and Meadowlark Utah, Inc. As you know these are the land holding companies for Price River Coal Company and Castle Gate Coal. The lease transfers were the last major hurdles for closing the business arrangement between Castle Gate and Price River Coal Companies.

Therefore, I am requesting that you make the effective date of transfer to Castle Gate Coal Company of the Mining Permit No ACT 007-004 on the 30th of May 1986.

In order to complete the business transaction, I will need a letter from the Division that approval will be given for the transfer of the Permit on the 30th.

Thank you for all your help in expediting this permit transfer process.

Sincerely,

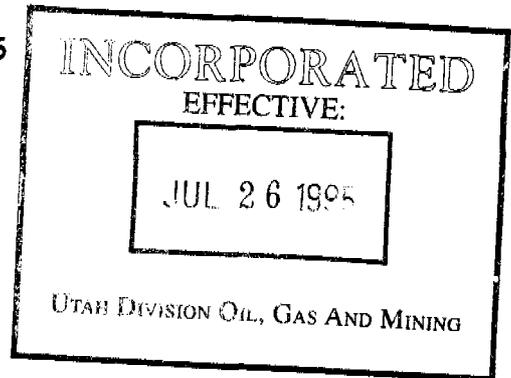
Richard H. Allison, Jr., P.E.

RHA-bd

cc: Dave Ham  
Dennis Bryant

File HCA/007/004 Filed  
**RECEIVED**  
MAY 15 1986

DIVISION OF  
OIL, GAS & MINING





# United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT  
UTAH STATE OFFICE  
324 SOUTH STATE, SUITE 301  
SALT LAKE CITY, UTAH 84111-2303

3453  
SL-029093-  
046653 et al.  
(U-942)

INCORPORATED  
EFFECTIVE:  
JUL 26 1995  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
UTAH DIVISION OIL, GAS AND MINING

MAY 12 1986

## DECISION

Meadowlark Utah, Inc. : Coal Leases  
P.O. Box 967 : SL-029093-046653, SL-071737,  
Indianapolis, Indiana 46206 : U-019524, U-058184, U-25484  
: and U-25485

### Subleases Approved Bonds Accepted

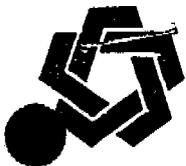
On March 13, 1986, subleases of coal lease SL-029093-046653, SL-071737, U-019524, U-058184, U-25484 and U-25485, dated February 18, 1986, between Meadowlark Utah, Inc., as sublessee and Blackhawk Coal Company, as lessor, were filed in this office.

Satisfactory evidence of the qualifications and holdings of Meadowlark Utah, Inc. has been filed. The lease accounts are in good standing. The subleases appear to meet the requirements of the regulations and are hereby approved effective June 1, 1986. Approval of these subleases does not constitute approval of any of the terms therein which may be in violation of the lease terms.

As required by the regulations in 43 CFR 3474.2(a), bonds in the amounts listed below with Meadowlark Utah, Inc., as principal, and National Fire Insurance of Hartford, as surety, were filed in this office on March 20, 1986. The bonds have been examined, found to be satisfactory and are accepted effective March 20, 1986, the date of filing.

| <u>Lease No.</u> | <u>Bond No.</u> | <u>Bond Amount</u> |
|------------------|-----------------|--------------------|
| SL-029093-046653 | 9309163         | \$296,000          |
| SL-071737        | 9309165         | \$ 5,000           |
| U-019524         | 9309167         | \$ 5,000           |
| U-058184         | 9309164         | \$295,000          |
| U-25484          | 9309168         | \$ 5,000           |
| U-25485          | 9309166         | \$ 5,000           |

*Robert J. ...*  
Chief, Minerals  
Adjudication Section

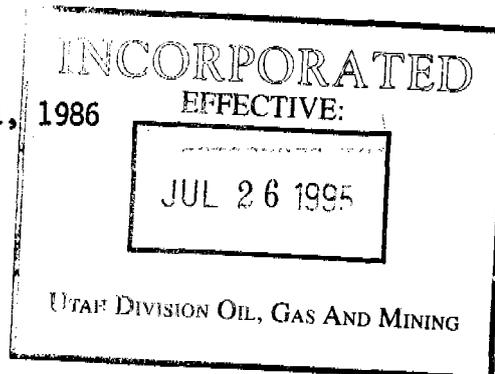


STATE OF UTAH  
NATURAL RESOURCES  
State Lands & Forestry

Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Ralph A. Miles, Division Director

355 W. North Temple • 3 Triad Center • Suite 400 • Salt Lake City, UT 84180-1204 • 801-538-5508

April 21, 1986



Meadowlark Utah, Inc  
P.O. Box 967  
Indianapolis, IN 46204

Gentlemen:

RE: ML 11940, ML 13681, and ML 18148 Coal

The Director, on April 7, 1986, approved the sublease of the above-numbered leases to you by Blackhawk Coal Company, Lessee. These subleases affect neither an enlargement, diminution, or waiver of the posture of the Lessee and Lessor under the pending State Production Audit Report regarding ML 18148.

Our records have been noted.

Yours very truly,

JOHN T. BLAKE  
MINERAL RESOURCES SPECIALIST

JTB/eb

CASTLE

GATE COAL COMPANY

*Misc file*  
*S-C. Linn*

P.O. Box 449  
Helper, Utah 84526  
801-472-5523

March 3, 1986

Mr. L. P. Braxton, Administrator  
Mineral Resource Development  
and Reclamation Program  
State of Utah Natural Resources  
355 W. North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

RECEIVED  
MAR 07 1986

DIVISION OF  
OIL, GAS & MINING

*ACT/007/004*  
*#2*

Dear Mr. Braxton:

Enclosed are dated replacement pages which address the deficiencies noted in your letter dated February 19, 1986, on the Castle Gate Coal Company "Request for Permit Transfer." A summary of those changes follow:

UMC.782.13 - Identification of Interests

- (a)(4) This page has been changed to include coal interests.
- (a)(6) The page has been changed to give the phone number of the Resident Agent.

UMC 782.15 - Right of Entry

Castle Gate Coal Company has the right of entry with respect to the SW $\frac{1}{4}$  Section 25 and the E $\frac{1}{2}$  NE $\frac{1}{4}$  and E $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 26, Township 12 South, Range 9 East by virtue of a letter agreement between Castle Gate Coal Company and Blackhawk Coal Company. The information set forth with respect to UMC 782.15 has been corrected to reflect this fact. A revised page is attached.

UMC 788.18(b)(1) - Newspaper Advertisement and Proof of Publication

The page entitled Attachment 7 is a proof of publication which includes Section 22, Township 12 South, Range 9 East. Please include this in the original document.

Thank you for your expeditious handling of this request. If you require any further information, please call me at our Helper office (801) 472-5523 or Indianapolis at (317) 266-2616.

Sincerely,

*Richard H. Allison, Jr.*

Richard H. Allison, Jr., P.E.  
Project Supervisor

INCORPORATED  
EFFECTIVE  
JUL 26 1995

UTAH DIVISION OIL, GAS AND MINING

RHA/mg  
Enclosure

REVISED 2/28/86

UMC 788.18 APPLICATION FOR APPROVAL,  
TRANSFER, ASSIGNMENT OR SALE OF PERMIT RIGHT

This is an application for transfer of certain permit rights under the Utah Coal Program from Price River Coal Company, the existing permittee, to Castle Gate Coal Company, a Delaware corporation.

788.18(a)(2)(i):

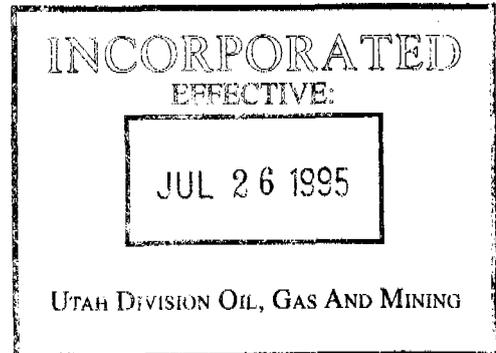
Existing Permittee

Price River Coal Company  
P. O. Box 629  
Helper, Utah 84526

788.18(a)(2)(ii)

Applicant

Castle Gate Coal Company  
  
Corporate Office:  
P. O. Box 967  
105 South Meridian Street  
Indianapolis, IN 46206



Castle Gate Coal Company  
  
Field Office:  
P. O. Box 449  
Helper, Utah 84526

Resident Agent for Service

C. T. Corp. System  
170 S. Main Street  
Salt Lake City, Utah 84101  
(801) 364-1228

782.13(a) Identification of Interests

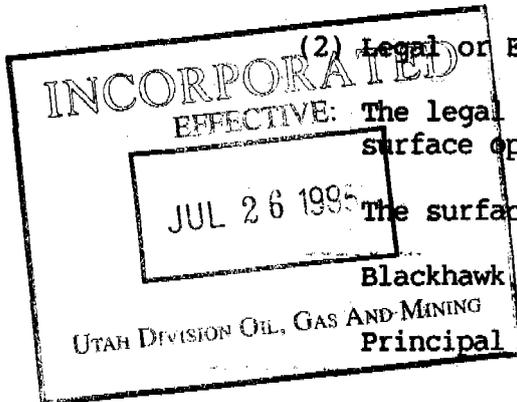
Names and Addresses

(1) Permit Applicant

Castle Gate Coal Company  
  
Corporate Office:  
P. O. Box 967  
South Meridian Street  
Indianapolis, Indiana 46206

Castle Gate Coal Company  
  
Field Office:  
P. O. Box 449  
Helper, Utah 84526  
Telephone: (801) 472-5523

REVISED 2/28/86



(2) Legal or Equitable Owners of Record

The legal or equitable owners of the areas to be affected by the surface operations and facilities are:

The surface to be affected is owned by:

Blackhawk Coal Company

Principal (Legal) Office:

Suite 400, Deseret Building  
Salt Lake City, Utah 84111

Accounting Office:

One Summit Square, P. O. Box 60  
Fort Wayne, Indiana 46801

Coal to be mined is owned by:

Blackhawk Coal Company  
State of Utah  
United States of America

(3) The holders of record of any leasehold interest in areas to be affected by surface operations or facilities or coal to be mined:

Blackhawk Coal Company  
Suite 400, Deseret Building  
Salt Lake City, Utah 84111

Meadowlark Utah, Inc.  
P. O. Box 967  
105 South Meridian Street  
Indianapolis, Indiana 46206

(4) There are no purchasers of record under a real estate contract of the areas affected by surface operations and facilities or coal to be mined.

(5) The Operator is:

Castle Gate Coal Company  
  
Corporate Office:  
P. O. Box 967  
105 South Meridian Street  
Indianapolis, Indiana 46206

Castle Gate Coal Company  
  
Field Office:  
P. O. Box 449  
Helper, Utah 84526  
Telephone: (801) 472-5523

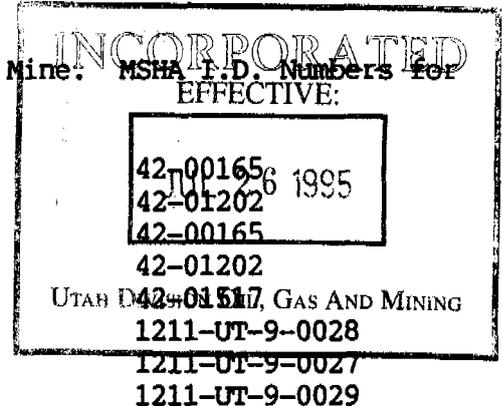
(6) The resident agent of the Applicant who will accept service of process:

C. T. Corporation  
170 South Main Street  
Salt Lake City, Utah 84101

REVISED 2/28/86

782.13(f) The name of the Mine is Castle Gate Mine. This mine are:

|                                  |                       |
|----------------------------------|-----------------------|
| Roof Control                     | Castle Gate Portal #3 |
|                                  | Castle Gate Portal #5 |
| Ventilation                      | Castle Gate Portal #3 |
|                                  | Castle Gale Portal #5 |
| Coal Plant                       |                       |
| Refuse Pile Pond                 |                       |
| Castle Gate Refuse Disposal Site |                       |
| Barn Canyon Refuse Site          |                       |



782.13(g) There are no outstanding interests in lands, options or pending bids on interests held or made by the Applicant for lands which are contiguous to the area to be covered by the permit.

Upon consumation of all transactions contemplated by the Lease Transaction Agreement executed by and between Applicant, Meadowkark Utah, Inc., Blackhawk Coal Company and Price River Coal Company on January 31, 1986, (hereinafter called the "Lease Transaction Agreement"), Applicant or Meadowark Utah, Inc., will acquire certain rights of first refusal with respect to the acquisition of interests in certain adjoining property.

782.14 COMPLIANCE INFORMATION

(a) Statement of Compliance

Neither the Applicant, nor any of its subsidiaries, affiliates or persons controlled by or under common control with the Applicant has had a federal or state mining permit suspended or revoked in the last five years; nor forfeited a mining bond or similar security deposited in lieu of bond.

(b) This section does not apply.

(c) Violation Notices received by the Applicant in connection with any underground or surface coal mining activities within the last three years: NONE

UMC 782.15 Right of Entry and Operations Information

(a) Applicant Castle Gate Coal Company will obtain the legal right to enter and begin activities on the Closing Date specified in the Lease Transaction Agreement by virtue of the various leases and subleases to be executed pursuant to the Lease Transaction Agreement or a Letter of Agreement between Blackhawk Coal Company and Castle Gate Coal Company.

The right of entry to commence underground mining operations will apply to the following property:

REVISED 2/28/86

Township 12 South, Range 8 East, Salt Lake Base and Meridian (SLBM)  
Section 35 - All  
Section 36 - All

Township 13 South, Range 8 East, SLBM  
Section 2 - Part of the West 1/2

Township 12 South, Range 9 East, SLBM

Section 22 - SE-1/4 SW-1/4, SW-1/4 SE-1/4, that part of SE-1/4 SE-1/4 West of the Price River

Section 25 - SW-1/4

Section 26 - All

Section 27 - All

Section 28 - All

Section 29 - S-3/4, NE-1/4 NE-1/4

Section 30 - S-3/4

Section 31 - All

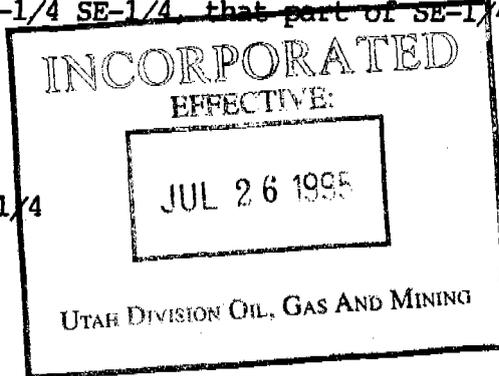
Section 32 - All

Section 33 - All

Section 34 - All

Section 35 - S-3/4 that part of N-1/2 N-1/2 west of Price River

Section 36 - SE-1/4 NW-1/4, SW-1/4 NE-1/4, NW-1/4 SE-1/4, SW-1/4



Township 13 South, Range 9 East, SLBM

Section 1 - That part of the W-1/2 west of the Price River, and that part of N-1/2 NW-1/4 east of the Price River

Section 2 - All

Section 3 - All

Section 4 - All

Section 5 - All

Section 6 - All

Section 8 - All except SW-1/4 SW-1/4 and a portion of SE-1/4 SW-1/4

Section 9 - All

Section 10 - N-1/2, part of NE-1/4 SW-1/4

Section 11 - N-1/2 NW-1/4, part of S-1/2 NW-1/4

Section 12 - That part of NW-1/4 west of the Price River

Section 16 - All except NE-1/4 NE-1/4 and E-3/4 N-1/2 SE-1/4

Section 17 - NE-1/4, NE-1/4 SE-1/4

(b) This section does not apply.

UMC 782.16(c) Relationship to Areas Designated Unsuitable for Mining

(c) No surface operations are not located within three hundred feet of an occupied dwelling.

# AFFIDAVIT OF PUBLICATION

STATE OF UTAH }  
County of Carbon, } ss.

I, Dan Stockburger, on oath, say that I am  
the General Manager of The Sun-Advocate,  
a weekly newspaper of general circulation, published at Price,  
State and County aforesaid, and that a certain notice, a true copy  
of which is hereto attached, was published in the full issue of  
such newspaper for One (1)  
consecutive issues, and that the first publication was on the  
14th day of February, 19 86, and that the  
last publication of such notice was in the issue of such newspaper  
dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

*Dan Stockburger*

Subscribed and sworn to before me this  
14th day of February, 19 86

*Holly Jo Baker*  
Notary Public.

My Commission expires My Commission Expires October 22, 1986, 19 \_\_\_\_\_

Publication fee, \$ 34.80

**INCORPORATED**  
EFFECTIVE:

JUL 26 1995

**AMENDED NOTICE OF APPLICATION  
FOR TRANSFER OF A PERMIT**  
Castle Gate Coal Company  
UTAH DIVISION OIL, GAS AND MINING

Notice is hereby given that Castle Gate Coal Company, P.O. Box 449, Helper, Utah 84526, has submitted an application to the State of Utah, Department of Natural Resources, Division of Oil, Gas & Mining for transfer of a permit to operate under the provisions of the Utah Coal Mining and Reclamation Act (Utah Code Ann. 40-10-1 et seq.) and the Utah Coal Program Regulation UMC 788.18. The previous permittee was the Price River Coal Company, Permit No. ACT/007/004. The permit area is located in Carbon County, Utah as follows:

- Township 12 South, Range 9 East, SLBM
  - Sec. 22, portion; SW¼ Section 25; Section 26; Section 27; Section 28; Section 29 all except N¼NW¼ and NW¼NE¼; Section 30 all except N¼N¼; Section 31; Section 32; Section 33; Section 34; Section 35, portion; Section 36, portion.
- Township 13 South, Range 9 East, SLBM
  - Section 1, portion; Section 2, portion; Section 3, portion; Section 4, portion; Section 5, portion; Section 6, portion; Section 8, portion; Section 9, portion; Section 10, portion.

This permit area for which responsibility is being transferred is shown on Castle Gate Coal Company's Permit Map No. CG-8601-12-1/1. The permit also includes property including the following areas for which responsibility is not being transferred:

- Township 12 South, Range 9 East, SLBM
  - Section 36, portion.
- Township 12 South, Range 10 East, SLBM
  - Section 31, portion.
- Township 13 South, Range 9 East, SLBM
  - Section 1, portion.
- Township 13 South, Range 10 East, SLBM
  - Section 6, portion; Section 10, portion; Section 16, portion. The project area is shown on the following U.S. Geological Survey 7.5-minute maps: Standardville, Kyune, Matt's Summit, Helper and Deadman Canyon.

Pertinent comments are solicited from anyone affected by this proposal. Such comments should be filed within the next thirty (30) days with:

State of Utah  
Department of Natural Resources  
Division of Oil, Gas & Mining  
355 West North Temple  
III Triad, Suite 350  
Salt Lake City, Utah 84108.

Published in the Sun Advocate February 14, 1986.



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

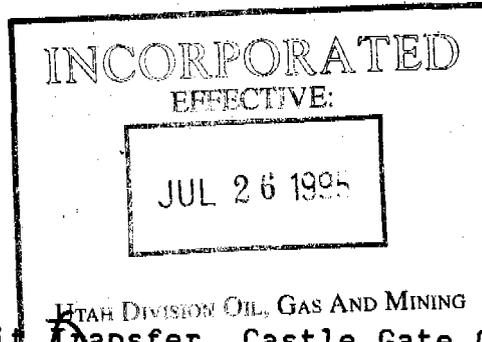
# FILE COPY

Utah Governor  
Lee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

February 19, 1986

Mr. Richard Allison  
Amax Coal Company  
105 S. Meridian Street  
P. O. Box 967  
Indianapolis, IN 46206



Dear Mr. Allison:

Re: Application for Permit Transfer, Castle Gate Coal Company, ACT/007/004, Folder No. 2 and 3, Carbon County, Utah

The Division has reviewed the "Request for Permit Transfer" submitted by Castle Gate Coal Company on February 6, 1986. The following deficiencies have been identified in the application and will need to be remedied before formal approval for permit transfer can be given. Your discussions with Susan Linner have indicated that action has already been taken on some of these concerns.

UMC 782.13 Identification of Interests

(a)(4) The applicant has not identified whether there is any purchaser of record under a real estate contract of coal to be mined.

(a)(6) The applicant has not included the phone number of the resident agent.

UMC 782.15 Right of Entry and Operations Information

The legal description of areas to which right of entry applies does not include the SW 1/4 Section 25 or E 1/2 NE 1/4 and E 1/2 SE 1/4, Section 26, Township 12 South, Range 9 East, yet these areas are included in the legal description of the proposed permit area in the newspaper advertisement. A permit to mine or otherwise disturb these areas will not be granted unless Castle Gate Coal Company can show right of entry to them.

UMC 788.18(b)(1) Newspaper Advertisement and Proof of Publication

The applicant must include a portion of Section 22, Township 12 South, Range 9 East in the permit area, as a topsoil stockpile is located on that site.

Page 2  
Mr. Richard Allison  
ACT/007/004  
February 18, 1986

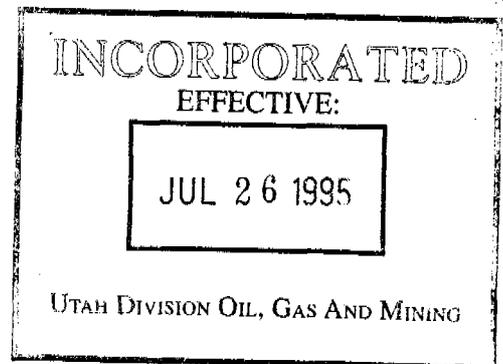
The application may be modified by submitting dated replacement pages to the original application. Feel free to contact me or Susan Linner if you have questions.

Sincerely,

*L. P. Braxton*

L. P. Braxton  
Administrator  
Mineral Resource Development  
and Reclamation Program

SCL:jvb  
cc: R. Holbrook  
S. Linner  
0028R-70



CASTLE

GATE COAL COMPANY

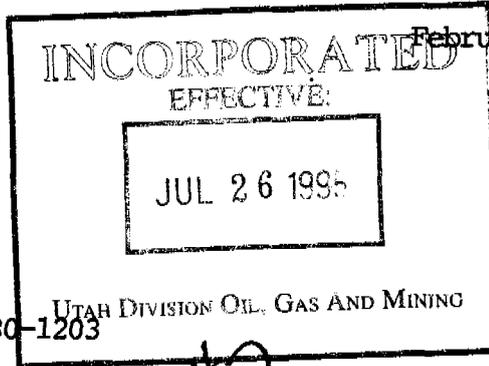
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FEB 10 1986

DIVISION OF OIL, GAS & MINING

P.O. Box 449  
Helper, Utah 84526  
801-472-5523

*orig on file  
cc DEN  
R. May  
L. Broxton*



February 6, 1986

Dr. Dianne R. Nielson  
Director Division of Oil,  
Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 89180-1203

Re: Transfer Permit No. ACT-007-004 #2

Dear Dr. Nielson:

This letter is being forwarded to you in order to fulfill a Division of Oil, Gas and Mining policy directive which was brought to our attention recently by Sue Linner.

Pursuant to U.M.C. 788.18(C) (3) Castle Gate Coal Company will conduct operations involved with this mine in full compliance with the terms and conditions of the original permit including all subsequent modification and addendum to same.

I can assure you that it is the policy of Castle Gate Coal Company to produce coal not only at a profit but also safely and according to the environmental laws of this state.

Sincerely,

*Richard R. Clark*  
Richard R. Clark  
Vice President

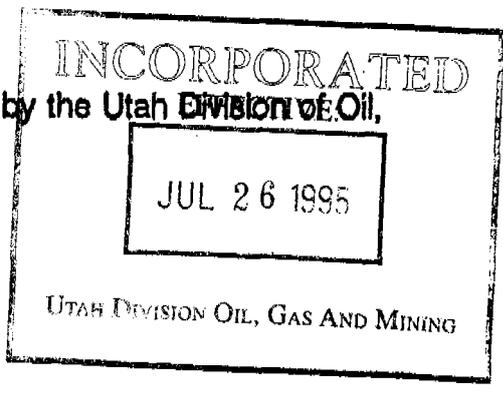
RRC/bd

FILE COPY

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

This permit, ACT/007/004, is issued for the State of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

**Amax Coal Company**  
20 Northwest First Street  
One Riverfront Place  
Evansville, Indiana 47708  
(812) 421-3900



for the Castle Gate Mine. Amax Gate Coal Company is the lessee of Federal Coal Leases U-25484, U-25485, U-058184, U-019524, SL-029093-046653, and SL-071737; State Leases ML-11940, ML-18148, and ML-13681; and of fee-owned parcels. A performance bond is filed with the DOGM in the amount of \$2,683,603.00, payable to the state of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSMRE). DOGM must receive a copy of this permit signed and dated by the permittee.

**Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2 PERMIT AREA** - The permittee is authorized to conduct underground coal mining activities on the following described lands (as shown on the map appended as Attachment A) within the permit area at the Castle Gate Mine situated in the state of Utah, Carbon County, and located:

Township 12 South, Range 9 East, SLBM

- Section 22: Portions of SE1/4 SW1/4 and SW1/4 SE1/4
- Section 26: All but E1/2 E1/2
- Section 27: All
- Section 28: All
- Section 29: All but N1/2 NW1/4 and NW1/4 NE1/4
- Section 30: All but N1/2 N1/2
- Sections 31, 32, 33, 34: All

Section 35: Portions of N1/2, W1/2 SW1/4, and SE1/4 SE1/4  
Section 36: S1/2 NW1/4 and portions of SW 1/4 and NE1/4

Township 13 South, Range 9 East, SLBM

- Section 1: Portion of NW1/4 NW1/4
- Section 2: Portions of NE1/4 and NW1/4
- Section 3: NW1/4 and portions of NE1/4, SE1/4 and SW1/4
- Section 4: N1/2 and portions of SE1/4 and SW1/4
- Section 5: NE1/4 and portions of NW1/4, SE1/4 and SW1/4
- Section 6: N1/2 and portions of SW1/4 and SE1/4
- Section 8: Portion of NE1/4
- Section 9: Portions of NE1/4, NW1/4 and SW1/4
- Section 10: Portions of NE1/4 and NW1/4

This legal description is for the permit area (as shown on Attachment A) of the Castle Gate Mine. The permittee is authorized to conduct underground coal mining activities connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

**Sec. 3 PERMIT TERM** - This permit becomes effective on June 12, 1991, and expires on December 24, 1994.

**Sec. 4 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without prior written approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and R614-303.

**Sec. 5 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

A. have the rights of entry provided for in 30 CFR 840.12, R614-400-110, 30 CFR 842.13 and R614-400-220; and

B. be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-210 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

INCORPORATED  
EFFECTIVE

JUL 26 1991

UTAH DIVISION OIL, GAS AND MINING

INCORPORATED  
EFFECTIVE:

JUL 26 1995

UTAH DIVISION OF OIL, GAS AND MINING

**Sec. 6 SCOPE OF OPERATIONS** - The permittee shall conduct ~~underground coal~~ mining activities only on those lands specifically designated as within the permit area on the maps submitted in the mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

**Sec. 7 ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:

- A. accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
- B. immediate implementation of measures necessary to comply; and
- C. warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

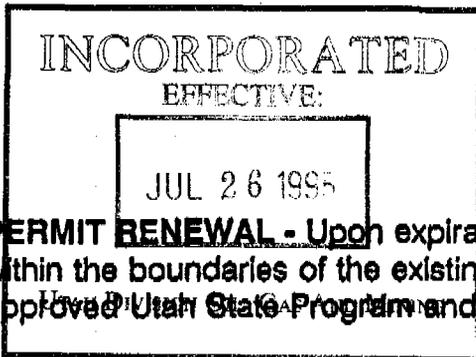
**Sec. 8 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

**Sec. 9 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 10 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

**Sec. 11 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq.) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.



**Sec. 12 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 13 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.

**Sec. 14 APPEALS** - The permittee shall have the right to appeal as provided for under R614-300.

**Sec. 15 SPECIAL CONDITION** - In addition to the general obligations and/or requirements set out in the leases, the federal mining plan approval, and this permit, the permittee shall comply with the Division Order issued December 18, 1990 to Castle Gate Coal Company.

The above conditions (Secs. 1-15) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to comply with these conditions. These conditions may be revised or amended, in writing, by the mutual consent of DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM may amend these conditions at any time without the consent of the permittee in order to make them consistent with any new federal or state statutes and any new regulations.

THE STATE OF UTAH

By: \_\_\_\_\_

*Dwayne P. Nielson*

Date: \_\_\_\_\_

*June 12, 1991*

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

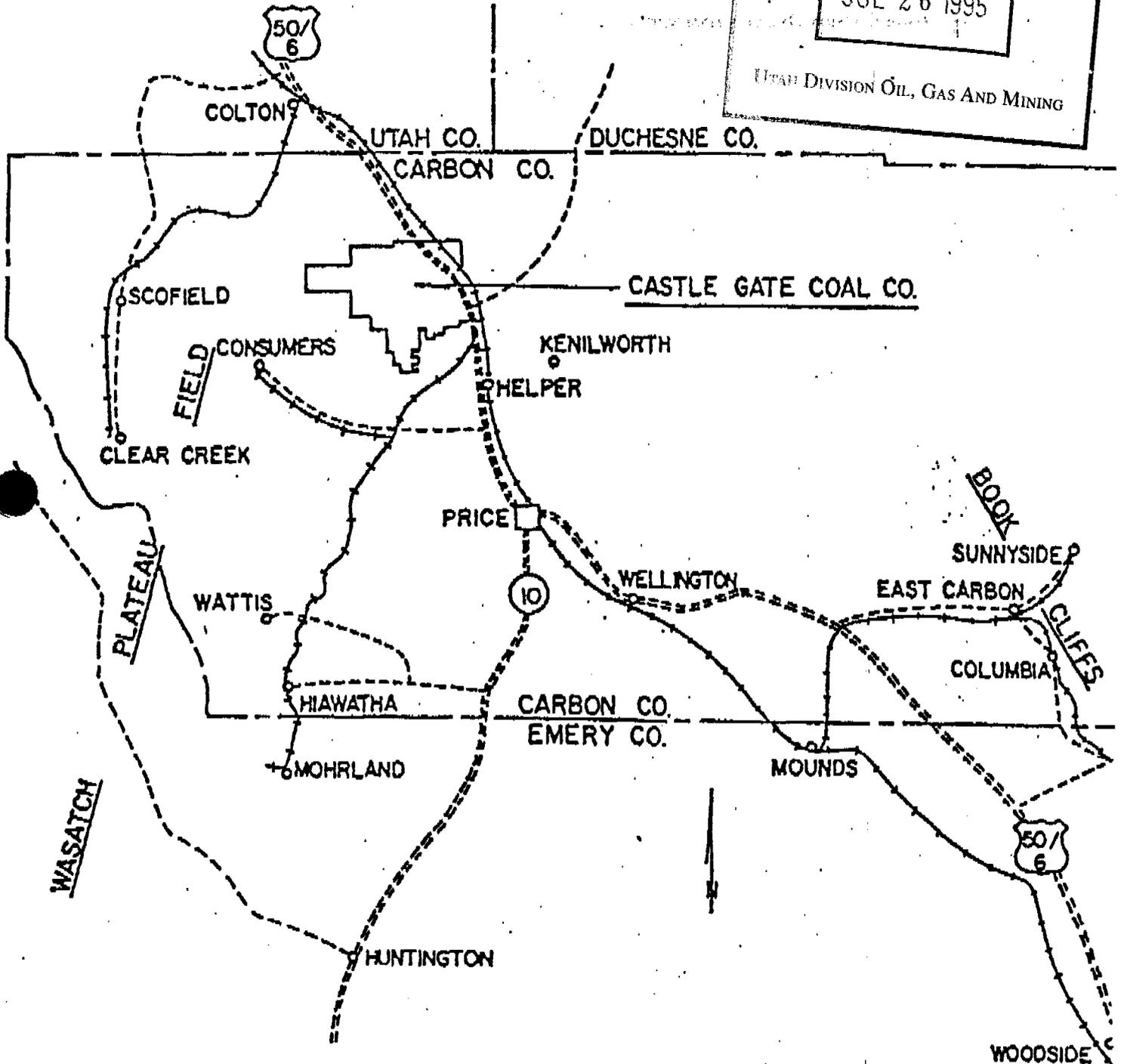
\_\_\_\_\_  
Authorized Representative of the Permittee

Date: \_\_\_\_\_

REGIONAL LOCATION PLAN

ATTACHMENT A

INCORPORATED  
EFFECTIVE:  
JUL 26 1995  
UTAH DIVISION OIL, GAS AND MINING



CASTLE GATE COAL CO.

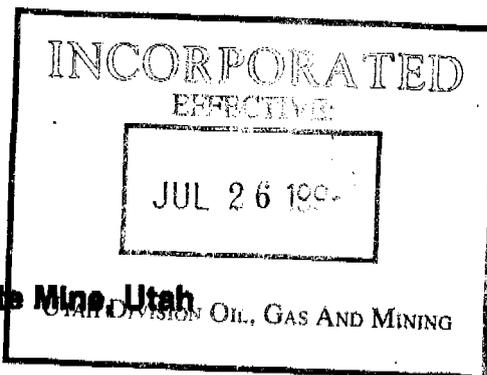
CARBON CO. EMERY CO.

(Not to scale)



Cyprus Amax Minerals Company  
 9100 East Mineral Circle  
 Post Office Box 3299  
 Englewood, Colorado 80155-3299  
 (303) 643-5000

May 8, 1995



Ms. Vicky S. Bailey  
 EarthFax Engineering Inc.  
 7324 S. Union Park Ave., Suite 100  
 Midvale, UT 84047

Re: **Amax Land Company, Castle Gate Mine, Utah**

Dear Ms. Bailey:

Enclosed herewith are the legal descriptions for the following Federal and State coal leases subleased to Amax Land Company from Blackhawk Coal Company, comprising the Castle Gate Mine area:

| <u>Federal/State Lease Number</u> | <u>Amax Land Co. File Number</u> |
|-----------------------------------|----------------------------------|
| SL-029093                         | 516-001.00                       |
| U-058184                          | 516-002.00                       |
| U-25484                           | 516-003.00                       |
| SL-071737                         | 516-004.00                       |
| U-25485                           | 516-005.00                       |
| U-019524                          | 516-006.00                       |
| ML-18148                          | 516-007.00                       |
| ML-11940                          | 516-008.00                       |
| ML-13681                          | 516-009.00                       |

I am not aware of what areas were originally permitted as part of the Castle Gate Mine and so cannot tell you if the above is all inclusive or not. If you determine that additional properties were permitted, let me know and I will try to locate descriptions of them.

Cordially,

*Eva R. Schrum*  
 Eva R. Schrum  
 Senior Land Administrator

|                   |              |         |              |            |    |
|-------------------|--------------|---------|--------------|------------|----|
| Post-It™ Fax Note | 7671         | Date    | 5/8          | # of Pages | 10 |
| To                | VICKY BAILEY | From    | E. SCHRUM    |            |    |
| Co./Dept.         | EARTHFAX     | Co.     | CYPRUS AMAX  |            |    |
| Phone #           |              | Phone # | 303-643-5247 |            |    |
| Fax #             | 801-561-1861 | Fax #   |              |            |    |

Enc.  
 cc: J. Pappas, Cyprus Plateau  
 Files  
 Chron

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Serial Number SL-029093

Lease Date June 17, 1921

COAL LEASE READJUSTMENT

Part I. LEASE RIGHTS GRANTED

This lease, entered into by and between the United States of America, hereinafter called the lessor, through the Bureau of Land Management, and

Blackhawk Coal Company  
Box 700  
Lancaster, Ohio 43130

INCORPORATED

EFFECTIVE:

JUL 26 1995

UTAH DIVISION OIL, GAS AND MINING

hereinafter called lessee, is readjusted, effective June 17, 1991, for a period of 10 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of each 10 year lease period.

Sec. 1. This lease readjustment is subject to the terms and provisions of the:

Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessor, in consideration of any rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants to lessee the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the following described lands:

- T. 12 S., R. 9 E., SLM, Utah
  - Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 27, S $\frac{1}{2}$ S $\frac{1}{2}$ ;
  - Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 33, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
  - Sec. 34, all.
- T. 13 S., R. 9 E., SLM, Utah
  - Sec. 3, lot 1, 2.

containing 1,284.420 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Serial Number U-058184

Lease Date June 17, 1921

**COAL LEASE READJUSTMENT**

**Part I. LEASE RIGHTS GRANTED**

This lease entered into by and between the United States of America, hereinafter called the lessor, through the Bureau of Land Management, and

**INCORPORATED**  
JUL 26 1995  
UTAH DIVISION OF OIL, GAS AND MINING

Blackhawk Coal Company  
Box 700  
Lancaster, Ohio 43130

hereinafter called lessee, is readjusted, effective June 17, 1991, for a period of 10 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of each 10 year lease period.

Sec. 1. This lease readjustment is subject to the terms and provisions of the:

Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessor, in consideration of any rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants to lessee the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the following described lands:

- T. 12 S., R. 9 E., SLM, Utah  
Sec. 33, lots 1-4, SW¼NE¼, S¼NW¼,  
N¼SW¼, NW¼SE¼.
- T. 13 S., R. 9 E., SLM, Utah  
Sec. 3, lots 3, 4;  
Sec. 4, lots 1-4;  
Sec. 5, lot 1.

containing 693.890 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Serial Number U-25484Lease Date June 17, 1921**COAL LEASE READJUSTMENT****Part I. LEASE RIGHTS GRANTED**

This lease, entered into by and between the United States of America, hereinafter called the lessor, through the Bureau of Land Management, and

Blackhawk Coal Company  
Box 700  
Lancaster, Ohio 43130

INCORPORATED

EFFECTIVE

JUL 26 1995

DIVISION OIL, GAS AND MINING

hereinafter called lessee, is readjusted, effective ~~June 17, 1991~~, for a period of 10 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of each 10 year lease period.

Sec. 1. This lease readjustment is subject to the terms and provisions of the:

Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessor, in consideration of any rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants to lessee the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the following described lands:

T. 12 S., R. 9 E., SLM, Utah  
Sec. 31, lots 1-3, 5-7, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

containing 633.840 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Serial Number SL-071737

Lease Date September 1, 1990

COAL LEASE READJUSTMENT

Part I. LEASE RIGHTS GRANTED

This lease, entered into by and between the United States of America, hereinafter called the lessor, through the Bureau of Land Management, and

**INCORPORATED**  
EFFECTIVE: Blackhawk Coal Company  
P. O. Box 700  
Lancaster, OH 43130

hereinafter called lessee, is readjusted, effective September 1, 1990, for a period of 10 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of each 10 year lease period.

Sec. 1. **UTAH DIVISION OIL, GAS AND MINING**  
This lease readjustment is subject to the terms and provisions of the:

Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessor, in consideration of any rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants to lessee the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the following described lands:

- T. 12 S., R. 9 E., SLM, Utah
- Sec. 26, NWNE, NW, NWSW, NWSE;
- Sec. 27, N, NS;
- Sec. 28, N, SW, NSE, SWSE;
- Sec. 29, NE, S, S.

containing 1,960.00 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

516-005.a

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Serial Number U-25485

Lease Date September 1, 1950

**COAL LEASE READJUSTMENT**

**Part I. LEASE RIGHTS GRANTED**

This lease, entered into by and between the United States of America, hereinafter called the lessor, through the Bureau of Land Management and

Blackhawk Coal Company  
P. O. Box 700  
Lancaster, OH 43130

**INCORPORATED**

**EFFECTIVE**

JUL 26 1995

UTAH DIVISION OIL, GAS AND MINING

hereinafter called lessee, is readjusted, effective September 1, 1990, for a period of 10 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of each 10 year lease period.

Sec. 1. This lease readjustment is subject to the terms and provisions of the:

Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessor, in consideration of any rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants to lessee the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the following described lands:

- T. 12 S., R. 9 E., SLM, Utah
- Sec. 30, lots 2-4, SXNEX, SEXNW, EXSW, SEX;
- Sec. 31, lot 4.

containing 543.42 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

516-006.00

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Serial Number U-019524Lease Date June 1, 1957**COAL LEASE READJUSTMENT****Part I. LEASE RIGHTS GRANTED**

This lease, entered into by and between the United States of America, hereinafter called the lessor through the Bureau of Land Management, and

EFFECTIVE:

JUL 26 1995

Blackhawk Coal Company  
Box 700  
Lancaster, OH 43130

hereinafter called lessee, is readjusted, effective June 1, 1987, for a period of 10 years and for so long thereafter as coal is produced in commercial quantities from the leased lands, subject to readjustment of lease terms at the end of each 10 year lease period.

Sec. 1. This lease readjustment is subject to the terms and provisions of the:

Mineral Lands Leasing Act of 1920, Act of February 25, 1920, as amended, 41 Stat. 437, 30 U.S.C. 181-287, hereinafter referred to as the Act;

Mineral Leasing Act for Acquired Lands, Act of August 7, 1947, 61 Stat. 913, 30 U.S.C. 351-359;

and to the regulations and formal orders of the Secretary of the Interior which are now or hereafter in force, when not inconsistent with the express and specific provisions herein.

Sec. 2. Lessor, in consideration of any rents and royalties to be paid, and the conditions and covenants to be observed as herein set forth, hereby grants to lessee the exclusive right and privilege to drill for, mine, extract, remove or otherwise process and dispose of the coal deposits in, upon, or under the following described lands:

T. 12 S., R. 8 E., SLM, Utah  
Sec. 35, all.

containing 645.12 acres, more or less, together with the right to construct such works, buildings, plants, structures, equipment and appliances and the right to use such on-lease rights-of-way which may be necessary and convenient in the exercise of the rights and privileges granted, subject to the conditions herein provided.

MINERAL LEASE APPLICATION

MINERAL LEASE NO. 13148

NO. 13148

GRANT: School

# Utah State Lease for COAL

**INCORPORATED**  
**EFFECTIVE:**  
 JUL 26 1995  
 FEBRUARY 1960  
 DIVISION OIL, GAS AND MINING

THIS INSTRUMENT OF LEASE AND AGREEMENT entered into in duplicate this 16th day of February 1960 by and between the STATE LAND BOARD, acting in behalf of the State of Utah, hereinafter called the Lessor, and

**CARBON DEVELOPMENT COMPANY**  
P. O. Box 506  
Helper, Utah

DIVISION OIL, GAS AND MINING

party of the second part, hereinafter called the Lessee, under and pursuant to Title 63, Utah Code Annotated, 1953.

WITNESSETH: That the Lessor, in consideration of the rents and royalties to be paid and the covenants to be observed by the Lessee, as hereinafter set forth, does hereby grant and lease to the Lessee the exclusive right and privilege to mine, remove, and dispose of all of the said minerals in, upon, or under the following described tract of land situated in **Carbon** County, State of Utah, to-wit:

**All of Section Thirty-two (32), Township Twelve (12) South, Range Nine (9) East, Salt Lake Meridian,**

containing a total of **640.00** acres, more or less, together with the state to use and occupy so much of the surface of said land as may be required for all purposes reasonably incident to the mining, removal, and disposal of said minerals, according to the provisions of this lease, for the period ending ten years after the first day of January next succeeding the date hereof and as long thereafter as said minerals may be produced in commercial quantities from said lands, or Lessee shall continue to make the payments required by Article III hereof, upon condition that at the end of each twenty (20) year period succeeding the first day of the year in which this lease is issued, such readjustment of terms and conditions may be made as the Lessor may determine to be necessary in the interest of the State.

### ARTICLE I

This lease is granted subject in all respects to and under the conditions of the laws of the State of Utah and existing rules and regulations and such operating rules and regulations as may be hereafter approved and adopted by the State Land Board.

### ARTICLE II

This lease covers only the mining, removal, and disposal of the minerals specified in this lease, but the Lessee shall promptly notify the Lessor of the discovery of any minerals excepting those enumerated herein.

### ARTICLE III

The Lessee, in consideration of the granting of the rights and privileges aforesaid, hereby covenants and agrees as follows:

**FIRST:** To pay to the Lessor as rental for the land covered by this lease the sum of fifty (50) cents per acre per annum. All such annual payments of rental shall be made in advance on the 2nd day of January of each year, except the 1960 rental which is payable on the execution of this lease. All rentals shall be credited against royalties for the year in which they accrue.

**SECOND:** To pay to Lessor quarterly, on or before the 15th day of the month succeeding each quarter, royalty

(a) at the rate of 15¢ per ton of 2000 lbs. of coal produced from the leased premises and otherwise disposed of, or

(b) at the rate prevailing, at the beginning of the quarter for which payment is being made, for federal leases of land of similar character under coal leases issued by the United States at that time,

whichever is higher, and, commencing with the year beginning the January 1 following two years from the date hereof, to pay annual royalty of at least 5¢ multiplied by the number of acres hereby leased regardless of actual production, provided that Lessee may, at any time after the tenth anniversary date hereof, increase the minimum annual royalty by not to exceed 50%.

Proof Read

Exhibit A

MINERAL LEASE APPLICATION

MINERAL LEASE NO. 11960

NO. 6206

GRANT: School

# Utah State Lease for COAL

**CORPORATED**  
EFFECTIVE:

THE INVENTURE OF LEASE AND AGREEMENT entered into in duplicate this 7th day of SEPTEMBER, 1966 by and between the STATE LAND BOARD, acting in behalf of the State of Utah, hereinafter called the Lessor, and

**LIBERTY FUEL COMPANY**  
Kearns Building  
Salt Lake City, Utah

DIVISION OIL, GAS AND MINING

party of the second part, hereinafter called the Lessee, under and Pursuant to Title 65, Utah Code Annotated, 1953.

WITNESSETH: That the Lessor, in consideration of the rent and royalties to be paid and the covenants to be observed by the Lessee, as hereinafter set forth, does hereby grant and lease to the Lessee the exclusive right and privilege to mine, remove, and dispose of all of said minerals in, upon, or under the following described tract of land situated in **Carbon** County, State of Utah, to-wit:

**All of Section Thirty-six (36), Township Twelve (12) South, Range Eight (8) East, Salt Lake Meridian,**

**September 7, 1966,**

containing a total of **642.33** acres, more or less, together with the right to use and occupy so much of the surface of said land as may be required for all purposes reasonably incident to the mining, removal, and disposal of said minerals, according to the provisions of this lease, for the period ending ten years after the date hereof, and so long thereafter as said minerals are produced in commercial quantities from said lands, or Lessee shall continue to make the payments required by Article III hereof, with the condition that at the end of each twenty (20) year period succeeding the first day of the year in which this lease is issued, such readjustment of terms and conditions may be made as the Lessor may determine to be necessary in the interest of the State.

### ARTICLE I

This lease is granted subject in all respects to and under the conditions of the laws of the State of Utah and existing rules and regulations and such operating rules and regulations as may be hereafter approved and adopted by the State Land Board.

### ARTICLE II

This lease covers only the mining, removal, and disposal of the minerals specified in this lease, but the Lessee shall promptly notify the Lessor of the discovery of any minerals except those enumerated herein.

### ARTICLE III

The Lessee, in consideration of the granting of the rights and privileges aforesaid, hereby covenants and agrees as follows:

**FIRST:** To pay to the Lessor as rental for the land covered by this lease the sum of fifty (50) cents per acre per annum. All such annual payments of rental shall be made in advance on the 2nd day of January of each year, except the 1966 rental which is paid on the execution of this lease. All rentals shall be credited against royalties for the year in which they accrue.

**SECOND:** To pay to Lessor quarterly, on or before the 15th day of the month succeeding each quarter, royalty

(a) at the rate of 18¢ per ton of 2000 lbs. of coal produced from the leased premises and otherwise disposed of, or

(b) at the rate prevailing, at the beginning of the quarter for which payment is being made, for federal leases of land of similar character under coal leases issued by the United States at that time, **1962**

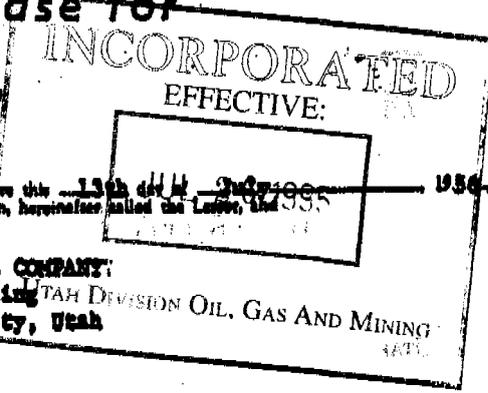
whichever is higher, and, commencing with the year beginning the January 1, ~~1966~~ to pay annual royalty of at least \$1.00 multiplied by the number of acres hereby leased regardless of actual production, provided that Lessor may, at any time increase the minimum annual royalty by not to exceed 50%.

**September 7, 1966,**

MINERAL LEASE APPLICATION  
NO. 6689

MINERAL LEASE NO. 13681  
GRANT: School

# Utah State Lease for COAL



THIS INDENTURE OF LEASE AND AGREEMENT entered into in duplicate this 13th day of July 1966 by and between the STATE LAND BOARD, acting in behalf of the State of Utah, hereinafter called the Lessor, and

**LIBERTY FUEL COMPANY**  
Kaarna Building  
Salt Lake City, Utah

UTAH DIVISION OIL, GAS AND MINING  
DEPT. OF COMMERCE

party of the second part, hereinafter called the Lessee, under and Pursuant to Title 68, Utah Code Annotated, 1953.

WITNESSETH: That the Lessor, in consideration of the rents and royalties to be paid and the covenants to be observed by the Lessee, as hereinafter set forth, does hereby grant and lease to the Lessee the exclusive right and privilege to mine, remove, and dispose of all of the said minerals in, upon, or under the following described tract of land situated in Carbon County, State of Utah, to-wit:

Beginning at the SW corner of Section Two (2), Township Thirteen (13) South, Range Eight (8) East; thence North 3°01' East, 79.23 chains to the NW corner of said Section 2; thence South 89°34' East along the north line of said Section 2, 200 feet; thence S. 5°01' West 79.23 chains to the South line of said Section 2; thence North 89°49' West 200 feet to place of beginning,  
July 13, 1966

containing a total of 25.00 acres, more or less, together with the right to use and occupy so much of the surface of said land as may be required for all purposes reasonably incident to the mining, removal, and disposal of said minerals, according to the provisions of this lease, for the period ending ten years from the date hereof, and as long thereafter as said minerals may be produced in commercial quantities from said lands, or Lessee shall continue to make the payments required by Article III hereof, upon condition that at the end of each twenty (20) year period succeeding the first day of the year in which this lease is issued, such readjustment of terms and conditions may be made as the Lessor may determine to be necessary in the interest of the State.

### ARTICLE I

This lease is granted subject in all respects to and under the conditions of the laws of the State of Utah and existing rules and regulations and such operating rules and regulations as may be hereafter approved and adopted by the State Land Board.

### ARTICLE II

This lease covers only the mining, removal, and disposal of the minerals specified in this lease, but the Lessee shall promptly notify the Lessor of the discovery of any minerals excepting those enumerated herein.

### ARTICLE III

The Lessee, in consideration of the granting of the rights and privileges aforesaid, hereby covenants and agrees as follows:

FIRST: To pay to the Lessor as rental for the land covered by this lease the sum of fifty (50) cents per acre per annum. All such annual payments of rental shall be made in advance on the 2nd day of January of each year, except the 1966 rental which is payable on the execution of this lease. All rentals shall be credited against royalties for the year in which they accrue.

SECOND: To pay to Lessor quarterly, on or before the 15th day of the month succeeding each quarter, royalty

- (a) at the rate of 15¢ per ton of 2000 lbs. of coal produced from the leased premises and ~~otherwise disposed of, or~~ sold or otherwise disposed of, or
- (b) at the rate prevailing, at the beginning of the quarter for which payments is being made, for federal leases of land of similar character under coal leases issued by the United States at that time,

whichever is higher, and, commencing with the year beginning the January 1962 to pay annual royalty of at least \$1.00 multiplied by the number of acres hereby leased regardless of annual production, provided that Lessor may, at any time after ~~the date of this lease~~ increase the minimum annual royalty by not to exceed 30%.

July 13, 1966,



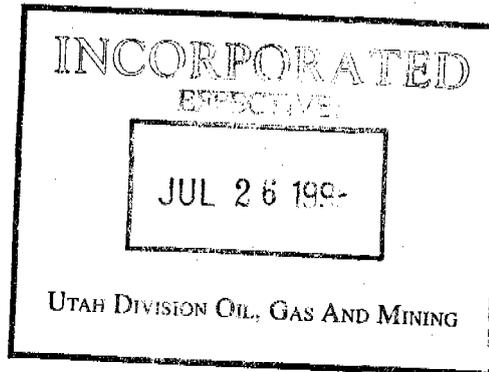
Norman H. Bangener

Suzanne Dandoy, M.D., M.P.H.  
Executive Secretary

BAQE-011-87

November 9, 1987

Mr. Richard Allison  
Castle Gate Coal Company  
P.O. Box 449  
Helper, Utah 84526

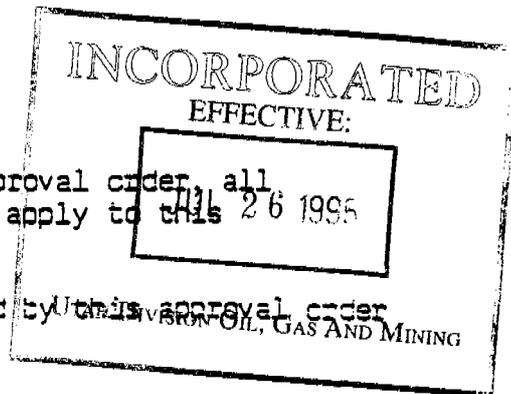


Dear Mr. Allison:

Re: Approval Order for Coal Loadout Facility  
Carbon County, CDS A1

The above-referenced project has been evaluated and found to be consistent with the requirements of the Utah Air Conservation Regulations (UACR) and the Utah Air Conservation Act. A 30-day public comment period was held and all comments received were evaluated. The conditions of this approval order reflect any changes to the proposed conditions which resulted from the evaluation of the comments received. This air quality approval order authorizes the project with the following conditions:

1. Castle Gate Coal Company shall install the coal loadout facility at its coal preparation plant four miles south of Helper, Utah according to the information submitted in the notice of intent dated June 2, 1987.
2. Visible emissions from any point or fugitive emission source associated with the installation or control facilities shall not exceed 20% opacity. Opacity observations of emissions from stationary sources shall be conducted in accordance with 40 CFR 60, Appendix A, Method 9. Opacity observations of intermittent sources shall use procedures similar to Method 9, but the requirement for observations to be made at 15-second intervals over a 6-minute period shall not apply. The opacity of any single reading shall not exceed 20% for intermittent sources.
3. All unpaved roads and other unpaved operational areas in use shall be water sprayed and/or chemically treated to reduce fugitive dust. The application rate of water shall be a minimum of 0.5 gallons per square yard. Application shall be made at least once every two hours during all times the installation is in use unless daily rainfall exceeds .10 of inch. If chemical treatment is to be used, the plan must be approved by the Executive Secretary.



4. In addition to the requirements of this approval order, all provisions of 40 CFR 60, NSPS Subparts A and Y apply to this installation.
5. All installations and facilities authorized by this approval order shall be adequately and properly maintained.
6. The Executive Secretary shall be notified upon start-up of the installation, as an initial compliance inspection is required.
7. Eighteen months from the date of this approval order the Executive Secretary shall be notified of the status of construction of this project.
8. This approval order shall replace and void the approval order dated April 8, 1982.
9. Coal production shall not exceed  $6.5 \times 10^6$  tons per year without prior approval in accordance with Section 3.1, UACR. Records of production shall be kept for all periods when the plant is in operation. Records of production shall be made available to the Executive Secretary upon request, and shall include a period of two years ending with the date of the request. Production shall be determined by weigh scales at the loadout facility and record books.
10. For sources which are subject to NSPS, visible emission observations which are performed during the initial compliance inspection shall consist of 30 observations of six minutes each in accordance with 40 CFR 60, Appendix A, Method 9. It is the responsibility of the owner/operator of the source(s) to supply these observations to the Executive Secretary. Emission points which are subject to NSPS shall include the coal loadout and transfer facilities.
11. The reclaim conveyor shall be either totally enclosed or covered at all points. The loadout building shall be completely enclosed. The drop point into the rail cars shall be equipped with a telescoping chute to minimize the drop distance.
12. The silt content of the washed coal shall not exceed 5% by weight.
13. The moisture content of the coal shall be no less than 7% by weight at any time.
14. All drop points in the loadout facility shall be enclosed. These include, but are not limited to:
  - A. Reclaim drop.
  - B. Surge bin drop.
  - C. Weigh bin drop.
  - D. Rail car drop.

Richard Allison  
Page 3

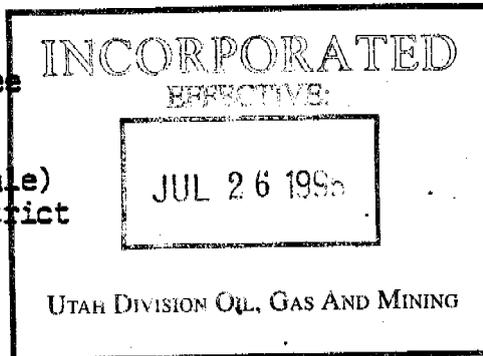
Any future modifications to the equipment approved by this order must also be approved in accordance with Section 3.1.1, UACR.

The fee for issuing this approval order is \$477.28. The amount (see enclosure for breakdown of costs) is payable to the Utah Department of Health, sent to the Executive Secretary, Utah Air Conservation Committee, 288 North 1460 West, P.O. Box 16690, Salt Lake City, Utah 84116-0690 and is due within 30 days after receipt of this approval order. Please return payment in the enclosed self-addressed envelope.

Sincerely,

*F. Burnell Cordner*  
F. Burnell Cordner  
Executive Secretary  
Utah Air Conservation Committee

FBC/DK/sh  
cc: EPA Region VIII (John Dale)  
Southeastern Health District  
David R. Ariotti, P.E.



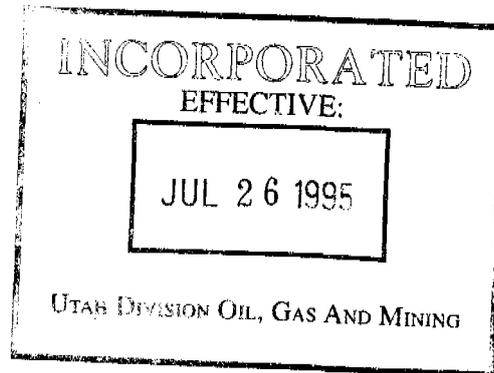


State of Utah  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY

Michael O. Leavitt  
Governor  
Dianne R. Nielson, Ph.D.  
Executive Director  
Don A. Ostler, P.E.  
Director

288 North 1460 West  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870  
(801) 538-6146  
(801) 538-6016 Fax  
(801) 536-4414 T.D.D.

December 9, 1994



CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Lonnie Mills  
Cyprus Plateau Mining  
P.O. Drawer PMC  
Price, Utah 84501

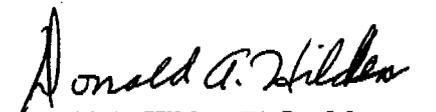
Re: Transfer of UPDES Permit UTG040012, Amax  
Coal Company

Dear Mr. Mills:

This is to acknowledge receipt of the Statement of Acceptance concerning the transfer of the Utah Pollutant Discharge Elimination System (UPDES) permit No. UTG040012 from Amax Coal West, Inc. to Amax Coal Company. Our files have been changed accordingly to reflect this transfer. All of the requirements and conditions of the permit are in full force and effect.

Enclosed is a copy of the permit showing this change. If you should have any questions concerning the permit or responsibilities thereunder, please contact Mike Herkimer at (801) 538-6058.

Sincerely,

  
Donald A. Hilden, Ph.D., Manager  
Permits and Compliance Section

KC/kc

Enclosure

cc: Judy Kobus-Fisk, U.S. EPA, Region VIII, w/enclosures  
Claron D. Bjork, Southeastern Utah District Health Dept. w/enclosures  
Dave Ariotti, District Engineer w/enclosures

Permit No. UTG040000  
Minor Industrial

STATE OF UTAH  
DIVISION OF WATER QUALITY  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SALT LAKE CITY, UTAH

AUTHORIZATION TO DISCHARGE UNDER THE  
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM  
(UPDES)

GENERAL PERMIT FOR COAL MINING

In compliance with provisions of the *Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953, as amended (the "Act")*,

Amax Coal Company, Castle Gate Mine located in and around the Helper, Utah area as identified in the Notice of Intent, application UTG040012 is authorized to discharge

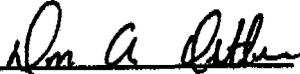
to Sowbelly Gulch, Hardscrabble Canyon, Crandall Canyon and the Price River,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit became effective on September 1, 1993.

This general permit and the authorization to discharge shall expire at midnight, April 30, 1998.

Signed this 9th day of December, 1994.

  
Authorized Permitting Official  
Executive Secretary  
Utah Water Quality Board

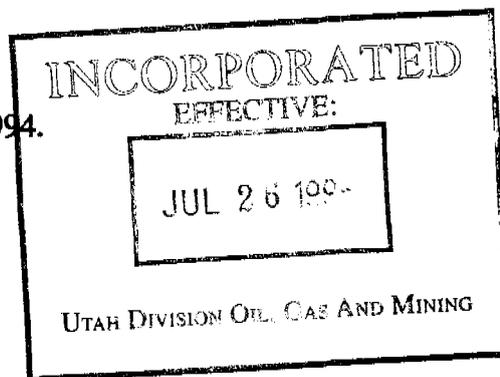
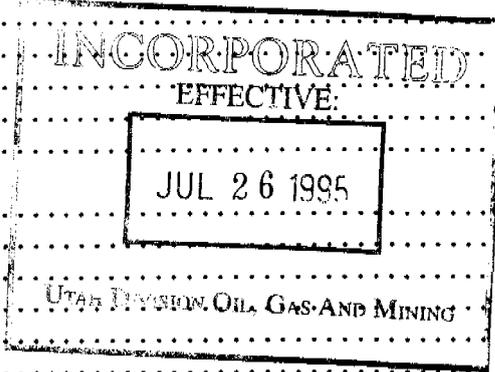


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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average" is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average" is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. "Composite samples" shall be flow proportioned. The composite sample shall, as a minimum, contain at least four (4) samples collected over the composite sample period. Unless otherwise specified, the time between the collection of the first sample and the last sample shall not be less than six (6) hours nor more than 24 hours. Acceptable methods for preparation of composite samples are as follows:
- Constant time interval between samples, sample volume proportional to flow rate at time of sampling;
  - Constant time interval between samples, sample volume proportional to total flow (volume) since last sample. For the first sample, the flow rate at the time the sample was collected may be used;
  - Constant sample volume, time interval between samples proportional to flow (i.e., sample taken every "X" gallons of flow); and,
  - Continuous collection of sample, with sample collection rate proportional to flow rate.
5. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
6. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the

reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

7. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
9. "Executive Secretary" means Executive Secretary of the Utah Water Quality Board.
10. "EPA" means the United States Environmental Protection Agency.
11. "Act" means the "*Utah Water Quality Act*".
12. "Best Management Practices" ("*BMPs*") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. *BMPs* also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
13. "*CWA*" means *Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.
14. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.
15. "Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under *Section 311 of the Clean Water Act* (see *40 CFR 110.10* and *40 CFR 117.21*) or *Section 102 of CERCLA* (see *40 CFR 302.4*).
16. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
17. "Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.
18. "10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in *Weather Bureau Technical Paper No. 40*, May 1961 and *NOAA Atlas 2*, 1973 for the 11 Western States,

and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

19. The term "coal preparation plant" means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility.
20. The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
21. "Alkaline mine drainage" means mine drainage which before any treatment has a pH equal to or greater than 6.0 and total iron concentration less than 10 mg/l.

22. The term "settleable solids" is that matter measured by the volumetric method specified below:

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EFFECTIVE

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Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating material occurs, do not include the floating material in the reading.

B. UTAH Criteria for Inclusion in the General Permit for Coal Mining

This General permit shall apply only to the discharge of treated wastewater from:

Coal mining operations either new or existing in Utah which include or will include in part or in a whole alkaline mine water drainage, storm water runoff from coal preparation plant associated areas, active mining areas, and post mining areas until the performance bond is released. The total amount of total dissolved solids discharged from all mine water and decant operations is limited to one ton per day.

C. Notice of Intent for a General Permit for Coal Mining

Any facility which desires a general permit for coal mining and meets the requirements of Part I.B. can be issued a general permit by submitting a notice of intent (NOI) to the Division of Water Quality and EPA at the addresses listed on page 10 of this permit.

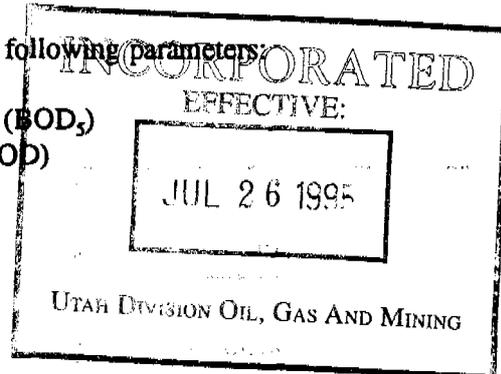
The NOI shall include:

- a. A completed Environmental Protection Agency Application (EPA Form 3510-1) or equivalent information.
- b. Location and identification number (such as 001, 002, etc.) of each existing discharge and/or proposed discharge point(s). This includes the latitude and longitude to the nearest 15 seconds and the name of the receiving water(s).

- c. A description of the source of the wastewater for each discharge point.
- d. A description of the treatment given or proposed for the wastewater at each discharge point and if necessary a justification of why no treatment is required.
- e. Flow characteristics for each discharge point such as whether flow is or will be continuous or intermittent and indicate projected and/or actual average and maximum flows in gpd.

f. Data for each discharge point for the following parameters:

- 1) Biochemical oxygen demand (BOD<sub>5</sub>)
- 2) Chemical oxygen demand (COD)
- 3) Total organic carbon (TOC)
- 4) Total suspended solids (TSS)
- 5) Flow
- 6) Ammonia (as N)
- 7) Oil and grease
- 8) Temperature
- 9) pH
- 10) Total dissolved solids (TDS)
- 11) Total iron and metals, cyanide, phenols located in Table III UAC R317-8-3.12
- 12) Date and time of sampling for each parameter
- 13) Date and time of analysis for each parameter
- 14) Utah certified laboratory which has completed the analysis for each parameter



If no data is available, indicate why the data is not available.

The Executive Secretary may waive the reporting requirements for any of these pollutants and parameters if the applicant submits a request for such a waiver before or with the NOI which demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

- g. For each discharge point the presence or absence of any toxic and/or priority pollutants as listed by EPA in *40 CFR Part 403*.
- h. Best management practice plan or sediment runoff control plan approved by the Division of Oil, Gas and Mining.

D. Description of Discharge Point(s).

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under a UPDES permit is a violation of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an

unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the Act.

| <u>Outfall Number</u> | <u>Location of Discharge Point(s)</u>                       |
|-----------------------|---|
| 009                   | Latitude 39°42'37" Longitude 110°53'43" Hardscrabble Canyon |
| 011                   | Latitude 39°44'16" Longitude 110°52'21" Price River         |
| 012                   | Latitude 39°43'48" Longitude 110°51'54" Price River         |
| 013                   | Latitude 39°43'57" Longitude 110°52'08" Price River         |
| 014                   | Latitude 39°45'07" Longitude 110°54'40" Crandall Canyon     |
| 015                   | Latitude 39°45'01" Longitude 110°55'08" Crandall Canyon     |
| 016                   | Latitude 39°43'12" Longitude 110°55'29" Sowbelly Gulch      |
| 017                   | Latitude 39°43'04" Longitude 110°55'32" Sowbelly Gulch      |
| 020                   | Latitude 39°43'54" Longitude 110°52'08" Price River         |

E. Narrative Standard.

It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

F. Specific Limitations and Self-monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from the Outfalls listed in I.D above. Such discharges shall be limited and monitored by the permittee as specified below:

| <u>Effluent Characteristics</u> | <u>Discharge Limitations a/</u> |              |                | <u>Monitoring Requirements</u> |                    |
|---------------------------------|---------------------------------|--------------|----------------|--------------------------------|--------------------|
|                                 | <u>Average</u>                  | <u>Daily</u> | <u>Maximum</u> | <u>Measurement Frequency</u>   | <u>Sample Type</u> |
| Flow, gpd                       | NA                              | NA           | NA             | Monthly                        | Measured b/        |
| Oil & Grease, mg/L              | NA                              | NA           | 10             | Monthly                        | Grab               |
| Total Suspended Solids, mg/L    | 25                              | 35           | 70             | Monthly                        | Grab c/            |
| Total Iron, mg/l                | NA                              | NA           | 1.0 c/         | Monthly                        | Grab e/            |
| Total Dissolved Solids lbs/day  | NA                              | NA           | d/             | Monthly                        | Grab e/            |

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The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample and shall be monitored monthly by a grab sample.

There shall be no visible sheen or floating solids or visible foam in other than trace amounts.

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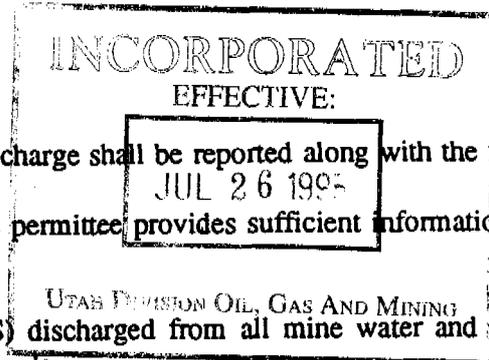
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UTAH DIVISION OIL, GAS AND MINING

There shall be no discharge of sanitary wastes or any process water from coal preparation plants.

N.A. - Not Applicable.

- a/ See Definitions, *Part I.A* for definition of terms.
- b/ For intermittent discharge, the duration of the discharge shall be reported along with the flow.
- c/ Values up to 2 mg/l may be approved where the permittee provides sufficient information that water quality standards will not be violated.
- d/ The total amount of total dissolved solids (TDS) discharged from all mine water and decant operations is limited to one ton (2000 pounds) per day.
- e/ These samples may also be a composite sample.



2. Samples taken in compliance with the monitoring requirements specified above shall be taken from the effluent before mixing with any receiving water.
3. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at all surface runoff pond (outfalls) may comply with the following limitation instead of the total suspended solids limitations contained in Part I.F.1:

Effluent Characteristics

Daily Maximum

Settleable Solids

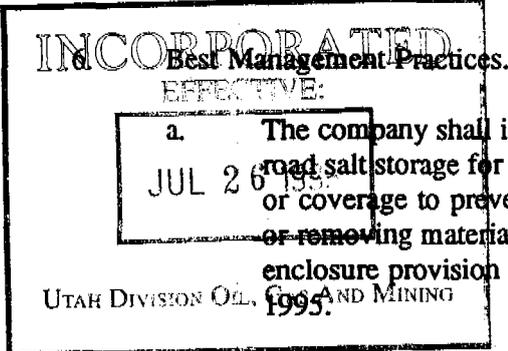
0.5 mL/L

In addition to the monitoring requirements specified under Part I.F.1, all effluent samples collected during storm water discharge events shall also be analyzed for settleable solids. Such analyses shall be conducted on either grab or composite samples.

4. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) at all surface runoff pond outfalls may comply with the following limitations instead of the otherwise applicable limitations:

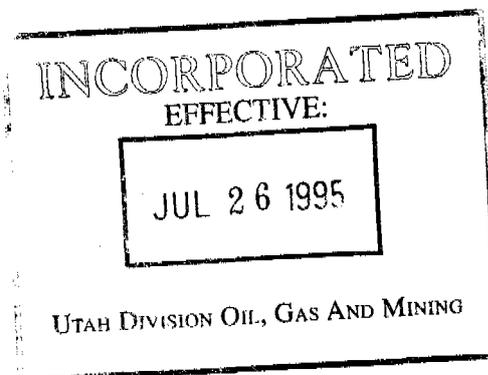
The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units. However, as stated under Part I.F.3, all effluent samples collected at all surface runoff pond outfalls during storm water discharge events shall be analyzed for settleable solids and the parameters identified under Part I.F.1.

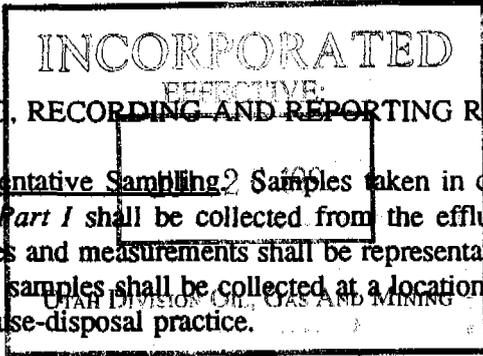
5. The operator shall have the burden of proof that the discharge or increase in discharge was caused by the applicable precipitation event described in Parts I.F.3. and F.4. The alternate limitation in Parts I.F.4. and F.5. shall not apply to treatment systems that treat underground mine water only.



- a. The company shall implement and maintain best management practices for the control of road salt storage for areas discharging to waters of the State. This shall include enclosure or coverage to prevent exposure to precipitation, except exposure resulting from adding or removing materials from the pile. Dischargers shall demonstrate compliance with the enclosure provision as expeditiously as practicable, but in no event later than October 1, 1995.
- b. The facility must minimize the discharge of salt by using the largest practicable amount of saline water for process and dust control. After April 30, 1994 there shall be no use of gypsum for rock dusting unless the permittee provides sufficient information to the Executive Secretary such that approval is granted based upon the Colorado River Basin Salinity Control Forum Policies and the fact that it will not significantly increase total dissolved solids concentrations.
- c. Sediment and Erosion Control. Within six months of permit issuance, the permittee shall develop a stormwater pollution prevention plan which identifies areas which, due to topography, road construction with waste materials, other activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to limit erosion. (The general permit for storm water discharges associated with industrial activity contains information for developing a satisfactory plan).
- d. Management of Runoff. The stormwater pollution prevention plan shall be implemented as soon as practical but no later than one year after permit issuance. Appropriate measures for small areas may include: silt fences, sediment traps, vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration deicers, and wet detention/retention devices.
- e. Comprehensive Site Compliance Evaluation. Qualified personnel shall conduct site compliance evaluations at appropriate intervals specified in the stormwater pollution prevention plan, but in no case less than once a year. Such evaluations shall provide:
- (1) Areas contributing to a storm water discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed.

- (2) Based on the results of the inspection, the description of potential pollutant sources identified in the plan and pollution prevention measures and controls identified in the plan shall be revised as appropriate within two weeks of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than twelve weeks after the inspection.
  - (3) A report summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan, and actions taken shall be made and retained as part of the storm water pollution prevention plan for at least one year after coverage under this permit terminates. The report shall identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the storm water pollution prevention plan and this permit. The report shall be signed in accordance with *Part IV.G Signatory Requirements* of this permit.
  - (4) Where annual site inspections are shown in the plan to be impractical for inactive mining sites due to the remote location and inaccessibility of the site, site inspections required under this part shall be conducted at appropriate intervals specified in the plan, but, in no case less than once in three years.
- f. Consistency with other plans. Plans may reflect requirements for *Spill Prevention Control and Countermeasure ("SPCC")* plans developed for the facility under *Section 311* of the *CWA* or *Best Management Practices ("BMP")* otherwise required by this permit for the facility as long as such requirement is incorporated into the plan.





II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under *Part I* shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under *Utah Administrative Code ("UAC") R317-2-10*, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The *Act* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during the previous month shall be summarized and reported monthly on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on June 28, 1993. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of *Signatory Requirements (see Part IV.G)*, and submitted to the Director, Division of Water Quality and to EPA at the following addresses:

original to: Department of Environmental Quality  
Division of Water Quality  
288 North 1460 West  
PO Box 144870  
Salt Lake City, Utah 84114-4870

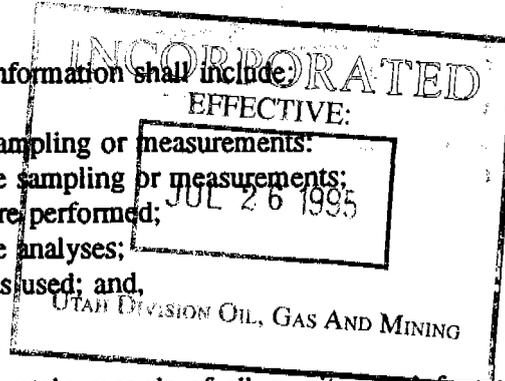
copy to: United States Environmental Protection Agency Region VIII  
Denver Place  
999 18th Street, Suite 500  
Denver, Colorado 80202-2466  
Attention: Water Management Division  
Compliance Branch (8WM-C)

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any parameter more frequently than required by this permit, using test procedures approved under *UAC R317-2-10* or as otherwise specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data

submitted in the DMR. Such increased frequency shall also be indicated. Only those parameters required by the permit need to be reported.

G. Records Contents. Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

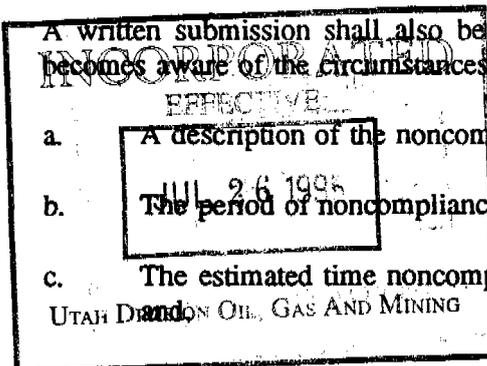


H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time. A copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location.

I. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance which may seriously endanger health or environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Division of Water Quality, (801) 538-6146, or 24 hour answering service (801) 536-4123.
2. The following occurrences of noncompliance shall be reported by telephone (801) 536-4123 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
  - a. Any noncompliance which may endanger health or the environment;
  - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See *Part III.G, Bypass of Treatment Facilities.*);
  - c. Any upset which exceeds any effluent limitation in the permit (See *Part III.H, Upset Conditions.*); or,
  - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.

3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:



- a. A description of the noncompliance and its cause;
- b. The period of noncompliance, including exact dates and times;
- c. The estimated time noncompliance is expected to continue if it has not been corrected;
- d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.

4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Division of Water Quality, (801) 538-6146.

5. Reports shall be submitted to the addresses in *Part II.D, Reporting of Monitoring Results*.

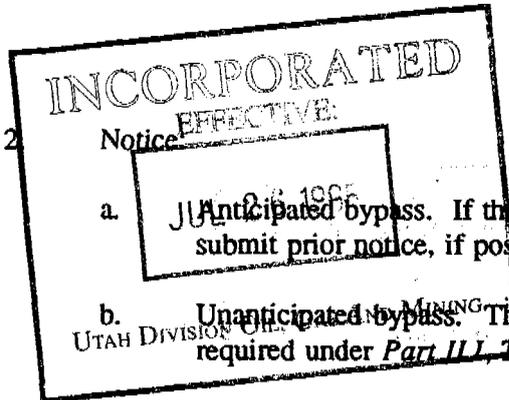
J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for *Part II.D* are submitted. The reports shall contain the information listed in *Part II.J.3*.

K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the *Act*, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the Act is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided at Part III.G, Bypass of Treatment Facilities and Part III.H, Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.
- G. Bypass of Treatment Facilities.
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section. Return of removed substances, as described in Part III.F, to the discharge stream shall not be considered a bypass under the provisions of this paragraph.



2.
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under *Part III, Twenty-four Hour Reporting*.
3. Prohibition of bypass.
  - a. Bypass is prohibited and the Executive Secretary may take enforcement action against a permittee for a bypass, unless:
    - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage ;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
    - (3) The permittee submitted notices as required under paragraph 2 of this section.
  - b. The Executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed above in paragraph 3.a of this section.

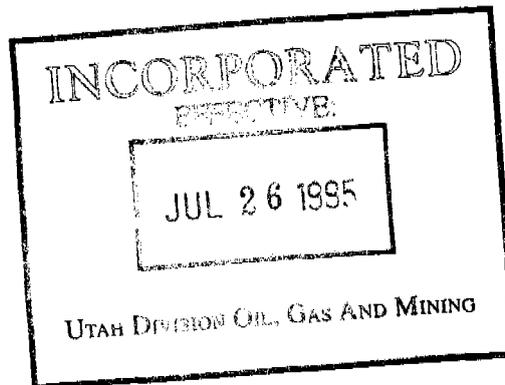
H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;

- c. The permittee submitted notice of the upset as required under *Part II.J, Twenty-four Hour Notice of Noncompliance Reporting*; and
- d. The permittee complied with any remedial measures required under *Part III.D, Duty to Mitigate*.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of *The Water Quality Act of 1987* for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- J. Changes in Discharge of Toxic Substances. Notification shall be provided to the Executive Secretary as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. One hundred micrograms per liter (100 ug/L);
    - b. Two hundred micrograms per liter (200 ug/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/L) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
    - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(7)* or (10); or,
    - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.
  2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
    - a. Five hundred micrograms per liter (500 ug/L);
    - b. One milligram per liter (1 mg/L) for antimony;
    - c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with *UAC R317-8-3.4(9)*; or,
    - d. The level established by the Executive Secretary in accordance with *UAC R317-8-4.2(6)*.

K. Industrial Pretreatment. Any wastewaters discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of *The Water Quality Act of 1987*, the permittee shall comply with all applicable federal General Pretreatment Regulations promulgated at *40 CFR 403*, the State Pretreatment Requirements at *UAC R317-8-8*, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the wastewaters.

In addition, in accordance with *40 CFR 403.12(p)(1)*, the permittee must notify the POTW, the EPA Regional Waste Management Director, and the State hazardous waste authorities, in writing, if they discharge any substance into a POTW which if otherwise disposed of would be considered a hazardous waste under *40 CFR 261*. This notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous or batch).

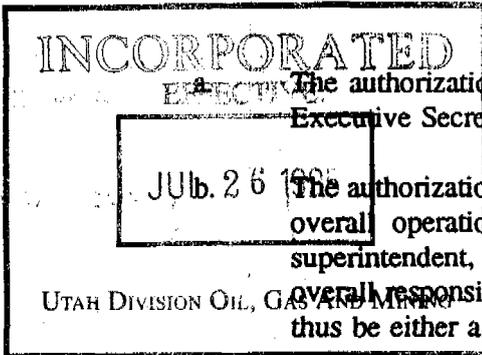


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## IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are not subject to effluent limitations in the permit. In addition, if there are any planned substantial changes to the permittee's existing sludge management practices or their manner of operation or to current sludge management practices of storage and disposal, the permittee shall give notice to the Executive Secretary of any planned changes at least 30 days prior to their implementation.
- B. Anticipated Noncompliance. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 60 days before the expiration date of this permit. The application shall be submitted at least 180 days before the expiration date if an individual permit is necessary.
- E. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
1. All permit applications shall be signed by either a principal executive officer or ranking elected official.
  2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:



The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,

The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. **Changes to authorization.** If an authorization under paragraph *IV.G.2* is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph *IV.G.2* must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. **Certification.** Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

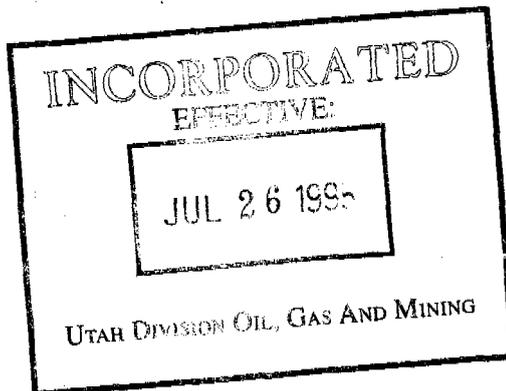
- H. **Penalties for Falsification of Reports.** The *Act* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. **Availability of Reports.** Except for data determined to be confidential under *UAC R317-8-3.2*, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As required by the *Act*, permit applications, permits and effluent data shall not be considered confidential.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the *Act*.

- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Executive Secretary at least 20 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by *UCA 19-5-117*.
- O. Water Quality-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
  2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.
- P. Toxicity Limitation-Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include whole effluent toxicity (WET) testing, a WET limitation, a compliance schedule, a compliance date, additional or modified numerical limitations, or any other conditions related to the control of toxicants if toxicity is detected during the life of this permit.

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- Q. Storm Water-Reopener Provision. At any time during the duration (life) of this permit, this permit may be reopened and modified (following proper administrative procedures) as per *UAC R317.8*, to include, any applicable storm water provisions and requirements, a storm water pollution prevention plan, a compliance schedule, a compliance date, monitoring and/or reporting requirements, or any other conditions related to the control of storm water discharges to "waters-of-State".

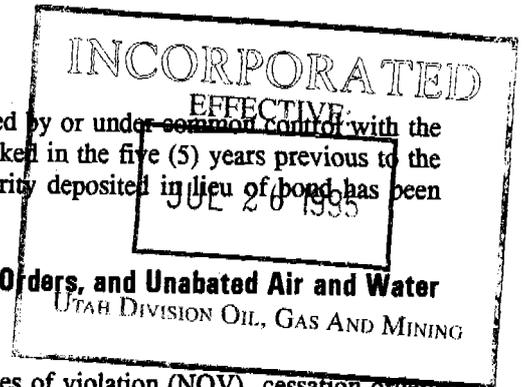
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## 2.1.4 Compliance Information

### 2.1.4.1 Permit Suspension or Revocation or Bond Forfeiture

Neither the applicant nor any subsidiary, affiliate or persons controlled by or under common control with the applicant has had a Federal or State mining permit suspended or revoked in the five (5) years previous to the date of this application. Likewise, no mining bond or similar security deposited in lieu of bond has been forfeited by any affiliated entities or persons.



### 2.1.4.2 Summary of Notices of Violation, Unabated Cessation Orders, and Unabated Air and Water Quality Violation Notices

The Willow Creek Mine will be a new operation, therefore, no notices of violation (NOV), cessation orders (CO), or air or water quality violation notices have been issued in conjunction with this operation. Given that a number of coal operations are affiliated with the Willow Creek Mine through common ownership or control relationships, listings of any NOV's, unabated CO's, and unabated air or water quality violation notices for all affiliated operations are during the past 5 years are provided in Exhibit 2, Compliance Information. In compliance with applicable regulatory provisions, these listings include the name, address, identifying number(s), Federal or State permit number and regulatory authority, MSHA I.D. number and date of issuance, name of the person to whom the violation notice was issued, name of the issuing authority, department or agency, a description of the violation, a summary of the status of the violation and related proceedings, and a description of measures taken to abate the violation.

### 2.1.4.3 Provision for Updating Compliance Information

Upon notification of permit approval and prior to permit issuance CPMC will, as applicable, update or revise the compliance information presented or referenced in this section.

## 2.1.5 Right of Entry

CPMC's right of entry for surface lands and coal extraction is based on operating agreements with CWCC and Amax Coal Company as the successor to Castle Gate Coal Company. CWCC has leased or subleased surface entry and coal extraction rights for mining areas and the Willow Creek surface facilities area from Blackhawk under the *Master Agreement Between Blackhawk Coal Company and Cyprus Western Coal Company*, dated November 1, 1993. Amax Coal Company as the successor to Castle Gate Coal Company holds leases for the Castle Gate preparation plant and loadout areas and the Gravel and Crandall Canyon areas from Blackhawk and Price River Coal Company under the *Lease Transaction Agreement*, dated January 31, 1986.

### 2.1.5.1 Right-of-Entry Documentation

The following describes fee surface, fee coal, and surface and coal leases held by Blackhawk and leased or subleased to CWCC:

#### Fee Surface - Blackhawk

T. 12S., R. 9 E., S.L.M.

Section 35: E/2 east of the Price River\*

#### LESS AND EXCEPT:

1. A tract in the NE/4 SE/4 containing 1.37 acres, more or less, described by metes and bounds; as conveyed to Castle Gate, a body politic, by Deed of Correction dated April 10, 1973, and recorded in Book 138 at page 156 of the official records of Carbon County;
2. A tract in the NW/4 NE/4 containing 5.25 acres, more or less, conveyed to The Utah Power and Light Company, as referenced and described by metes and bounds in Quitclaim Deed recorded on February 3, 1956, in Book 38 at page 158 of the official records of Carbon County;

3. A tract in the NW/4 NE/4 containing 2.61 acres, more or less, described by metes and bounds; as conveyed to the City of Price, a body politic, by Warranty Deed dated December 19, 1960, and recorded in Book 70 at page 416 of the official records of Carbon County.

Section 36: Lots 1 & 2 (E/2 NE/4); W/2 NE/4; SE/4; NW/4;  
SW/4 east of Price River\*

**LESS AND EXCEPT:**

A tract in the SE/4 SW/4 containing 0.057 acres, more or less, described by metes and bounds; as conveyed to Castle Gate, a body politic, by Deed of Correction dated April 10, 1973, and recorded in Book 138 at page 156 of the official records of Carbon County.

T. 13 S., R. 9 E., S.L.M.

Section 1: Lots 1 & 2 (N/2 NE/4); Lots 3 & 4 (N/2 NW/4) east of the Price River; SE/4 NE/4; E/2 SW/4 NE/4; E/2 SW/4 east of the Price River\*

**LESS AND EXCEPT:**

1. A tract in Lot 3 containing 1.43 acres total, more or less, and a tract in the NE/4 SW/4 containing 9.48 acres, more or less, described by metes and bounds; as conveyed to The Utah Power and Light Company by Special Warranty Deed dated July 10, 1986, and recorded in Book 262 at page 309 of the official records of Carbon County;
2. A tract in the E/2 SW/4 containing 2.88 acres, more or less, as conveyed to The Utah Power and Light Company; as referenced and described by metes and bounds in Quitclaim Deed recorded on February 3, 1956, on Book 38 at page 158 of the official records of Carbon County;
3. A tract in Lot 3 containing 1.02 acres, more or less, described by metes and bounds; as conveyed to The Utah Power and Light Company by Quitclaim Deed dated May 28, 1953, and recorded in Book 20 at page 492 of the official records of Carbon County;
4. A roadway 30 feet wide in the NW/4 described by metes and bounds; as conveyed to Castle Gate Town, a municipal corporation, by quitclaim Deed dated September 26, 1969, and recorded in Book 122 at page 400 of the official records of Carbon County.

T. 13 S., R. 9 E., S.L.M.

Section 12: NW/4 east of the Price River

**LESS AND EXCEPT:**

A tract in the NW/4, containing 12.55 acres, more or less; as conveyed to The Utah Power and Light Company as referenced and described by metes and bounds in Quitclaim Deed recorded on February 3, 1956, in Book 38 at page 158 of the official records of Carbon County.

T. 12 S., R. 10 E., S.L.M.

Section 29: S/2 NE/4; W/2 SE/4; E/2 SW/4; SW/4 SW/4.

Section 30: SE/4 SE/4.

Section 31: Lots 1 & 2 (W/2 NW/4); E/2 NW/4; SW/4; E/2

**LESS AND EXCEPT:**

A tract in Section 31: SW/4 SW/4, and also in T. 13 S., R. 10 E., Section 6: Lot 4, containing 6.496 acres, more or less, as described by metes and bounds; as conveyed to Carbon County by Quitclaim Deed dated September 18, 1990, and recorded in Book 300 at page 134 of the official records of Carbon County (Castle Gate Cemetery).

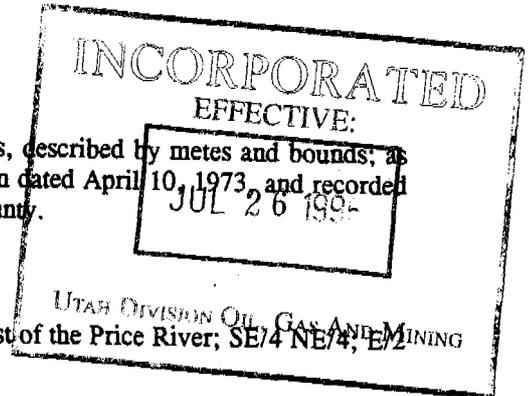
T. 13 S., R. 10 E., S.L.M.

Section 2: Lots 1, 2, 3, & 4 (N/2 N/2); S/2 N/2; S/2.

Section 4: Lots 1 & 2 (N/2 NE/4); S/2 NE/4; N/2 SE/4; SW/4 SE/4; S/2 SW/4.

Section 5: Lots 1, 2, 3, & 4 (N/2 N/2); S/2 N/2; S/2.

Section 6: Lots 1, 2, 3, 4 (N/2 N/2); Lot 5 (SW/4 NW/4); S/2 NE/4; SE/4; SE/4 NW/4.



Section 8: Lot 1 (NE/NE/4); SE/4 NE/4; NE/4 SE/4; S/2 S/2.

Section 9: E/2; SW/4; N/2 NW/4; SE/4 NW/4.

Section 10: SE/4; E/2 SW/4.

Section 11: SW/4.

Section 17: NE/4; N/2 NW/4.

Section 18: N/2 NE/4

\*Subject to the surface rights only of Anax Coal Company, as successor to Castle Gate Coal Company, under the Preparation Plant Facility Lease between Blackhawk Coal Company, Lessor, and Castle Gate Coal Company, Lessee, dated May 30, 1986, and affecting:

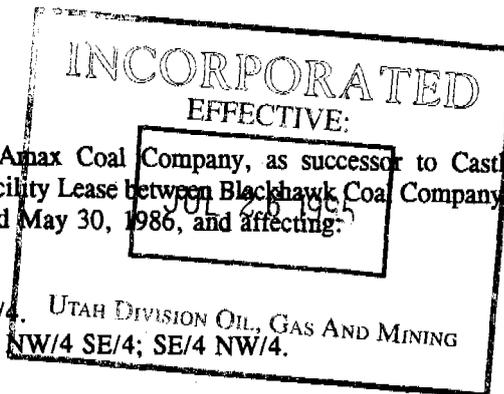
T. 12 S., R. 9 E., S.L.M.

Section 35: SE/4 NE/4; E/2 SE/4.

Section 36: SW/4; SW/4 NE/4; NW/4 SE/4; SE/4 NW/4.

T. 13 S., R. 9 E., S.L.M.

Section 1: Lots 3 & 4 (N/2 NW/4) excluding Utah Power and Light Company coal stockpile.



**Fee Coal - Blackhawk**

T. 12 S., R. 9 E., S.L.M.

Section 35: E/2 east of the Price River

**LESS AND EXCEPT:**

A tract in the NW/4 NE/4 containing 2.61 acres, more or less, described by metes and bounds; as conveyed to the City of Price, a body politic, by Warranty Deed dated December 19, 1960, and recorded in Book 70 at page 416 of the official records of Carbon County.

Section 36: SW/4 SW/4 east of Price River; E/2 NW/4; NW/4 NW/4; NW/4; SE/4 SW/4

T. 13 S., R. 9 E., S.L.M.

Section 1: Lots 1 & 2 (N/2 NE/4); Lots 3 & 4 (N/2 NW/4) east of the Price River; SE/4 NE/4; E/2 SW/4 NE/4; E/2 SW/4 east of the Price River

**LESS AND EXCEPT:**

1. A tract in Lot 3 containing 1.02 acres, more or less, described by metes and bounds; as conveyed to The Utah Power and Light Company by Quitclaim Deed dated May 28, 1953, and recorded in Book 20 at page 492 of the official records of Carbon County;

2. A roadway 30 feet wide in the NW/4 described by metes and bounds; as conveyed to Castle Gate Town, a municipal corporation, by Quitclaim Deed dated September 26, 1969, and recorded in Book 122 at page 400 of the official records of Carbon County.

T. 13 S., R. 9 E., S.L.M.

Section 12: NW/4 east of the Price River

**LESS AND EXCEPT:**

A tract in the NW/4, containing 12.55 acres, more or less; as conveyed to The Utah Power and Light Company as referenced and described by metes and bounds in Quitclaim Deed recorded on February 3, 1956, in Book 38 at page 158 of the official records of Carbon County.

T. 12 S., R. 10 E., S.L.M.

Section 31: Lots 1 & 2 (W/2 NW/4); E/2 NW/4; SW/4; E/2

T. 13 S. R. 10 E., S.L.M.

Section 2: Lots 1, 2, 3, & 4 (N/2 N/2); S/2 N/2; S/2.

Section 4: S/2 S/2.

Section 5: Lots 1, 2, 3, & 4 (N/2 N/2).

Section 6: Lots 1, 2, 3, & 4 (N/2 N/2); Lot 5 (SW/4 NW/4); S/2 SE/4; SE/4 NW/4.

Section 8: S/2 S/2.

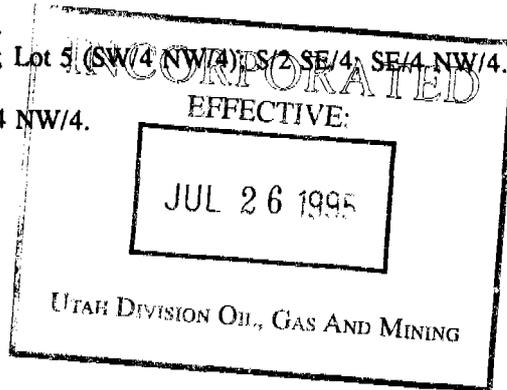
Section 9: E/2; SW/4; N/2 NW/4; SE/4 NW/4.

Section 10: SE/4; E/2 SW/4.

Section 11: SW/4

Section 17: NE/4; N/2 NW/4.

Section 18: N/2 NE/4



Leased Surface and Coal - Blackhawk

Federal Coal Leases:

1. Federal Consolidated Coal Lease No. SL-048442-040115 dated November 2, 1930; covering the following lands:

T. 13 S., R. 10 E., S.L.M.

Section 1: SW/4.

Section 3: S/2 N/2; S/2.

Section 4: Lots 1, 2, 3, & 4 (N/2 N/2); S/2 N/2; N/2 S/2.

Section 10: N/2; NW/4 SW/4.

Section 11: E/2; NW/4.

Section 12: Lot 2 (NW/4 NE/4); Lots 3 & 4 (E/2 NW/4); Lots 5 & 6 (S/2 NE/4);

Lots 7 & 8 (N/2 SE/4); Lot 9 (SE/4 SW/4); Lots 10 & 11 (S/2 SE/4); W/2 W/2; NE/4 SW/4; W/2 W/2; NE/4 SW/4.

containing 2,604.36 acres, more or less;

LESS AND EXCEPT:

A Partial Assignment dated September 17, 1991, effective May 1, 1992, to AMCA Coal Leasing, Inc. covering the Centennial Coal Seam only in:

T. 13 S., R. 10 E., S.L.M.

Section 1: SW/4

Section 12: Lots 2-11; W/2 W/2; NE/4 SW/4. containing 801.48 acres, more or less

2. Federal Modified Coal Lease No. SL-046652 dated December 1, 1962, effective August 3, 1921, as amended effective September 23, 1964, by a partial transfer to the State of Utah; covering the following lands:

T. 12 S., R. 10 E., S.L.M.

Section 33: S/2

Section 34: S/2

T. 13 S., R. 10 E., S.L.M.

Section 3: Lots 1, 2, 3, & 4 (N/2 N/2).

containing 802.36 acres, more or less.

3. Federal Coal Lease No. U-0146345 dated November 1, 1965; covering the following lands:

T. 12 S., R. 10 E., S.L.M.

Section 33: N/2.

Section 34: NW/4 NE/4; S/2 NE/4; NW/4.

Section 35: NE/4; S/2 NW/4; S/2.

containing 1,160.00 acres, more or less.

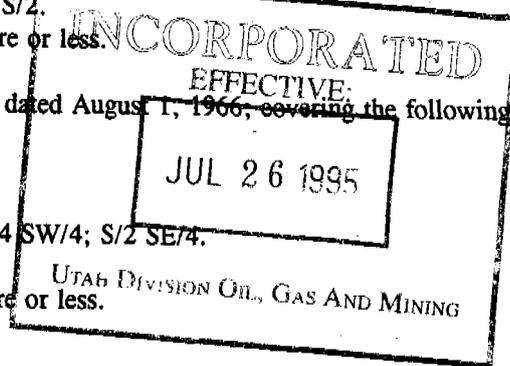
4. Federal Coal Lease No. U-0148779 dated August 1, 1966, covering the following lands:

T. 12 S., R. 10 E., S.L.M.

Section 26: N/2; N/2 S/2; SE/4 SW/4; S/2 SE/4.

Section 27: All

containing 1,240.00 acres, more or less.



State Coal Leases:

1. State of Utah Coal Lease No. ML-1892 dated June 5, 1947, as amended effective January 1, 1988; covering the following lands:

T. 12 S., R. 9 E., S.L.M.

Section 36: Lots 1 & 2 (E/2 NE/4); W/2 NE/4; SE/4; NE/4 SW/4; SW/4 NW/4.  
containing 389.84 acres, more or less.

2. State of Utah Modified Coal Lease No. SL-046652-ST dated December 1, 1962, effective August 3, 1921; as transferred from the United States of America to the State of Utah under the Dawson Act of April 22, 1954, (68 Stat 7) on April 7, 1965, effective September 23, 1964, (Patent No. 43-65-0072); as amended September 19, 1968; covering the following lands:

T. 12 S., R. 10 E. S.L.M.

Section 32: All

containing 640.00 acres, more or less.

County Coal Lease:

1. Carbon County, Utah, Consolidated Coal Lease dated April 22, 1985; covering the following lands:

T. 12 S., R. 10 E., S.L.M.

Section 28: NW/4 NW/4.

Section 29: S/2 NE/4; W/2 SE/4; E/2 SW/4; SW/4 SW/4.

Section 30: SE/4 SE/4.

T. 13 S., R. 10 E., S.L.M.

Section 5: S/2; S/2 N/2.

Section 6: S/2 NE/4; N/2 SE/4.

Section 8: Lot 1 (NE/4 NE/4); SE/4 NE/4; NE/4 SE/4.

containing 1,119.97 acres, more or less.

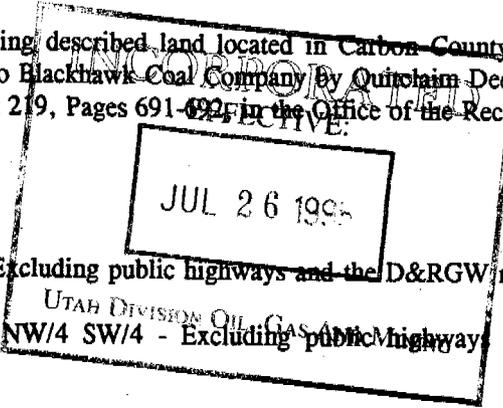
Fee Surface - Amax Coal Company/Amax Land Company

Crandall Canyon Facility Surface Area:

That part of the surface rights in the following described land located in Carbon County, Utah, conveyed by Franklin Real Estate Company to Blackhawk Coal Company by Quitclaim Deed dated November 3, 1981, of record in Record Book 219, Pages 691-692, in the Office of the Recorder of Carbon County, Utah, to wit:

Township 12 South, Range 9 East, S.L.B.M.

- Section 22: SW/4 SE/4, SE/4 SW/4 - Excluding public highways and the D&RGW right-of-way
- Section 27: S/2 NW/4, NE/4 NW/4, NW/4 SW/4 - Excluding public highway and the D&RGW right-of-way
- Section 28: S/2
- Section 29: S/2 NE/4, N/2 SE/4



Preparation Plant Facility Surface Area:

That part of the surface rights in the following described land located in Carbon County, Utah, conveyed by Franklin Real Estate Company to Blackhawk Coal Company by Quitclaim Deed dated November 3, 1981, of record in Record Book 219, page 690 in the Office of the Recorder of Carbon County, Utah, to-wit:

Township 12 South, Range 9 East, S.L.B.M.

- Section 36: NE/4 SW/4, SW/4 NE/4, NW/4 SE/4

And, also, that part of the surface rights in the following described land located in Carbon County, Utah, conveyed by Franklin Real Estate Company to Blackhawk Coal Company by Warranty Deed dated November 3, 1981, of record in Record Book 215, Pages 474-487, to-wit:

Township 12 South, Range 9 East, S.L.B.M.

- Section 36: SE/4 NW/4, W/2 SW/4, SE/4 SW/4
- Section 35: SE/4 NE/4, E/2 SE/4

Township 13 South, Range 9 East, S.L.B.M.

- Section 1: N/2 NW/4 - Excluding Utah Power & Light coal stockpile
- Section 2: N/4 NE/4

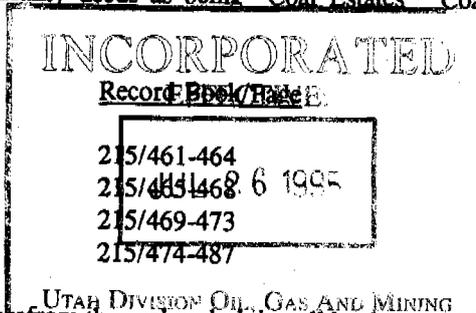
All of the Surface Rights described in Parts I, II, and III above, including without limitation, the "Preparation Plan Facility Surface Area" and the "Crandall Canyon Facility Surface Area" are **SUBJECT TO** all liens, mortgages, encumbrances, covenants, restrictions, prior rights, claims, reservations, leases, royalties, easements, agreements and all matters legally existing, and all rights or claims of any kind affecting such property disclosed in those Warranty Deeds and Quitclaim Deeds forming a part of this Exhibit A, and in Chicago Title Insurance Company Commitment No. 1268, dated May 22, 1975, and in South Eastern Utah Title Company Preliminary Title Report No. 6408-C, dated May 15, 1975, and all exceptions set forth therein.

Fee Coal - Amax Coal Company

The fee coal estates only, of those lands located in Carbon County, Utah lying west of the Price River, conveyed by Franklin Real Estate Company to Blackhawk Coal Company by the following deeds dated November 3, 1981 of record in the Office of the Recorder of Carbon County, Utah, which lands are described in the warranty deeds as being "Coal Estates" "Coal Rights" or "Fee Lands", to-wit:

Document

1. Warranty Deed
2. Warranty Deed
3. Warranty Deed
4. Warranty Deed



EXCLUDING AND EXCEPTING therefrom the coal underlying all lands owned by Blackhawk Coal Company in Sections 14, 23, 24, and ~~25, Township 13 South, Range 9 East, Salt Lake Meridian.~~

All of the hereinabove described fee coal estates are SUBJECT TO all liens, mortgages, encumbrances, covenants, restrictions, prior rights, claims, reservations, leases, royalties, easements, agreements and all matters legally existing, and all rights or claims of any kind affecting such property, disclosed in those Warranty Deeds forming a part of this Exhibit B, and all exceptions set forth therein.

Leased Surface and Coal - Amax Coal Company/Amax Land Company

Federal Leases:

United States Coal Leases of coal interests located in Carbon County, Utah, bearing the serial numbers set forth below:

- 1) United States Coal Lease Serial No. SL-021737 dated September 1, 1950;
- 2) United States Coal Lease Serial No. SL-029093-046653 dated June 17, 1921;
- 3) United States Coal Lease Serial No. Utah - 019524 dated June 1, 1957;
- 4) United States Coal Lease Serial No. Utah - 058184 effective May 1, 1961;
- 5) United States Coal Lease Serial No. Utah - 25484 issued February 8, 1974; and
- 6) United States Coal Lease Serial No. Utah - 25484 issued February 8, 1974.

All of the hereinabove described coal interests are SUBJECT TO all liens, mortgages, encumbrances, covenants, restrictions, prior rights, claims, reservations, leases, royalties, easements, agreements and all matters legally existing, and all rights or claims of any kind affecting such interests as described in the deeds and assignments by which Blackhawk Coal Company acquired its interests in the United States Coal Leases.

State Leases:

State of Utah Coal Leases of coal interests located in Carbon County, Utah, bearing the serial numbers set forth below:

- 1) State of Utah Coal Lease Serial No. ML-18148 dated February 16, 1960;

- 2) State of Utah Coal Lease Serial No. ML-13681 dated July 13, 1956; and
- 3) State of Utah Coal Lease Serial No. ML-11940 dated September 7, 1956.

All of the hereinabove described coal leases are SUBJECT TO all liens, mortgages, encumbrances, covenants, restrictions, prior rights, claims, reservations, leases, royalties, easements, agreements, and all matters legally existing, and all rights or claims of any kind affecting such interests as described in the deeds and assignments by which Blackhawk Coal Company acquired its interests in the State of Utah Coal Leases.

None of the above described leases, rights and/or agreements is the subject of any known pending litigation. With the exception of those lands and coal extraction rights addressed under the agreements between CWCC and Blackhawk, CPMC will not extract coal from any lands where the private mineral estate and private surface estate are severed. For those lands and coal rights covered under the Blackhawk agreement, the agreement provides the written consent and express right for extraction of coal required under applicable provisions of Rules R645-301-200 through 230.

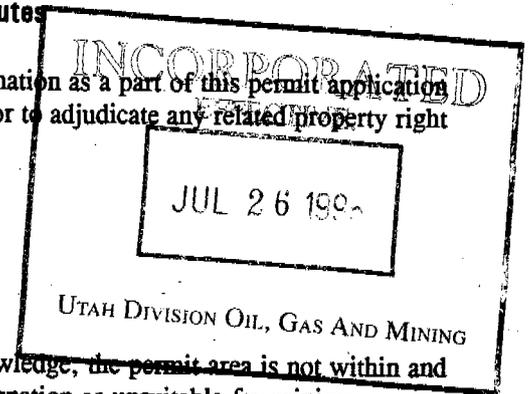
### 2.1.5.2 UDOGM Authority to Adjudicate Property Right Disputes

The information presented in this section and submittal of this information as a part of this permit application does not grant, convey, or obligate UDOGM to become involved in or to adjudicate any related property right disputes.

### 2.1.6 Status of Unsuitability Claims

#### 2.1.6.1 Areas Designated Unsuitable for Mining

Based on available information and to the best of the applicant's knowledge, the permit area is not within and does not include any area designated or under current study for designation as unsuitable for mining.



#### 2.1.6.2 Operations Within 300 Feet of an Occupied Dwelling or Within 100 Feet of a Public Road

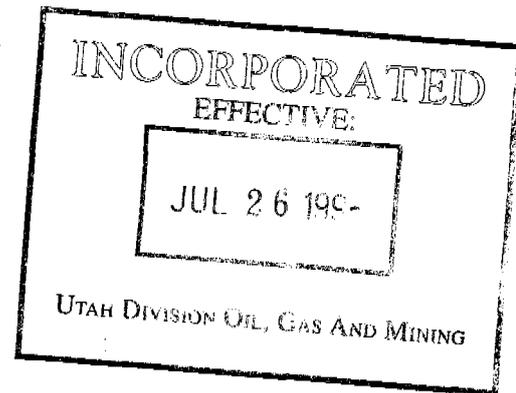
CPMC does not propose to conduct coal mining and reclamation operations within 300 feet of an occupied dwelling. Disturbance associated with development and operation of the mine surface facilities will, however, occur within 100 feet of State Highway 191 which is a public road. In compliance with the applicable regulatory provisions of Rules R645-103-234.100 through 400, CPMC has contacted and will obtain approval from the Utah Department of Transportation (UDOT) and has initiated a formal request for public hearing with UDOGM. A notice of public hearing will be published at least two weeks in advance of the hearing in a local paper of general circulation and opportunity will be provided in the hearing for the public and any affected owners to present information relating to protection of their interests. Copies of the public notice and hearing documentation, and written findings relative to mining within 100 feet of a public road will be submitted to UDOGM on receipt for insertion in Exhibit 3, Public Notice and Proof of Publication, Hearing Notices and Documentation, and Exhibit 4, Other Permits, respectively.

### 2.1.7 Permit Term

This permit application provides general information relative to the location, sequence, timing, and affected areas for all anticipated mining and reclamation operations over the life of the mine. The proposed timetable for each phase of mining and reclamation is discussed in Sections 4.5, Engineering Design and Operations Plans, and 5.4, Reclamation of Mining Disturbance, and illustrated by the Mine Plan Maps, (Maps 19A through 19D). The referenced text sections include tables summarizing the anticipated number of acres of land to be affected during each phase of mining and reclamation.

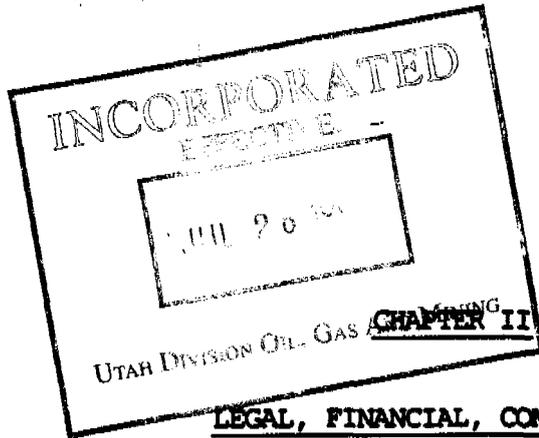
Chapter 2, General Contents  
Castle Gate Mine

July 1995



APPENDIX 2-2

CHAPTER 2, 1989 PERMIT SUBMITTAL

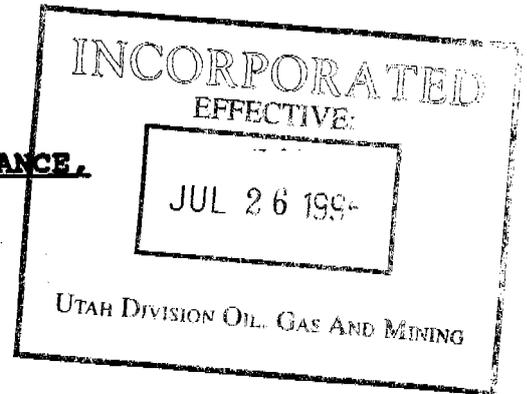


LEGAL, FINANCIAL, COMPLIANCE,  
AND  
RELATED INFORMATION

REVISED JUNE, 1989

**CHAPTER II**  
**LEGAL, FINANCIAL, COMPLIANCE,**  
**AND**  
**RELATED INFORMATION**

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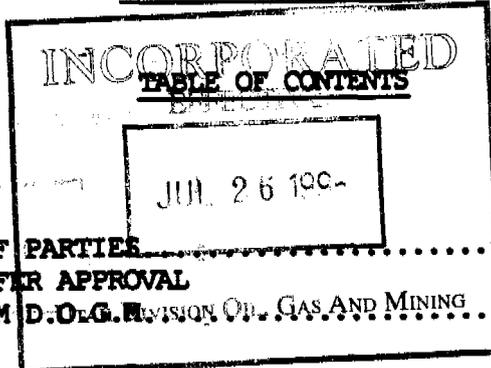
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CHAPTER II

LEGAL, FINANCIAL, COMPLIANCE,  
AND  
RELATED INFORMATION



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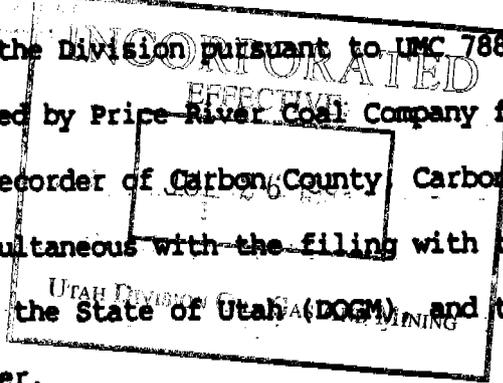
EXHIBITS:

|   |    |
|---|----|
| EXHIBIT 2-1 MINING PROGRESSION #3 MINE..... | MS |
| EXHIBIT 2-2 MINING PROGRESSION #5 MINE..... | MS |

2.1 Identification of Parties

On May 30, 1986, Castle Gate Coal Company received approval from the Division of Oil, Gas and Mining to transfer Permit ACT/007/004 from Price River Coal Company. Chapter Two of the Permit contains information which was submitted to the Division pursuant to UMC 788.18.

A copy of this permit was filed by Price River Coal Company for public inspection with the County Recorder of Carbon County, Carbon County Courthouse, Price, Utah, simultaneous with the filing with the Division of Oil, Gas and Mining for the State of Utah (DOGM), and the Office of Surface Mining (OSM)-Denver.





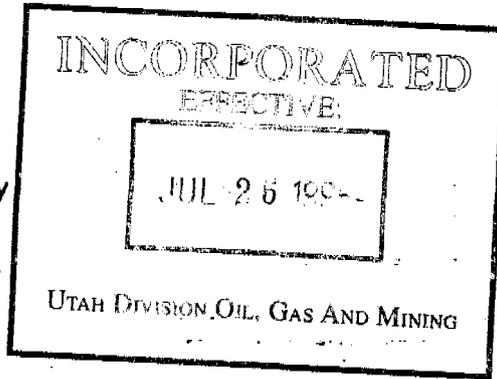
STATE OF UTAH  
 NATURAL RESOURCES  
 Oil, Gas & Mining

Norman - Sangster Governor  
 Dee C. Hansen Executive Director  
 Dianne R. Nielson P. D. Division Director

355 W North Temple - 3 Third Center - Suite 350 - Salt Lake City, UT 84180-1203 - 801-539-5340

May 30, 1986

Mr. Richard R. Clark  
 Vice President  
 Castle Gate Coal Company  
 P.O. Box 449  
 Helper, Utah 84526



Dear Mr. Clark:

RE: Approval for Permit Transfer, Price River Complex, ACT/007/004, Folder No. 2 and 4, Carbon County, Utah

The Division has found that Castle Gate Coal Company has met all requirements for a permit transfer as required under UMC 788.18. Therefore, in accordance with the attached findings, the request for transfer of the permit for the Price River Complex is hereby approved.

Castle Gate Coal Company is now responsible for all prior commitments relating to the portions of the operation transferred from Price River Coal Company. Please contact Lowell P. Braxton or myself if we can provide any assistance.

Best regards,

*Dianne R. Nielson*

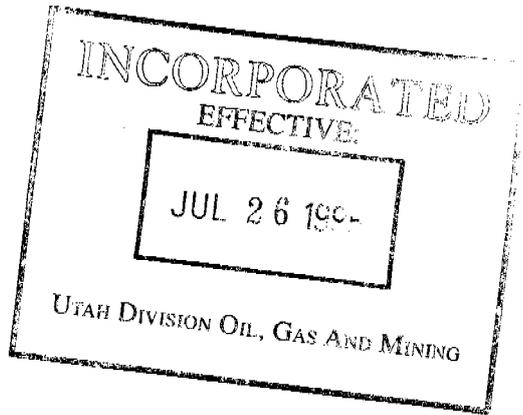
Dianne R. Nielson  
 Director

SCL:crh

cc: A. Klein  
 L. P. Braxton  
 S. Linner  
 D. Darby  
 K. Hutchinson

0028R-60

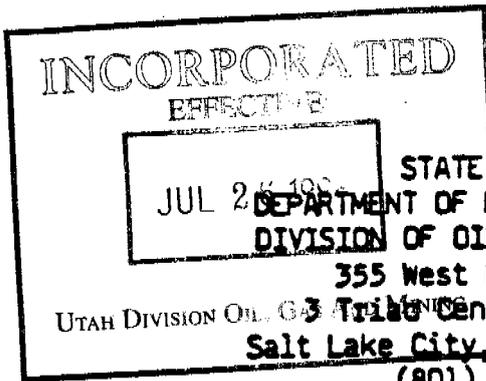
FILE COPY



Castle Gate Coal Company

PERMIT NO. ACT/007/004

UMC 788.18 APPLICATION FOR APPROVAL,  
TRANSFER, ASSIGNMENT OR SALE OF PERMIT RIGHT



Bond Number 929 80 55  
Permit Number ACT/007/004  
Mine Name Castle Gate Coal Company

THE MINED LANDS RECLAMATION ACT

BOND  
\*\*\*\*\*

The undersigned Castle Gate Coal Company  
as principal, and National Fire Insurance Company of Hartford as  
surety, hereby jointly and severally bind ourselves, our heirs, administrators,  
executors, successors and assigns unto the State of Utah, Division of Oil, Gas  
and Mining, and the U. S. Department of the Interior, Office of Surface Mining  
in the penal sum of Two million six hundred eighty three thousand six hundred and three  
dollars (\$2,683,603.00). Such sum shall be payable to  
one, but not both, of the above-named agencies.

The principal estimated in the Mining and Reclamation Plan filed with the  
Division of Oil, Gas and Mining on the 24th day of December  
19 84, that 134.5 acres of land will be disturbed  
by this mining operation in the State of Utah. A description of the disturbed  
land is attached hereto as Exhibit "A."

When the Division has determined that the principal has satisfactorily  
reclaimed the above-mentioned lands affected by mining in accordance with the  
approved Mining and Reclamation Plan and has faithfully performed all  
requirements of the Mined Land Reclamation Act, and complied with the Rules  
and Regulations adopted in accordance therewith, then this obligation shall be  
void; otherwise it shall remain in full force and effect until the reclamation  
is completed as outlined in the approved Mining and Reclamation Plan.

If the approved plan provides for reclamation of the land affected on a  
piecemeal or cyclic basis, and the land is reclaimed in accordance with such  
plan, then this bond may be reduced periodically.

In the converse, if the plan provides for a gradual increase in the area  
of the land affected or increased reclamation work, then this bond may  
accordingly be increased with the written approval of the surety company.

The Division shall only accept the bond of a surety company if the bond is  
noncancellable by the surety at any time for any reason including but not  
limited to nonpayment of premium or bankruptcy of the permittee during the  
period of liability.

NOTE: Where one signs by virtue of Power of Attorney for a surety company, such Power of Attorney must be filed with this bond. If the principal is a corporation, the bond shall be executed by its duly authorized officer.

CASTLE GATE COAL COMPANY  
Principal (Company)

By *William R. Wahl*  
Company Officer - Position  
William R. Wahl - President

Date: 1/31/86

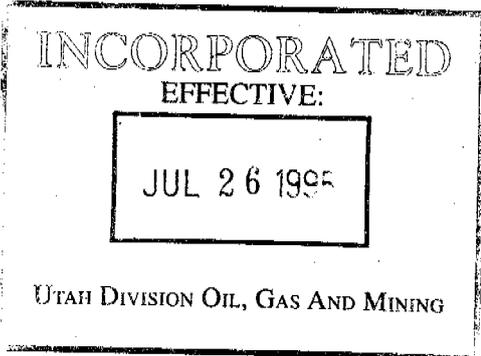
National Fire Insurance Company of Hartford  
Surety (Company)

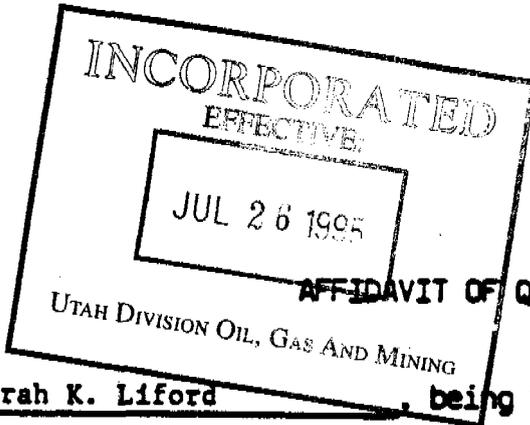
By *Deborah K. Liford*  
Surety Company Officer Position  
Deborah K. Liford Attorney in Fact

DATE: 1/31/86

APPROVED AS TO FORM:

By \_\_\_\_\_  
Assistant Attorney General





Deborah K. Liford, being first duly sworn, on oath deposes and Attorney in Fact of says that he/she is the (officer or agent) National Fire Insurance Company of Hartford of said Surety Company, and that he/she is duly authorized to execute and deliver the foregoing obligations; that said Surety Company is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations.

(Signed) Deborah K. Liford  
Surety Company Officer - Position  
Deborah K. Liford Attorney in Fact

Subscribed and sworn to before me this 31st day of January, 1986.

Sandra Kay Beyer  
Notary Public

My Commission Expires:  
2/17, 1989

National Fire Insurance Company of Hartford



Office/Chicago, Illinois

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men by these Presents, That the NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, a corporation duly organized and existing under the laws of the State of Connecticut, and having its general administrative office in the City of Chicago, and State of Illinois, does hereby make, constitute and appoint Deborah K. Liford, Individually

of Indianapolis, Indiana

its true and lawful Attorney-in-Fact with full power and authority hereby conferred to sign, seal and execute in its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind the NATIONAL FIRE INSURANCE COMPANY OF HARTFORD thereby as fully and to the same extent as if such instruments were signed by the duly authorized officers of NATIONAL FIRE INSURANCE COMPANY OF HARTFORD and all the acts of said Attorney, pursuant to the authority hereby given are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the following Resolution duly adopted on February 21, 1955 by the Board of Directors of the Company

RESOLVED: That the President, an Executive Vice President or any Vice President of the Corporation may, from time to time, appoint by written certificates, Attorneys-in-Fact to act in behalf of the Corporation in the execution of policies of insurance bonds, undertakings and other obligatory instruments of like nature. Such Attorneys-in-Fact, subject to the limitations set forth in their respective certificates of authority, shall have full power to bind the Corporation by their signature and execution of any such instrument and to attach the seal of the Corporation thereto. The President, an Executive Vice President, any Vice President or the Board of Directors may at any time revoke all power and authority previously given to any Attorney-in-Fact.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 14th day of May, 1964.

RESOLVED: That the signature of the President, an Executive Vice President or a Vice President and the seal of the Corporation may be affixed by facsimile on any power of attorney granted pursuant to the Resolution adopted by this Board of Directors on February 21, 1955 and the signature of a Secretary or an Assistant Secretary and the seal of the Corporation may be affixed by facsimile to any certificate of any such power, and any power or certificate bearing such facsimile signatures and seal shall be valid and binding on the Corporation Any such power so executed and sealed and certified by certificate so executed and sealed, shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Corporation.

In Witness Whereof, the NATIONAL FIRE INSURANCE COMPANY OF HARTFORD has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed this 13th day of May 19 85



NATIONAL FIRE INSURANCE COMPANY OF HARTFORD

J. E. Purtell

Vice President.

State of Illinois, County of Cook, ss:

On this 13th day of May

J. E. Purtell, Glenview,

to me known, who, being by me duly sworn, did depose and say that he resides in the Village of

State of Illinois; that he is a Vice-President of the NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, the corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal, that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.



Signature of Leslie A. Smith

Leslie A. Smith

Notary Public.

My Commission Expires November 12, 19

CERTIFICATE

I, M. C. Vonnahme, Assistant Secretary of the NATIONAL FIRE INSURANCE COMPANY OF HARTFORD, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the Resolutions of the Board of Directors, set forth in said Power of Attorney are still in force. In testimony whereof I have hereunto subscribed by name and affixed the seal of the said Company this 31st day of January 19 86



M. C. Vonnahme

Assistant Secretary.

Exhibit "A"

A legal description of the disturbed area which this bond represents:

Township 12 South, Range 9 East, SLBM  
Section 22, portion; Section 27, portion; Section 28, portion;  
Section 29, portion; Section 35, portion; Section 36, portion.

Township 13 South, Range 9 East, SLBM  
Section 1, portion; Section 3, portion; Section 4, portion;  
Section 9, portion; Section 10, portion.

The bond also temporarily covers the following areas for which  
Price River Coal Company will remain responsible:

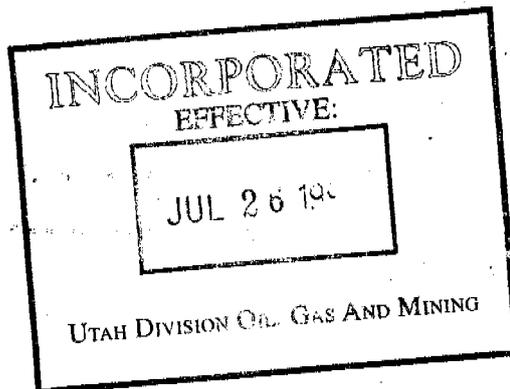
Township 12 South, Range 9 East, SLBM  
Section 36, portion.

Township 12 South, Range 10 East, SLBM  
Section 31, portion.

Township 13 South, Range 9 East, SLBM  
Section 1, portion.

Township 13 South, Range 10 East, SLBM  
Section 6, portion; Section 16, portion; Section 10, portion.

These areas shown on Castle Gate Coal Company's Permit Map  
No. CG-8601-12-1/1. Exhibit 1-1 in Map Supplement.



REVISED 2/89

UMC 788.18 APPLICATION FOR APPROVAL  
TRANSFER, ASSIGNMENT OR SALE OF PERMIT RIGHT

This is an application for transfer of certain permit rights under the Utah Coal Program from Price River Coal Company, the existing permittee, to Castle Gate Coal Company, a Delaware corporation.

788.18(a)(2)(i)

Existing Permittee

Price River Coal Company P. O. Box 629  
Helper, Utah 84526

788.18(a)(2)(ii)

Applicant

Castle Gate Coal Company  
  
Corporate Office:  
P. O. Box 967  
251 North Illinois Street  
Indianapolis, IN 46206-0967

Castle Gate Coal Company  
  
Field Office:  
P. O. Box 449  
Helper, Utah 84526

Resident Agent for Service

C. T. Corp. System  
170 South Main Street  
Salt Lake City, Utah 84101  
(801) 364-1228

782.13(a) Identification of Interests

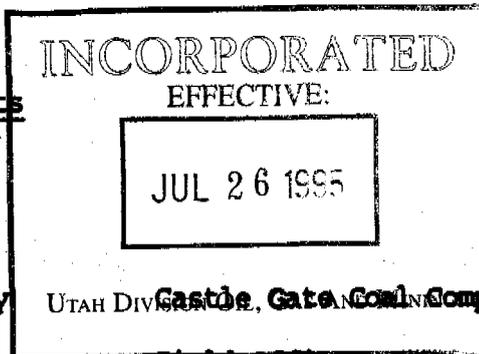
Names and Addresses

1. Permit Applicant

Castle Gate Coal Company  
  
Corporate Office:  
P. O. Box 967  
251 North Illinois Street  
Indianapolis, Indiana 46206

Castle Gate Coal Company  
UTAH DIVISION OF MINES AND RECLAMATION

Field Office:  
P. O. Box 449  
Helper, Utah 84526  
Telephone: (801) 472-8661



2. Legal or Equitable Owners of Record

The legal or equitable owners of the areas to be affected by the surface operations and facilities are:

The surface to be affected is owned by:

Blackhawk Coal Company

Principal (Legal) Office: Suite 400,  
Deseret Building  
Salt Lake City, Utah 84111

Accounting Office: One Summit Square,  
P. O. Box 60  
Fort Wayne, Indiana 46801

Coal to be mined is owned by: Blackhawk Coal Company  
State of Utah  
United States of America.

3. The holders of record of any leasehold interest in areas to be affected by surface operations or facilities or coal to be mined:

Blackhawk Coal Company  
Suite 400, Deseret Building  
Salt Lake City, Utah 84111

Meadowlark Utah, Inc.  
P. O. Box 967  
251 North Illinois Street  
Indianapolis, Indiana 46202-0967

4. There are no purchases of record under a real estate contract of the areas affected by surface operations and facilities or coal to be mined.

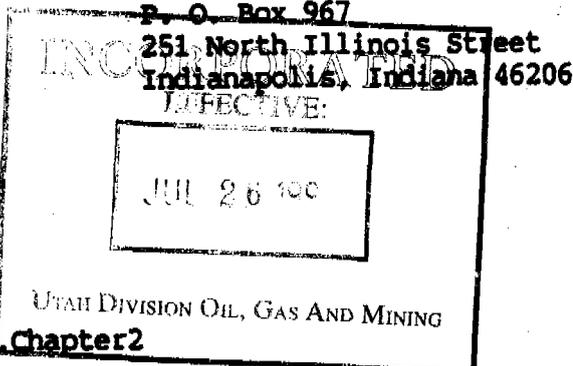
5. The Operator is:

Castle Gate Coal Company

Castle Gate Coal Company

Corporate Office:  
P. O. Box 967  
251 North Illinois Street  
Indianapolis, Indiana 46206

Field Office:  
P. O. Box 449  
Helper, Utah 84526  
Telephone: (801) 472-8661



6. The resident agent of the Applicant who will accept service of process:

C. T. Corporation  
170 South Main Street  
Salt Lake City, Utah 84101

782.13(b)

Applicant is a Delaware corporation.

782.13(b)(i)

Names and addresses of officers and directors of the applicant:

Officers:

Gary D. McDowell  
Wayne E. Gresham  
Donald E. Covert  
Marilyn Lou Gardner

President  
Vice President & Secretary  
Assistant Secretary  
Assistant Secretary

Directors

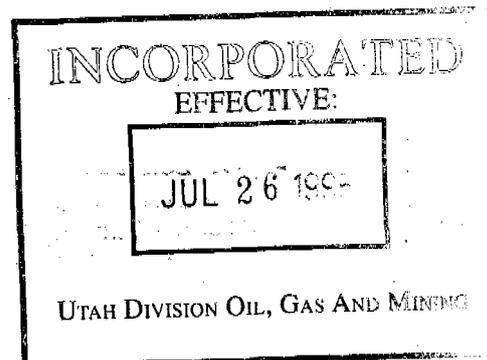
Helen M. Feeney

Sole Director

200 Park Avenue  
New Your, New York 10166

The address for Messrs. Gresham, and Covert is:

P. O. Box 967  
105 South Meridian Street  
Indianapolis, Indiana 46206



782.13(b)(2)

Names and addresses of principal shareholders of applicant:

All stock of Castle Gate Coal Company is owned by:

AMAX Coal Industries, Inc.-  
P. O. Box 6106  
251 North Illinois Street  
Indianapolis, IN 46206-6106  
Telephone: (203) 629-6000

782.13(b)(3)

Names under which the applicant and principal shareholders have previously operated mining activities:

AMAX Inc. has operated underground and/or surface coal mining activities under the name of AMAX Coal Company, a division of AMAX Inc.

Heavener Coal Company, a wholly owned subsidiary of AMAX Coal Sales Company, which is in turn a wholly owned subsidiary of AMAX Inc., was the co-applicant for certain permits but has not operated any underground and surface coal mining operations.

AMAX Inc. is also the part owner of Roaring Creek Coal Company. Roaring Creek Coal Company is in turn a part owner of Kentucky Prince Mining Company. The Kentucky Prince Mining Company is permittee for certain coal mining operations.

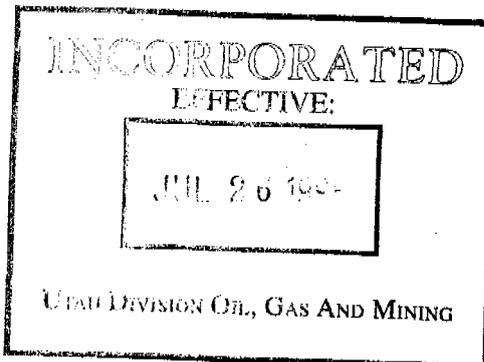
782.13(c)

The names and addresses of principal, officers and resident agents of corporate entities listed in response to Section 782.13(a) are as follows:

1. Blackhawk Coal Company

Directors

William A. Black  
P.J. Demaria  
R. E. Disbrow  
John E. Katlic  
G. P. Maloney  
W. S. White



Officers

W. S. White, Jr.  
John E. Katlic  
  
William A. Black  
Richard E. Disbrow  
G. P. Maloney  
Peter J. DeMaria  
John F. DeLorenzo, Jr.  
Elio Bafile

A. Joseph Dowd  
William E. Olson  
Leonard V. Assante  
Gerald R. Knorr  
James D. Huebner

Chairman & CEO  
President & Chief  
Operating Officer  
Vice President  
Vice President  
Vice President  
Treasurer  
Secretary  
Assistant Secretary &  
Assistant Treasurer  
Assistant Secretary  
Assistant Secretary  
Assistant Treasurer  
Assistant Treasurer  
Assistant Treasurer

Address of Directors and Officers:

c/o Blackhawk Coal Company  
Suite 400, Deseret Building  
Salt Lake City, Utah 84111

Address of Resident Agent:

William A. Marshall  
Suite 400, Deseret Building  
Salt Lake City, Utah 84111

2. Meadowlark Utah, Inc.

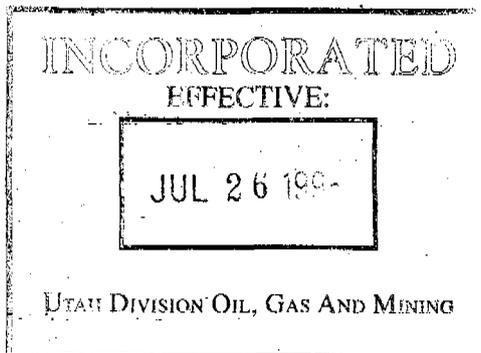
Director

Helen Feeney

Officers

Tom Blangiando  
Wayne E. Gresham

Donald E. Coovert  
Marilyn Lou Gardner



Sole Director

President  
Vice President &  
Secretary  
Assistant Secretary  
Assistant Secretary

The address for Messrs. Blangiando, Gresham, and Coovert is:

P. O. Box 967  
251 North Illinois Street  
Indianapolis, Indiana 46206-0967

The address of the resident agent is: C.T. Corporation System  
170 South Main Street  
Salt Lake City, UT 84101

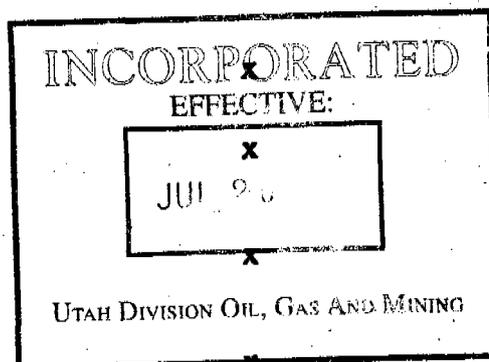
Current or previous coal mining permits or pending permit applications:

- 1. See Attachment #3

782.13(e)

Owners of record of surface and subsurface areas contiguous to the permit area:

| <u>Owner</u>   | <u>Surface</u> | <u>Sub-Surface</u> |
|--|----------------|--------------------|
| Beaver Creek Property & Livestock<br>to Dennis Moore<br>3982 North 450 West<br>Provo, Utah 84604   | X              |                    |
| Blackhawk Coal Company<br>Suite 400, Deseret Building<br>Salt Lake City, Utah 84111  | X              | X                  |
| Brown, Leon<br>Box 507<br>Salt Lake City, Utah 84110   | X              |                    |
| Diamanti, Bill N., Diamanti, Chris N.,<br>Diamanti, Lee N., Diamanti, Nick G.,<br>c/o Lee Diamanti<br>505 South Carbon Avenue<br>Price, Utah 84501 |                | X                  |
| Duvels, Inc.<br>90 West First North<br>Price, Utah 84501   | X              | X                  |
| Elegante, John<br>to Bertha Elegante<br>Spring Canyon Road<br>Helper, Utah 84526   | X              |                    |
| Energy Fuels, Ltd.<br>3 Park Central Suite 900<br>1515 Arapahoe Street<br>Denver, Colorado 80202   |                |                    |
| Father Flanagan's Boys Town<br>Boys Town, Nebraska 68010   |                |                    |
| Larson Investment Company<br>67 North Main<br>Bountiful, Utah 84010  |                |                    |
| Pappas, Gene<br>104 East 400 North<br>Price, Utah 84501  |                |                    |



The address of the resident agent is: C.T. Corporation System  
 170 South Main Street  
 Salt Lake City, UT 84101

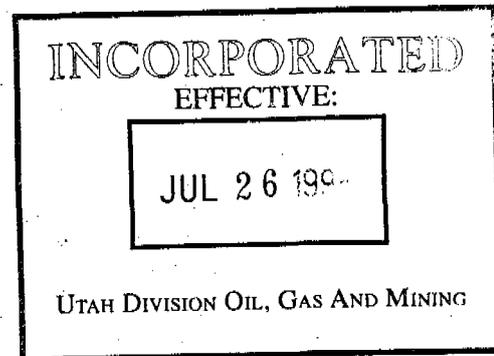
Current or previous coal mining permits or pending permit applications:

1. See Attachment #3

782.13(e)

Owners of record of surface and subsurface areas contiguous to the permit area:

| <u>Owner</u>   | <u>Surface</u> | <u>Sub-Surface</u> |
|--|----------------|--------------------|
| Beaver Creek Property & Livestock<br>to Dennis Moore<br>3982 North 450 West<br>Provo, Utah 84604   | X              |                    |
| Blackhawk Coal Company<br>Suite 400, Desert Building<br>Salt Lake City, Utah 84111   | X              | X                  |
| Brown, Leon<br>Box 507<br>Salt Lake City, Utah 84110   | X              |                    |
| Diamanti, Bill N., Diamanti, Chris N.,<br>Diamanti, Lee N., Diamanti, Nick G.,<br>c/o Lee Diamanti<br>505 South Carbon Avenue<br>Price, Utah 84501 | X              |                    |
| Duvels, Inc.<br>90 West First North<br>Price, Utah 84501   | X              | X                  |
| Elegante, John<br>to Bertha Elegante<br>Spring Canyon Road<br>Helper, Utah 84526   | X              |                    |
| Energy Fuels, Ltd.<br>3 Park Central Suite 900<br>1515 Arapahoe Street<br>Denver, Colorado 80202   | X              |                    |
| Father Flanagan's Boys Town<br>Boys Town, Nebraska 68010   | X              |                    |
| Larson Investment Company<br>67 North Main<br>Bountiful, Utah 84010  | X              |                    |
| Pappas, Gene<br>104 East 400 North<br>Price, Utah 84501  | X              |                    |
| Pappas, Gene, John and Nick<br>Box 445<br>Price, Utah 84501  | X              |                    |
| Lahae W. and Pete Pennette<br>2773 S. 50 W.<br>Bountiful, UT 84010   | X              |                    |
| Pollastro, August M.<br>7 E Street<br>Helper, Utah 84526   | X              |                    |





782.14 COMPLIANCE INFORMATION

a. Statement of Compliance

Neither the Applicant, nor any of its subsidiaries, affiliates or persons controlled by or under common control with the Applicant has had a federal or state mining permit suspended or revoked in the last five years; nor forfeited a mining bond or similar security deposited in lieu of bond.

b. This section does not apply.

c. Violation Notices received by the Applicant in connection with any underground or surface coal mining activities within the last three years: See Figure 2-1.

2.2 UMC 782.15 Right of Entry and Operations Information

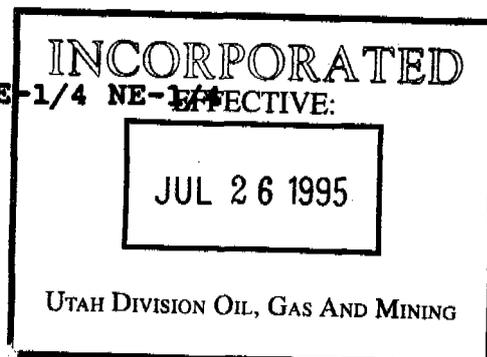
a. Applicant Castle Gate Coal Company will obtain the legal right to enter and begin activities on the Closing Date specific in the Lease Transaction Agreement by virtue of the various leases and subleased to be executed pursuant to the Lease Transaction Agreement or a letter of Agreement between Blackhawk Coal Company and Castle Gate Coal Company.

The right of entry to commence underground mining operations will apply to the following properties:

Township 12 South, Range 8 East, Salt Lake Base and Meridian (SLBM)  
Section 35 - All  
Section 36 - All

Township 13 South, Range 8 East, SLBM  
Section 2 - Part of the West 1/2

Township 12 South, Range 9 East, SLBM  
Section 22 - SE-1/4 SW-1/4, SW-1/4 SE-1/4, that part of SE-1/4 SE-1/4 West of the Price River  
Section 25 - SW-1/4  
Section 26 - All  
Section 27 - All  
Section 28 - All  
Section 29 - S-3/4, NE-1/4 NE-1/4  
Section 30 - S-3/4  
Section 31 - All  
Section 32 - All  
Section 33 - All



Section 34 - All  
 Section 35 - S-3/4 that part of N-1/2 N-1/2 west of Price River  
 Section 36 - SE-1/4 NW-1/4, SW-1/4 NE-1/4, NW-1/4 SE-1/4, SW-1/4

Township 13 South, Range 9 East, SLBM

Section 1 - That part of the W-1/2 west of the Price River, and that part of N-1/2 NW-1/4 east of the Price River

INCORPORATED  
 EFFECTIVE  
 JUL 26 1991  
 UTAH DIVISION OIL, GAS AND MINING

Section 2 - All  
 Section 3 - All  
 Section 4 - All  
 Section 5 - All  
 Section 6 - All  
 Section 7 - All  
 Section 8 - All except SW-1/4 SW-1/4 and a portion of SE-1/4 SW-1/4  
 Section 9 - All  
 Section 10 - N-1/2, part of NE-1/4 SW-1/4  
 Section 11 - N-1/2 SW-1/4, part of S-1/2 NW-1/4  
 Section 12 - That part of NW-1/4 west of the Price River  
 Section 16 - All except NE-1/4 NE-1/4 and E-3/4 N-1/2 SE-1/4  
 Section 17 - NE-1/4, NE-1/4 SE-1/4  
 (b) This section does not apply

UMC 782.16(c) Relationship to areas Designated Unsuitable for Mining

c. There are no surface operations located within three hundred feet of an occupied dwelling.

UMC 782.18 Personal Injury and Property Damage Insurance Information

See Attachments #4 and 5 - Certificates of Insurance

UMC 782.19 Identification of Other Licenses and Permits

See Attachment #6 - Other Licenses and Permits

UMC 788.18(b)(1) Newspaper Advertisement and Proof of Publication

Notice of this proposed transfer will be submitted to the Newspaper, Sun Advocate in Price, Utah, in substantially the following form on the Closing Date. Proof of Publication will be submitted to the Division upon publication.

Notice is hereby given that Castle Gate Coal Company, P.O. Box 449, Helper, Utah 84526, has submitted an application to the State Mining for transfer of a permit to operate under the provisions of the Utah Coal Mining and Reclamation Act (Utah Code Ann. 40-10-1 et seq.) and the Utah Coal Program Regulation UMC 788.18. The previous permittee was the Price River Coal Company, Permit No. ACT/007/004. The permit area is located in Carbon County, Utah as follows:

Township 12 South, Range 9 East, SLBM  
SW-1/4 Section 25; Section 26; Section 27; Section 28; Section 29 all except N-1/2 NW-1/4 and NW-1/4 NE-1/4; Section 30 all except N-1/2 N-1/2; Section 31; Section 32; Section 33; Section 34; Section 35, portion; Section 36, portion.

Township 13 South, Range 9 East, SLBM  
Section 1, portion; Section 2, portion; Section 3, portion; Section 4, portion; Section 5, portion; Section 6, portion; Section 8, portion; Section 9, portion; Section 10, portion.

This permit area for which responsibility is being transferred is shown on Castle Gate Coal Company's Permit map No. CG-8601-12-1/1.

The permit also includes property including the following areas for which responsibility is not being transferred:

Township 12 South, Range 9 East, SLBM  
Section 36, portion

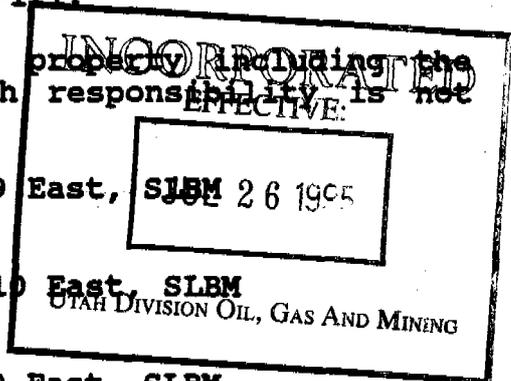
Township 12 South, Range 10 East, SLBM  
Section 31, portion

Township 13 South, Range 9 East, SLBM  
Section 1, portion

Township 13 South, Range 10 East, SLBM  
Section 6, portion; Section 10, portion; Section 16, portion.

The project area is shown on the following U.S. Geological Survey 7.5-minute maps:

Standardville, Kyune, Matt's Summit, Helper and Deadman Canyon.



Pertinent comments are solicited from anyone affected by this proposal. Such comments should be filed within the next thirty (30) days with:

State of Utah  
Department of Natural Resources  
Division of Oil, Gas & Mining  
355 West North Temple  
III Triad, Suite 350  
Salt Lake City, Utah 84108

UMC 771.25:

A filing fee of \$5.00 is submitted with this application.

UMC 771.27 Verification of Application

This application is submitted on behalf of Castle Gate Coal Company as of this 4<sup>th</sup> day of February, 1986 by Richard Clark, the Vice President of Castle Gate Coal Company.

|                    |                                   |
|--------------------|-----------------------------------|
| INCORPORATED       |                                   |
| EFFECTIVE:         |                                   |
| JUL 26 1986        |                                   |
| STATE OF INDIANA ) | UTAH DIVISION OIL, GAS AND MINING |
| COUNTY OF MARION ) |                                   |

Richard R. Clark

STATE OF INDIANA )  
COUNTY OF MARION )

Richard R. Clark, having been first duly sworn, appeared before me and stated as follows:

1. That he was the person who executed the foregoing application as Vice President of Castle Gate Coal Company;
2. That he had read the same and knew the contents thereof; and
3. That the matters stated therein were true to the best of his knowledge.

SUBSCRIBED AND SWORN to before me this 4<sup>th</sup> day of February, 1986.

Karen D. Hahn  
Notary Public  
Marion County, Indiana  
County of Residence

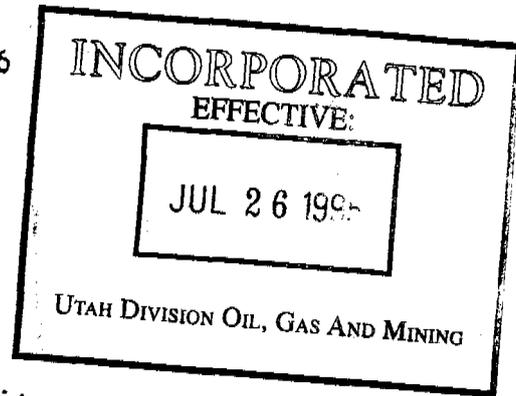
My Commission Expires:  
August 16, 1988

# PRICE RIVER COAL COMPANY

P.O. BOX 629 HELPER, UTAH 84526 (801) 472-3411

January 31, 1986

Dr. Dianne R. Nielson, Director  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 89180-1203



Re: Price River Coal Company Permit  
#ACT-007-004 Transfer

Dear Dr. Nielson:

The purpose of this letter is to assure the State of Utah, Division of Oil, Gas and Mining ("DOGM") that Price River Coal Company ("Price River") will maintain sufficient bond as required by DOGM to secure the performance of Price River's obligations under Permit No. ACT-007-004 (the "Permit") covering the area shown outlined on the map attached hereto marked Exhibit 1 entitled "Revised Permit Area (Attachment #2)" and hereby made a part hereof, said outlined area being generally referred to as the Eastern Reserve Area, subject to, and following, the transfer to and assumption by Castle Gate Coal Company ("Castle Gate") of all obligations under the Permit with respect to the areas West of the Price River and those areas lying East of the Price River dedicated to the Castle Gate Preparation Plant or overlying Federal Coal Leases No. SL071737 dated September 1, 1950 and No. SL029093-046653 dated June 17, 1921, respectively.

Very truly yours,

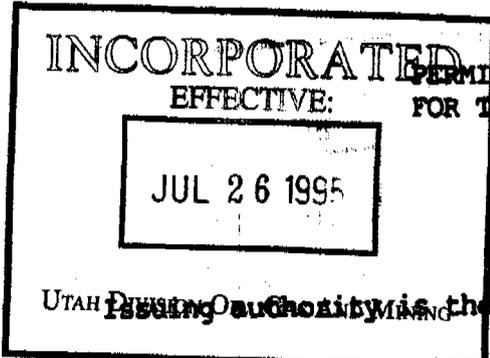
J. E. Katlic  
Executive Vice President and  
Chief Operating Officer

jf

2.3 Compliance Information

ATTACHMENT 3

AMAX Inc.



PERMITS AND PENDING APPLICATIONS  
FOR THE PERIOD 5/31/72 - 1/31/86

ILLINOIS

Issuing authority is the Illinois Department of Mines and Minerals.

For the period from 1971 through 1972, one permit covered all mining by AMAX Coal Company in the State of Illinois under the following numbers:

NON ACTIVE:

006-71      001-72      012-73

AYRCAT MINE (AMAX Coal Company)  
NON ACTIVE:

651-80      190-76      479-76

DELTA MINE (AMAX Coal Company)  
NON ACTIVE:

012-73    141-74    311-75    416-76    425-76    205-77    562-79  
566-79    642-80    650-80    652-80    841-82    907-83    925-83  
965-84    987-84    566-79    001-72    006-71    964-84

Amendment 1 to 562-79    Amendment 1 to 642-80    Amendment 1 to 925-83  
Amendment 2 to 562-79    Amendment 1 to 650-80    Amendment 4 to 562-79  
Amendment 3 to 562-79    Amendment 1 to 652-80  
Amendment 1 to 907-83    Amendment 1 to 841-82  
Amendment 2 to 907-83    Amendment 2 to 841-82

ACTIVE:

80    81    82    83

LEAHY MINE (AMAX Coal Company)  
NON ACTIVE:

065-73    179-74    292-75    433-76    511-79    571-79    838-82  
909-82    011-72    006-71

Amendment 1 to 571-79      Amendment 1 to 838-82  
Amendment 2 to 571-79      Amendment 2 to 838-82  
Amendment 3 to 571-79  
Amendment 4 to 571-79

ACTIVE:    78            79            142

SUN SPOT MINE (AMAX Coal Company)

NON ACTIVE:

66-73      169-74      308-75      438-76      523-78  
612-79      618-79      837-82      854-82      904-83  
006-71      984-84      618-78

Amendment 1 to 550-79      Amendment 1 to 611-79  
Amendment 2 to 550-79      Amendment 1 to 618-79  
Amendment 3 to 550-79      Amendment 1 to 837-82  
Amendment 4 to 550-79      Amendment 2 to 837-82  
Amendment 1 to 854-82      Amendment 1 to 904-83  
Amendment 2 to 854-82      Amendment 2 to 904-83

ACTIVE:

23          24          25          26

WABASH MINE (AMAX Coal Company)

NON ACTIVE:

870-83

Amendment 1 to 870-83

ACTIVE:

39          158

INDIANA

Issuing authority is Indiana Department of Natural Resources.

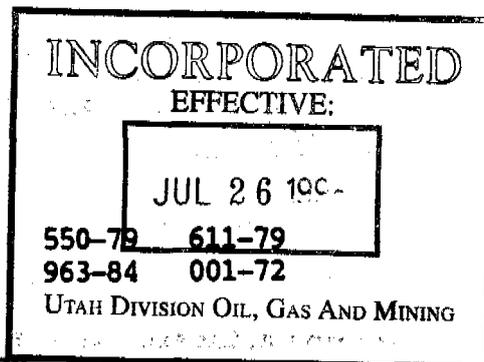
AYRCOE MINE (AMAX Coal Company)

NON ACTIVE:

71-18      72-21      73-38      74-31      75-52      76-38      76-37  
77-81      73-23

AYRSHIRE MINE (AMAX Coal Company)

NON ACTIVE



|        |         |        |         |          |        |        |
|--------|---------|--------|---------|----------|--------|--------|
| 73-9   | 73-24   | 74-32  | 75-53   | 76-39    | 77-82  | 77-82A |
| 78-109 | 78-109A | 78-110 | 78-110A | 78-110AA | 78-111 | 79-92  |
| 80-51  | 80-51A  | 81-95  | 79-92A  |          |        |        |

ACTIVE:

S00004      S00004-1      S00004-2      S00004-3

CHINOOK MINE (AMAX Coal Company)

NON ACTIVE:

|        |        |         |        |       |        |       |
|--------|--------|---------|--------|-------|--------|-------|
| 71-20  | 72-22  | 73-25   | 74-33  | 75-54 | 76-40  | 76-41 |
| 76-42  | 77-85  | 77-83   | 77-84  | 78-98 | 78-98A | 78-99 |
| 78-99A | 78-a00 | 78-a00A | 78-101 | 79-93 | 79-93A | 79-94 |
| 79-94A | 80-49  | 80-50   | 81-66  | 81-67 |        |       |

ACTIVE:

P00004      S00039      S0039-1      S00063

MINEHAHA MINE (AMAX Coal Company)

NON ACTIVE:

|        |        |        |         |        |         |          |
|--------|--------|--------|---------|--------|---------|----------|
| 71-21  | 72-24  | 73-26  | 74-34   | 75-55  | 76-43   | 76-44    |
| 76-45  | 76-46  | 76-47  | 77-86   | 77-87  | 77-88   | 77-89    |
| 77-90  | 78-102 | 78-103 | 78-103A | 78-104 | 78-104A | 78-104AA |
| 78-105 | 78-26  | 79-29  | 79-95   | 79-96  | 80-12   | 80-30    |
| 80-31  | 80-34  | 81-22  | 81-23   | 81-85  | 81-86   | S00042   |
| 82-26  | 82-38  |        |         |        |         |          |

ACTIVE:

S00040      S00040-1

WABASH MINE (AMAX Coal Company)

ACTIVE:

U00001      U00001-1

WRIGHT MINE (AMAX Coal Company)

NON ACTIVE:

|       |       |        |         |        |        |         |
|-------|-------|--------|---------|--------|--------|---------|
| 71-19 | 72-23 | 73-27  | 74-35   | 75-56  | 76-48  | 76-49   |
| 76-50 | 77-91 | 77-92  | 77-107  | 78-107 | 78-108 | 78-108A |
| 79-97 | 79-98 | 79-98A | 79-98AA | 80-29  | 80-35  | 80-35A  |
| 80-39 | 81-59 | 81-59A | 81-aa2  | S00038 | S00142 |         |

**INCORPORATED**

EFFECTIVE:

JUL 26 1900

WABASH DIVISION OIL, GAS AND MINING

KENTUCKY

Issuing authority is the Kentucky Department of Natural Resources and Environmental Protection.

KENTUCKY PRINCE MINE (Kentucky Prince Mining Company)

ACTIVE:

8665038

AYRGEM MINE (AMAX Coal Company)

NON ACTIVE:

|          |                |                 |                 |
|----------|----------------|-----------------|-----------------|
| 289-0338 | 5494-76        | 2034-74         | 2687-73D-Sup.#3 |
| 289-0318 | 2034-75-D      | 2034-73         | 2687-73D-Sup.#2 |
| 289-0317 | 2034-75-Sup.#2 | 2034-73D-Sup.#5 | 2687-73D-Sup.#1 |
| 289-1081 | 2687-75-D      | 2034-73-Sup.#4  | 2687-73D        |
| 289-7002 | 2034-75-Sup.#1 | 2034-73-Sup.#3  | 2034-72         |
| 289-7000 | 2034-75        | 2034-73-Sup.#2  | 2034-71-Sup.#1  |
| 6425-77  | 2034-74-Sup.#2 | 2034-73-Sup.#1  | 2034-71         |
| 6377-77  | 2034-74-Sup.#1 | 2687-73D-Sup.#5 |                 |
| 5309-76  | 2034-R         | 2687-73-Sup.#4  |                 |

WYOMING

Issuing authority is the Wyoming Department of Environmental Quality.

BEELE AYR MINE (AMAX Coal Company)

NON ACTIVE:

214-C      126  
 214-C-A1    214-T1    214-T1-R1

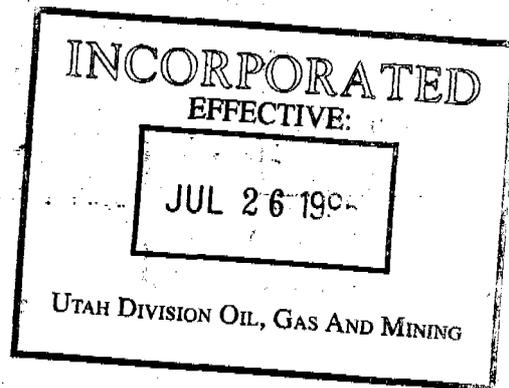
ACTIVE:

214-T2

EAGLE BUTTE MINE (AMAX Coal Company)

NON ACTIVE:

418            428-A1    428-A2    428-R1



OKLAHOMA

Issuing authority is the Oklahoma Department of Mines.

PINE MOUNTAIN MINE (Heavener Coal Company)

ACTIVE:

3077

3101

4035 (Pending)

INCORPORATED  
EFFECTIVE:

JUL 26 1995

UTAH DIVISION OIL, GAS AND MINING

2.4 RELATIONSHIP TO AREAS DESIGNATED UNSUITABLE FOR MINING

2.4-1 Suitability for Underground Mining

The proposed permit area is not within an area designated unsuitable for underground coal mining activities under 30 CFR 764, 765, and 769.

INCORPORATED  
EFFECTIVE:  
JUL 26 1995  
801-637

2.4-2 Planning and Zoning Criteria

The proposed permit area is in the Wattis Planning Unit and the northwest portion of the Price River Resource Area, Moab District. The Wattis Planning Unit Management Framework Plan (MFP) was completed in March, 1973.

The MFP was updated in September, 1978, and took into consideration 22 criteria developed under the Surface Mining Control and Reclamation Act. The MFP stipulates that mining of the tracts would be through proposed facilities operated by Price River Coal. Also, surface disturbing activities would meet BLM requirements for visual resource management and would be limited to protect forest resource, watershed, grazing, recreation, and wildlife habitat.

The 1974 Revised Zoning Ordinance for Carbon County designated the proposed permit area as M & GL Zone. The primary use allowed in this zone is mining and livestock grazing. Carbon County has updated its zoning ordinance as of June, 1980. This has resulted in a redesignation of lands within our Mine Plan Area. The No. 3 and No. 5 portal areas are now considered Critical Environment-2 (CE-2), which allows for controlled mining activities. The remainder of the mining area west of State Route No. 6 is designated as Critical Environment-1

(CE-1), which currently does not allow for surface disturbance. We have petitioned the Carbon County Zoning Board for change to CE-2 in Crandall Canyon and will need to do likewise for any future developments on the west side. On March 10, 1981, the Carbon County Zoning Board voted unanimously to approve the zoning change we requested for the Crandall operation.

#### 2.4-3 Activity or Facilities Near Dwellings

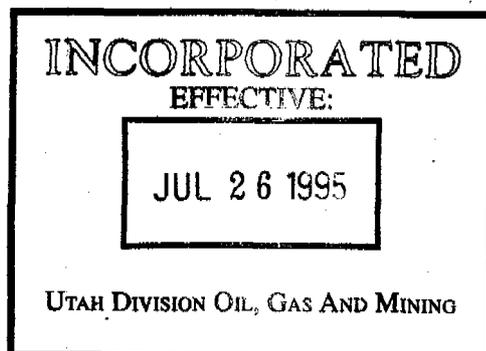
Castle Gate Coal Company does not contemplate conducting or locating surface operations or facilities within 300 feet of an occupied dwelling. There are no occupied dwellings within one mile of the mining area.

#### 2.5 Permit Term

The permit term is December 24, 1989 to December 24, 1994.

The five year permit has no bearing on the development of this mining operation. We are, however, constrained to accept the five year permit period. Should regulations governing underground mining fail to be amended to more closely reflect reality, we are prepared to undergo re-permitting every five years.

Insert Certificate of Insurance



Revised October 1990

CERTIFICATE OF LIABILITY INSURANCE

Issued To:

State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining

--00000--

INCORPORATED

EFFECTIVE:

JUL 26 1991

THIS IS TO CERTIFY THAT:

Continental Insurance Company

(Name of Insurance Company)

180 Maiden Lane, New York, NY 10038

(Home Office Address of Insurance Company)

UTAH DIVISION OIL, GAS AND MINING

HAS ISSUED TO:

AMAX Coal Company/Castle Gate Coal Company

(Name of Permittee)

Castle Gate

(Mine Name)

ACT/007/004

(Permit Number)

CERTIFICATE OF INSURANCE:

SRL3345058

(Policy Number)

4/1/91

(Effective Date)

UNDER THE FOLLOWING TERMS AND CONDITIONS:

Per R614-301-890 Terms and Conditions for Liability Insurance:

- A. The Division shall require the permittee to submit as part of its permit application a certificate issued by an insurance company authorized to do business in the state of Utah certifying that the applicant has a public liability insurance policy in force for the surface coal mining and reclamation operations for which the permit is sought. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons injured or property damaged as a result of the surface coal mining and reclamation operations, including the use of explosives and who are entitled to compensation under the applicable provisions of state law. Minimum insurance coverage for bodily injury and property damage shall be \$300,000 for each occurrence and \$500,000 aggregate.
- B. The policy shall be maintained in full force during the life of the permit or any renewal thereof, including the liability period necessary to complete all reclamation operations under this chapter.

Revised October 1990  
CERTIFICATE OF LIABILITY INSURANCE

C. The policy shall include a rider requiring that the insurer notify the Division whenever substantive changes are made in the policy including any termination or failure to renew.

IN ACCORDANCE WITH THE ABOVE TERMS AND CONDITIONS, and the Utah Code Annotated 40-10-1 et seq., the Insurance Company hereby attests to the fact that coverage for said Permit Application is in accordance with the requirements of the State of Utah and agrees to notify the Division of Oil, Gas and Mining in writing of any substantive change, including cancellation, failure to renew, or other material change. No change shall be effective until at least thirty (30) days after such notice is received by the Division. Any change unauthorized by the Division is considered breach of the RECLAMATION AGREEMENT and the Division may pursue remedies thereunder.

UNDERWRITING AGENT:

Jacqueline Camack  
(Agent's Name)

212-440-3810  
(Phone)

Continental Insurance Company

(Company Name)

180 Maiden Lane

(Mailing Address)

New York, NY 10038

(City, State, Zip Code)

The undersigned affirms that the above information is true and complete to the best of his/her knowledge and belief, and that he/she is an authorized representative of the above-named insurance company. (An Affidavit of Qualification must be completed and attached to this form for each authorized agent or officer.)

*Jacqueline Camack*

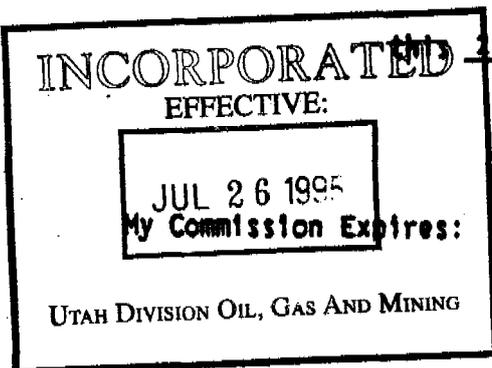
May 24, 1991

Casualty Underwriter

(Date, Signature and Title of Authorized Agent of Insurance Company)

Signed and sworn before me by

Jacqueline Camack



24th day of May, 19 91

*Robert F. Guariglia*  
(Signature)

MAY 24, 1991 July 31, 1992  
(Date)

# ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)  
7/18/91

**PRODUCER**

FRENKEL & CO., INC. 0104  
123 WILLIAM STREET  
NEW YORK, N.Y. 10038

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW

**COMPANIES AFFORDING COVERAGE**

|         |          |                |   |                               |
|---------|----------|----------------|---|-------------------------------|
| CODE    | SUB-CODE | COMPANY LETTER | A | CONTINENTAL INSURANCE COMPANY |
| INSURED |          | COMPANY LETTER | B |                               |
|         |          | COMPANY LETTER | C |                               |
|         |          | COMPANY LETTER | D |                               |
|         |          | COMPANY LETTER | E |                               |

AMAX COAL COMPANY  
ONE RIVERFRONT PLACE  
20 NORTH WEST 1ST STREET  
EVANSVILLE,  
IN 47706

**COVERAGES**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| CO LTR | TYPE OF INSURANCE            | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | ALL LIMITS IN THOUSANDS                |
|--------|------------------------------|---------------|----------------------------------|-----------------------------------|--|
| A X    | GENERAL LIABILITY            | SRL334505P    | 4/01/91                          | 4/01/92                           | GENERAL AGGREGATE \$ 6 000             |
|        | COMMERCIAL GENERAL LIABILITY |               | Retroactive Date                 |                                   | PRODUCTS-COMP/OPS AGGREGATE \$ 6 000   |
|        | X CLAIMS MADE OCCUR.         |               | 4/1/86                           |                                   | PERSONAL & ADVERTISING INJURY \$ 2 000 |
|        | OWNER'S & CONTRACTOR'S PROT. |               |                                  |                                   | EACH OCCURRENCE \$ 2 000               |
| X      | PRODUCTS/VENDOR              |               |                                  |                                   | FIRE DAMAGE (Any one fire) \$ 1 00     |
| X      | XCU                          |               |                                  |                                   | MEDICAL EXPENSE (Any one person) \$ 10 |
|        | AUTOMOBILE LIABILITY         |               |                                  |                                   |  |
|        | ANY AUTO                     |               |                                  |                                   |  |
|        | ALL OWNED AUTOS              |               |                                  |                                   |  |
|        | SCHEDULED AUTOS              |               |                                  |                                   |  |
|        | HIRED AUTOS                  |               |                                  |                                   |  |
|        | NON-OWNED AUTOS              |               |                                  |                                   |  |
|        | GARAGE LIABILITY             |               |                                  |                                   |  |
|        | EXCESS LIABILITY             |               |                                  |                                   |  |
|        | OTHER THAN UMBRELLA FORM     |               |                                  |                                   |  |
|        | WORKER'S COMPENSATION        |               |                                  |                                   |  |
|        | AND                          |               |                                  |                                   |  |
|        | EMPLOYERS' LIABILITY         |               |                                  |                                   |  |
|        | OTHER                        |               |                                  |                                   |  |

**INCORPORATED**  
EFFECTIVE:  
JUL 26 1991

UTAH DIVISION OIL, GAS AND MINING

|                              |    |                         |
|------------------------------|----|-------------------------|
| COMBINED SINGLE LIMIT        | \$ |                         |
| BODILY INJURY (Per person)   | \$ |                         |
| BODILY INJURY (Per accident) | \$ |                         |
| PROPERTY DAMAGE              | \$ |                         |
| EACH OCCURRENCE              | \$ | AGGREGATE               |
| STATUTORY                    | \$ | (EACH ACCIDENT)         |
|                              | \$ | (DISEASE—POLICY LIMIT)  |
|                              | \$ | (DISEASE—EACH EMPLOYEE) |

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS  
MINE NAME - CASTLE GATE MINE, HELPER, UTAH  
MINE NUMBER - 42-00165

**CERTIFICATE HOLDER**

STATE OF UTAH  
DIVISION OF OIL, GAS AND  
MINING-355 NORTH WEST TEMPLE  
3 TRIAD CENTER, SUITE 350  
SALT LAKE CITY, UTAH 84180

**CANCELLATION**

See Attached Addendum

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE OF THE POLICY, THE ISSUING COMPANY WILL ENDEAVOR TO MAINTAIN THE POLICY IN FORCE FOR THE POLICY PERIOD. THE POLICY HOLDER WILL BE NOTIFIED BY MAIL AND BY TELEPHONE OF ANY CANCELLATION OR NON-RENEWAL OF ANY POLICY. THE COMPANY DOES NOT ACCEPT ANY REPRESENTATIVE AUTHORITY OF ANY KIND TO CANCEL OR REVOKE THIS CERTIFICATE.

AUTHORIZED REPRESENTATIVE  
*Jaqueline Camack* 1412900



# Frenkel & Co., Inc.

International Insurance Brokers  
Established 1878

123 William Street, New York, New York 10038 Tel.: (212) 267-2200 Telex: 420204 JOINUI  
Fax: (212) 693-0298

## Addendum to Certificate of Insurance issued to:

State of Utah  
Division of Oil, Gas and Mining

Mine Name: Castle Gate Mine  
Mine Number: 42-00165

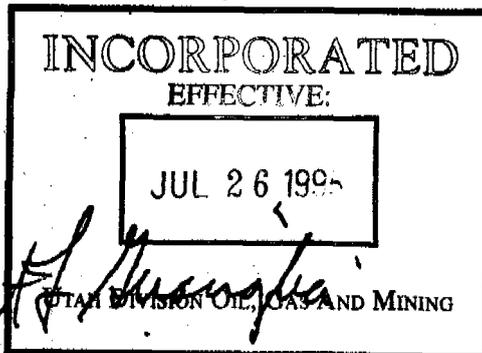
1) Cancellation section is amended to read:

"Should any of the above-described policies be changed and/or cancelled before the expiration date thereof, the issuing company will mail (certified) 45 days written notice to the Certificate Holder named to the left."

2) Previous Claims Made Policy:

Company: Continental Insurance Company  
Policy #: SRL3345008  
Term: 4/1/90-4/1/91  
Retroactive Date: 4/1/86  
Form of Insurance: Commercial General Liability

3) Current and previous Claims Made Commercial General Liability policies contain an automatic 60 day extended reporting period.



*Robert F. [Signature]*

# AMAX COAL COMPANY

## LAW MEMORANDUM

TO: Wayne E. Gresham  
FROM: Donald E. Hudson  
SUBJECT: Execution of Mining Permits

June 3, 1991  
INCORPORATED  
EFFECTIVE:

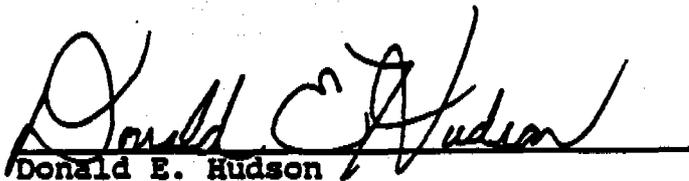
JUL 26 1995

As Vice President and Secretary of Amax Coal Company, a Delaware corporation, ("the Company") please cause the corporate records of the Company to reflect the following delegations of authority pursuant to the power invested in me as President in accordance with the duly issued corporate resolutions effective July 1, 1988.

(1) That James W. Buck be and he is hereby duly authorized to sign the name of the Company to and in respect of all applications to Federal, state and local authorities for the issuance of permits with respect to the mining of coal by the surface and underground method in the States of Indiana, Illinois and Utah and, in addition, all letters, affidavits, certificates and other documents related to any such application or the issuance thereof.

(2) That Steven R. Youngbauer and Thomas J. Lien each be and each is hereby duly authorized to sign the name of the Company to and in respect of all applications to Federal, state and local authorities for the issuance of permits with respect to the mining of coal by the surface and underground method in the State of Wyoming and, in addition, all letters, affidavits, certificates and other documents related to any such application or the issuance thereof.

The authorities hereby delegated shall be effective from April 1, 1990 and shall extend until such time as the same are duly suspended or revoked by the President of the Company or other appropriate corporate action; furthermore, these authorities hereby supersede and replace all similar authorities delegated pursuant to that Memorandum dated July 26, 1989.

  
Donald E. Hudson

DEH:vas

cc: James W. Buck  
Thomas J. Lien  
Steven R. Youngbauer

Section 2.7

UMC 782.19 Other Licenses and Permits

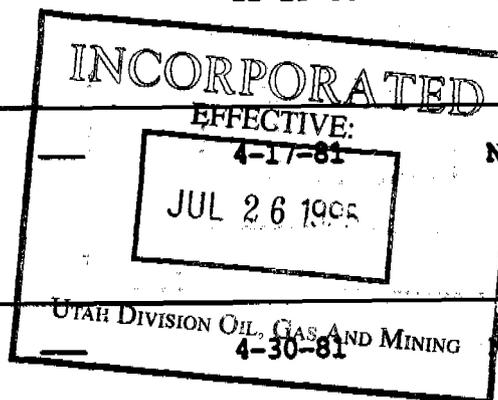
**INCORPORATED**  
EFFECTIVE:  
**JUL 26 1995**

CASTLE GATE COAL COMPANY

ACTIVE AND PENDING LICENSES AND PERMITS

| TYPE OF PERMIT  | HEALTH DIVISION OIL, GAS AND MINING | ISSUING AUTHORITY | ID # | APPROVAL DATE(s) | RE-APPLICATION OR EXPIRATION DATE(s) |
|---|-------------------------------------|-------------------|------|------------------|--------------------------------------|
| Crandall Canyon Sediment Pond and Oil Separator - Construction                                |                                     | UDH               | ---  | 1-25-82          | None                                 |
| Wastewater Disposal System for Crandall Canyon - Construction                                 |                                     | UDH               | ---  | 10-29-81         | None                                 |
| Pond 013-Construction   |                                     | UDH               | ---  | 3-16-82          | None                                 |
| Crandall Sediment Pond Construction   |                                     | UDH               | ---  | 2-25-81          | None                                 |
| Air quality approval for installation of petro chemical storage tanks and emergency generator |                                     | UDH               | ---  | 4-22-81          | None                                 |
| Crandall Canyon Road Construction   |                                     | DOGM              | ---  | 11-12-81         | None                                 |

| TYPE OF PERMIT  | ISSUING AUTHORITY | ID #        | APPROVAL DATE(s) | RE-APPLICATION OR EXPIRATION DATE(s) |
|---|-------------------|-------------|------------------|--------------------------------------|
| Commence Crandall Construction Activities                         | DOGM              | —           | 11-13-80         | None                                 |
| Ephemeral Stream Crossing in Crandall Canyon                      | DOGM              | —           | 4-17-81          | None                                 |
| Power Line Construction to Crandall Canyon Facilities             | DOGM              | —           | 4-30-81          | None                                 |
| Use of lower yarding area, Crandall Canyon                        | DOGM              | —           | 9-2-81           | None                                 |
| Belipad and storage use of Willow Creek area                      | DOGM              | —           | 7-23-81          | None                                 |
| Mining and Reclamation Plan to Braztah-Later to PRCC              | DOGM              | ACT/007/004 | 4-27-77          | 3-21-81 (Re-ap)                      |
| Discharge of untreated groundwater from shafts in Crandall Canyon | DOGM              | —           | 2-3-82           | —                                    |
| NPDES   | EPA               | UT-0023141  | 10-5-77          | 6-30-82 (Ex)<br>1-21-82 (Re-ap)      |



| TYPE OF PERMIT                                    | ISSUING AUTHORITY                         | ID #           | APPROVAL DATE(s) | RE-APPLICATION OR EXPIRATION DATE(s) |
|---|---|----------------|------------------|--------------------------------------|
| NPDES   | EPA                                       | UT-0023272     | 5-30-79          | 6-30-82 (Ex)<br>1-21-81 (Re-ap)      |
| NPDES   | EPA                                       | UT-0023086     |                  | 6-30-82 (Ex)<br>1-21-82 (Re-ap)      |
| RCRA  | EPA                                       | UTD-0007-10459 | 11-5-80          | Deleted 4-2-82                       |
| Approval of complete Crandall Canyon modification | UTAH DIVISION OIL, GAS AND MINING<br>DOCM | —              | 4-23-82          | None                                 |
| Approval of complete Crandall Canyon modification | OSM                                       | —              | 4-23-82          | None                                 |
| Clearance of cultural resources - Crandall Canyon | OSM                                       | —              | 3-23-81          | None                                 |
| Start Crandall construction activities            | OSM                                       | —              | 12-23-80         | None                                 |
| Building Permit                                   | Carbon County                             | 1989           | 9-8-81           | None                                 |

**INCORPORATED**  
 EFFECTIVE:  
 JUL 26 1980

| TYPE OF PERMIT                   | ISSUING AUTHORITY | ID #                   | APPROVAL DATE(S)       | RE-APPLICATION OR EXPIRATION DATE(S) |
|----------------------------------|-------------------|------------------------|------------------------|--------------------------------------|
| Roof Control                     | MSHA              | 42-00165<br>42-01202   | Portal #3<br>Portal #5 | Reviewed every<br>six months         |
| Ventilation                      | MSHA              | 42-00165<br>42-01202   | Portal #3<br>Portal #5 | Reviewed every<br>six months         |
| Coal Plant                       | MSHA              | 42-01517               | 1-1-79                 | None                                 |
| Refuse pile pond                 | MSHA              | 1211-UT-09<br>0157-02  | 6-23-78                | None                                 |
| Castle Gate Refuse Disposal Site | MSHA              | 1211-UT-09-<br>0157-01 | 11-17-77               |                                      |
| 211 Mine Plan                    | USGS              | —                      | 4-27-77                |                                      |
| #3 Refuse Pole                   | MSHA              |                        |                        |                                      |
| Barn Canyon Refuse               | MSHA              | 1211-UT-0-<br>0029     |                        |                                      |

**INCORPORATED**  
 EFFECTIVE:  

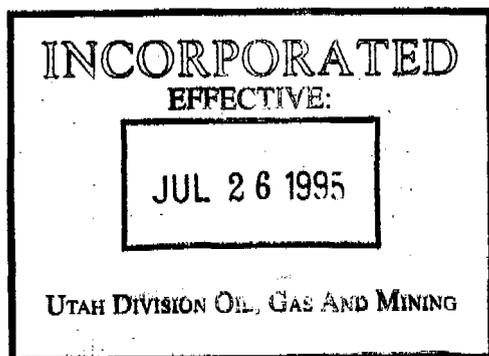
JUL 26 1977

  
 UTAH DIVISION OIL, GAS AND MINING

ISSUING AUTHORITY KEY

| <u>ACRONYM</u> | <u>FULL NAME</u>  |
|----------------|---|
| UDH            | Utah Department of Health                                     |
| DOG M          | Division of Oil, Gas, and Mining                              |
| EPA            | Environmental Protection Agency                               |
| OSM            | Office of Surface Mining                                      |
| USGS           | United States Geological Survey, Minerals Management Services |
| MSHA           | Mine Safety and Health Administration                         |

NOTE: Other minor approvals, agreements and permits are included in the Correspondence Addendum.



# AFFIDAVIT OF PUBLICATION

STATE OF UTAH }  
County of Carbon, } ss.

I, Dan Stockburger on oath, say that I am  
the General Manager of The Sun-Advocate,  
a weekly newspaper of general circulation, published at Price,  
State and County aforesaid, and that a certain notice, a true copy  
of which is hereto attached, was published in the full issue of  
such newspaper for One (1)

consecutive issues, and that the first publication was on the  
14th day of February, 19 86 and that the  
publication of such notice was in the issue of such newspaper  
dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Dan Stockburger  
Subscribed and sworn to before me this

14th day of February, 19 86

Holly Jo Baker  
Notary Public.

My Commission expires My Commission Expires October 22, 1986, 19 \_\_\_\_\_

Publication fee, \$ 34.80

**INCORPORATED**

**EFFECTIVE:**

**AMENDED NOTICE OF APPLICATION  
FOR TRANSFER OF A PERMIT**

**JUL 2 1986**  
Castle Gate Coal Company

Notice is hereby given that Castle Gate Coal Company, P.O. Box 449, Helper, Utah 84526, has submitted an application to the State of Utah, Department of Natural Resources, Division of Oil, Gas & Mining for transfer of a permit to operate under the provisions of the Utah Coal Mining and Reclamation Act (Utah Code Ann. 40-10-1 et seq.) and the Utah Coal Program Regulation UMC 788.12. The previous permittee was the Price River Coal Company, Permit No. ACT/007/004. The permit area is located in Carbon County, Utah as follows:

- Township 12 South, Range 9 East, S1E1M
- Section 22, portion; SW 1/4 Section 25; Section 26; Section 27; Section 28; Section 29 all except N 1/2 NW 1/4 and NW 1/4 NE 1/4; Section 30 all except N 1/2 NW 1/4; Section 31; Section 32; Section 33; Section 34; Section 35, portion; Section 36, portion.
- Township 13 South, Range 9 East, S1E1M
- Section 1, portion; Section 2, portion; Section 3, portion; Section 4, portion; Section 5, portion; Section 6, portion; Section 8, portion; Section 9, portion; Section 10, portion.

This permit area for which responsibility is being transferred is shown on Castle Gate Coal Company's Permit Map No. CG-8601-12-1/1.

The permit also includes property including the following areas for which responsibility is not being transferred:

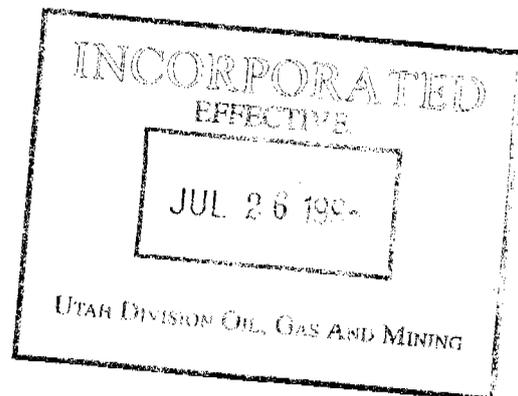
- Township 12 South, Range 9 East, S1E1M
- Section 26, portion.
- Township 12 South, Range 10 East, S1E1M
- Section 31, portion.
- Township 13 South, Range 9 East, S1E1M
- Section 1, portion.
- Township 13 South, Range 10 East, S1E1M
- Section 6, portion; Section 10, portion; Section 16, portion. The project area is shown on the following U.S. Geological Survey 7.5-minute maps:

Standardville, Kyune, Matt's Summit, Helper and Deadman Canyon.

Pertinent comments are solicited from anyone affected by this proposal. Such comments should be filed within the next thirty (30) days with:

State of Utah  
Department of Natural Resources  
Division of Oil, Gas & Mining  
355 West North Temple  
III Triad, Suite 350  
Salt Lake City, Utah 84108.

Published in the Sun Advocate February 14, 1986.



APPENDIX 2-3

AVS AND OWNERSHIP CONTROL

**CYPRUS AMAX MINERALS COMPANY**  
 (formerly Cyprus Minerals Company; name changed to Cyprus Amax Minerals Company  
 pursuant to the merger with Amax Inc. on November 15, 1993)

**Principal Operating Office:** 9100 East Mineral Circle  
 Englewood, Colorado 80112-3299

**Telephone:** 303/643-5000

**Incorporation:**  
 State: Delaware  
 Date: September 2, 1969  
 Existence: Perpetual

**Qualified to Do Business In:** Arizona, Colorado, Delaware  
**IRS Identification Number:** 36-2684040

**OFFICERS:**

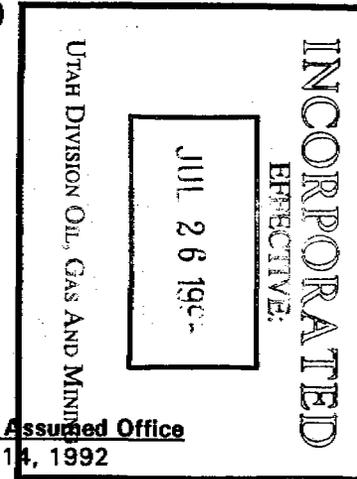
**Title**  
 President and Chief Executive Officer  
 Senior Vice President and Chief Financial Officer  
 Senior Vice President, Coal  
 Senior Vice President, Copper  
 Senior Vice President, General Counsel and Secretary  
 Senior Vice President, Exploration  
 Vice President, Investor Relations, and Treasurer  
 Vice President, Human Resources  
 Vice President and Controllor  
 Vice President, Engineering and Development  
 Assistant Treasurer  
 Director of Tax  
 Assistant Secretary

**DIRECTORS:**

**Name**  
 M. H. Ward  
 G. J. Malys  
 G. R. Spindler  
 J. G. Clevenger  
 P. C. Wolf  
 D. H. Watkins  
 F. J. Kane  
 G. H. Peppard  
 J. Taraba  
 R. J. Hickson  
 F. S. Hakimi  
 J. D. Flemming  
 K. J. Gormley  
 M. H. Ward (Co-Chairman)  
 A. Born (Co-Chairman)  
 L. G. Alvarado  
 G. S. Ansell  
 W. C. Bousquette  
 T. V. Falkie  
 A. M. Gray  
 J. C. Huntington, Jr.  
 M. A. Morphy  
 R. A. Schnabel  
 T. M. Solso  
 J. H. Stookey  
 J. A. Todd, Jr.  
 B. B. Turner

**Date Assumed Office**

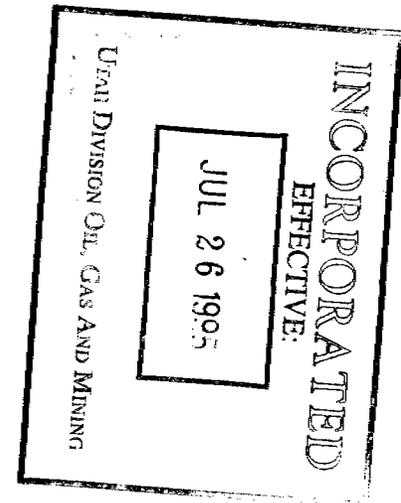
May 14, 1992  
 August 1, 1989  
 January 3, 1995  
 January 27, 1993  
 March 24, 1991/November 12, 1993  
 February 1, 1994  
 January 11, 1994  
 October 4, 1987  
 October 31, 1988  
 November 20, 1994  
 July 31, 1987  
 May 7, 1992  
 May 4, 1994  
 May 14, 1992  
 November 15, 1993  
 December 14, 1989  
 December 3, 1987  
 December 5, 1991  
 June 29, 1988  
 November 15, 1993  
 November 15, 1993  
 July 1, 1985  
 February 11, 1993  
 November 15, 1993  
 November 15, 1993  
 October 22, 1992  
 October 22, 1992



**CYPRUS AMAX MINERALS COMPANY**  
 (formerly Cyprus Minerals Company; name changed to Cyprus Amax Minerals Company  
 pursuant to the merger with Amax Inc. on November 15, 1993)

Resignations:

| <u>Title</u>  | <u>Name</u>       | <u>Date Resigned</u> |
|---|-------------------|----------------------|
| Senior Vice President, General Counsel, and Secretary | K. Loughrey       | November 12, 1993    |
| Assistant Secretary                                   | D. J. Friedman    | December 31, 1993    |
| Vice President and Treasurer                          | D. C. Haugh       | January 11, 1994     |
| Vice President, Public and Investor Relations         | R. H. Hagman      | January 11, 1994     |
| Vice President, Exploration                           | F. B. Park        | February 1, 1994     |
| Director  | J. J. Kerley      | April 29, 1993       |
| Director  | V. F. Taylor, Jr. | April 29, 1993       |
| Director  | P. C. Walsh       | April 29, 1993       |
| Director  | C. A. Campbell    | May 4, 1994          |
| Senior Vice President, Coal                           | D. P. Brown       | December 30, 1994    |



AMAX ENERGY INC.

Principal Operating Office: 9100 East Mineral Circle  
Englewood, Colorado 80112-3299

Telephone: 303/643-5000

Incorporation: Delaware, The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801  
State  
Date July 26, 1991  
Existence Perpetual

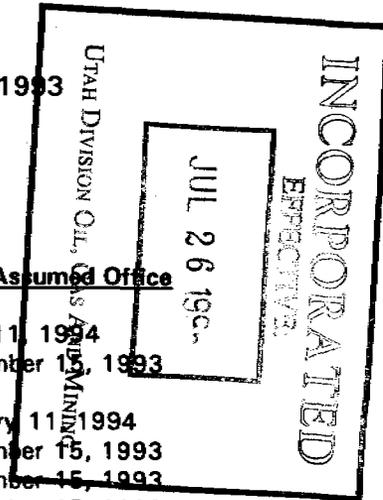
Qualified to Do Business In: Delaware, Connecticut, Indiana, Texas

Ownership - Percentage: Cyprus Amax Minerals Company - 100%; November 15, 1993

Employer I.D. No.: 06-1324916

OFFICERS:

| <u>Title</u>   | <u>Name</u>         | <u>Social Security #</u> | <u>Date Assumed Office</u> |
|--|---------------------|--------------------------|----------------------------|
| President  | Gerald J. Malys     | [REDACTED]               | April 11, 1994             |
| Senior Vice President, General Counsel and Secretary | Philip C. Wolf      | [REDACTED]               | November 15, 1993          |
| Vice President and Treasurer                         | Francis J. Kane     | [REDACTED]               | January 11, 1994           |
| Vice President and Controller                        | John Taraba         | [REDACTED]               | November 15, 1993          |
| Director of Tax                                      | J. David Flemming   | [REDACTED]               | November 15, 1993          |
| Assistant Secretary                                  | Kathleen J. Gormley | [REDACTED]               | November 15, 1993          |
| Assistant Secretary                                  | Dale E. Huffman     | [REDACTED]               | April 11, 1994             |
| <b>DIRECTORS:</b>                                    | Gerald J. Malys     | [REDACTED]               | November 15, 1993          |
|  | Philip C. Wolf      | [REDACTED]               | November 15, 1993          |



**AMAX COAL COMPANY**

(Formerly Ayrshire Oil Corporation, name changed to Ayrshire Coal Company, Inc. 10/21/69; renamed Amax Coal Company, Inc. 1/1/72; renamed Amax Coal Company 2/17/84; renamed Amax Coal Company, Inc. 7/17/84; renamed Amax Coal Company 6/15/87)

**Mailing Address:** One Riverfront, 20 N.W. 1st Street  
Evansville, Indiana 47708

**Telephone:** 812/421-3900

**Incorporation:**  
 State Delaware, The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801  
 Date November 26, 1948  
 Existence Perpetual

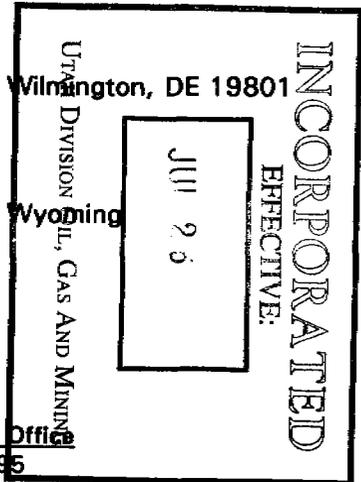
**Qualified to Do Business In:** Delaware, Colorado, Illinois, Indiana, Kentucky, Minnesota, Utah, Wyoming

**Ownership - Percentage:** Cyprus Amax Coal Company - 100%; April 25, 1994

**IRS Identification Number:** 35-6030195

**OFFICERS:**

| <u>Title</u>   | <u>Name</u>         | <u>Social Security #</u> | <u>Date Assumed Office</u> |
|--|---------------------|--------------------------|----------------------------|
| President  | W. Mark Hart        | [REDACTED]               | January 3, 1995            |
| Senior Vice President                                  | Gerald J. Malys     | [REDACTED]               | December 20, 1993          |
| Senior Vice President, General Counsel and Secretary   | Philip C. Wolf      | [REDACTED]               | December 20, 1993          |
| Senior Vice President, Sales and Marketing             | Nicholas P. Moros   | [REDACTED]               | December 20, 1993          |
| Vice President, Sales and Marketing                    | Donald J. Drabant   | [REDACTED]               | December 20, 1993          |
| Vice President, Labor, Safety and Government Relations | Chris L. Crowl      | [REDACTED]               | December 20, 1993          |
| Vice President   | G. E. Vajda         | [REDACTED]               | January 3, 1995            |
| Vice President and General Manager                     | E. Wayne Parke      | [REDACTED]               | December 20, 1993          |
| Vice President and Treasurer                           | Francis J. Kane     | [REDACTED]               | January 11, 1994           |
| Vice President and Controller                          | Frank J. Wood       | [REDACTED]               | December 20, 1993          |
| Assistant Treasurer                                    | Farokh S. Hakimi    | [REDACTED]               | December 20, 1993          |
| Director of Tax  | J. David Flemming   | [REDACTED]               | December 20, 1993          |
| Assistant Secretary                                    | Kathleen J. Gormley | [REDACTED]               | December 20, 1993          |
| Assistant Secretary                                    | Greg A. Walker      | [REDACTED]               | December 20, 1993          |
| Assistant Secretary                                    | Morris W. Kegley    | [REDACTED]               | June 27, 1991              |
| Assistant Secretary                                    | Dale E. Huffman     | [REDACTED]               | July 15, 1994              |
| <b>DIRECTORS:</b>                                      | Garold R. Spindler  | [REDACTED]               | January 3, 1995            |
|  | Gerald J. Malys     | [REDACTED]               | November 15, 1993          |
|  | Philip C. Wolf      | [REDACTED]               | November 15, 1993          |



AMAX ENERGY INC.

Resignations:

| <u>Title</u>                           | <u>Name</u>          | <u>Social Security No.</u> | <u>Date Resigned</u> |
|--|----------------------|----------------------------|----------------------|
| Chairman of the Board                  | Allen Born           | [REDACTED]                 | November 15, 1993    |
| Senior Vice President                  | Gary D. McDowell     | [REDACTED]                 | November 15, 1993    |
| Vice President, Secretary and Director | Helen M. Feeney      | [REDACTED]                 | November 15, 1993    |
| Vice President                         | Gary Foster          | [REDACTED]                 | November 15, 1993    |
| Vice President and Treasurer           | Lee A. Nickerson     | [REDACTED]                 | November 15, 1993    |
| Controller                             | Richard B. Hallett   | [REDACTED]                 | November 15, 1993    |
| Assistant Secretary                    | Michael W. Borkowski | [REDACTED]                 | November 15, 1993    |
| Assistant Secretary                    | Raymond J. Cooke     | [REDACTED]                 | November 15, 1993    |
| Assistant Secretary                    | J. Alan Ross         | [REDACTED]                 | November 15, 1993    |
| Assistant Treasurer                    | Harold E. Davis      | [REDACTED]                 | November 15, 1993    |
| Assistant Treasurer                    | Lawrence B. Frost    | [REDACTED]                 | November 15, 1993    |
| Assistant Treasurer                    | Thomas P. Wozniak    | [REDACTED]                 | November 15, 1993    |
| President                              | Thomas A. McKeever   | [REDACTED]                 | April 11, 1994       |
| Senior Vice President                  | Gerald J. Malys      | [REDACTED]                 | April 11, 1994       |
| Vice President                         | William G. Hargett   | [REDACTED]                 | April 11, 1994       |
| Vice President and Assistant Secretary | Wayne E. Gresham     | [REDACTED]                 | April 11, 1994       |

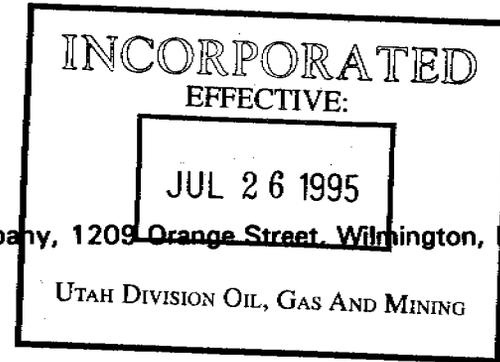
INCORPORATED  
 EFFECTIVE:  
 JUL 26 1994  
 UTAH DIVISION OIL, GAS AND MINING

**CYPRUS AMAX COAL COMPANY**  
 (Formerly Cyprus Coal Company, name changed to Cyprus Amax Coal Company 12/16/93)

**Principal Operating Office:** 9100 East Mineral Circle  
 Englewood, Colorado 80112-3299

**Telephone:** 303/643-5000

**Incorporation:**  
 State Delaware, The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801  
 Date June 18, 1980  
 Existence Perpetual



**Qualified to Do Business In:** Delaware, Colorado

**Ownership - Percentage:** Amax Energy Inc. - 100%; April 20, 1994

**IRS Identification Number:** 36-3081314

**OFFICERS:**

| <u>Title</u>  | <u>Name</u>             | <u>Social Security #</u> | <u>Date Assumed Office</u> |
|---|-------------------------|--------------------------|----------------------------|
| President   | Garold R. Spindler      | [REDACTED]               | January 3, 1995            |
| Senior Vice President                                     | Gerald J. Malys         | [REDACTED]               | August 1, 1989             |
| Senior Vice President, General Counsel,<br>and Secretary  | Philip C. Wolf          | [REDACTED]               | November 13, 1993          |
| Senior Vice President, Development                        | Richard D. Mills        |                          | April 3, 1995              |
| Senior Vice President, Sales and Marketing                | Nicholas P. Moros       |                          | December 20, 1993          |
| Senior Vice President, Eastern Operations                 | W. Mark Hart            |                          | January 3, 1995            |
| Senior Vice President, Western Operations                 | Randall J. Scott        |                          | January 3, 1995            |
| Vice President, Labor, Safety and<br>Government Relations | Chris L. Crowl          |                          | December 20, 1993          |
| Vice President, Allied Resources                          | Peter J. Bethell        |                          | April 3, 1995              |
| Vice President, International Business<br>Development     | Vincent J. Calarco, Jr. |                          | April 3, 1995              |
| Vice President and Treasurer                              | Francis J. Kane         |                          | January 11, 1994           |
| Vice President and Controller                             | Frank J. Wood           |                          | December 20, 1993          |
| Assistant Treasurer                                       | Farokh S. Hakimi        |                          | July 31, 1987              |
| Director of Tax   | J. David Flemming       |                          | April 6, 1992              |
| Assistant Secretary                                       | Kathleen J. Gormley     |                          | September 22, 1986         |
| Assistant Secretary                                       | Greg A. Walker          |                          | December 20, 1993          |
| Assistant Secretary                                       | Morris W. Kegley        |                          | December 20, 1993          |
| Assistant Secretary                                       | Dale E. Huffman         |                          | February 1, 1994           |
| <b>DIRECTORS:</b>   | Garold R. Spindler      |                          | January 3, 1995            |
|   | Gerald J. Malys         |                          | August 1, 1989             |
|   | Philip C. Wolf          |                          | December 31, 1993          |

AMAX COAL COMPANY

(Formerly Ayrshire Oil Corporation, name changed to Ayrshire Coal Company, Inc. 10/21/69; renamed Amax Coal Company, Inc. 1/1/72; renamed Amax Coal Company 2/17/84; renamed Amax Coal Company, Inc. 7/17/84; renamed Amax Coal Company 6/15/87)

Resignations:

| <u>Title</u>                 | <u>Name</u>          | <u>Date Resigned</u> |
|------------------------------|----------------------|----------------------|
| President                    | A. Frank Dunham      | December 20, 1993    |
| Vice President               | Frederick L. Alvarez | December 20, 1993    |
| Vice President               | J. Mark Cook         | December 20, 1993    |
| Vice President and Secretary | Wayne E. Gresham     | December 20, 1993    |
| Vice President               | Richard B. Meschke   | December 20, 1993    |
| Vice President               | Robert S. Tevault    | December 20, 1993    |
| Assistant Secretary          | Phyllis A. Elkins    | December 20, 1993    |
| Assistant Secretary          | Robert P. Kobza      | December 20, 1993    |
| Director                     | Helen M. Feeney      | November 15, 1993    |
| President                    | Donald E. Hudson     | January 3, 1995      |
| Assistant Secretary          | Michael R. Peelish   | January 3, 1995      |
| Director                     | Donald P. Brown      | December 30, 1994    |



INCORPORATED  
EFFECTIVE:  
JUL 26 1994

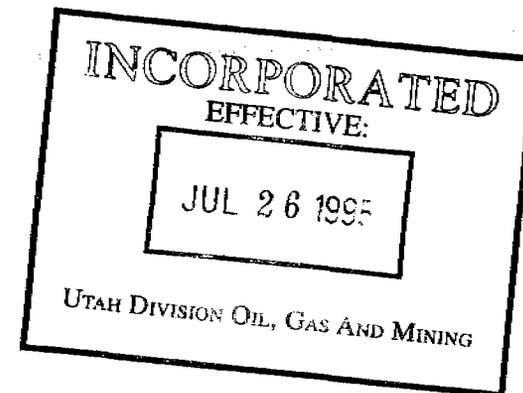
UTAH DIVISION OF OIL, GAS AND MINING



**CYPRUS AMAX COAL COMPANY**  
 (Formerly Cyprus Coal Company, name changed to Cyprus Amax Coal Company 12/16/93)

Resignations:

| <u>Title</u>   | <u>Name</u>            | <u>Social Security No.</u> | <u>Date Resigned</u> |
|--|------------------------|----------------------------|----------------------|
| Senior Vice President, General Counsel,<br>and Secretary                       | Kevin Loughrey         |                            | November 13, 1993    |
| Senior Vice President, Sales<br>and Marketing                                  | George E. Vajda        |                            | December 20, 1993    |
| Vice President, Materials,<br>Maintenance & Technical Resources                | W. Mark Hart           |                            | December 20, 1993    |
| Vice President, Strategic<br>Planning, and Controller                          | Joseph Caffarelli, Jr. |                            | December 20, 1993    |
| Vice President, Business Development   | John E. Baum           |                            | December 20, 1993    |
| Vice President, Associate General Counsel,<br>Assistant Secretary and Director | Deborah J. Friedman    |                            | December 31, 1993    |
| Vice President and Treasurer   | Dennis C. Haugh        |                            | December 31, 1993    |
| President and Director   | Donald P. Brown        |                            | December 30, 1994    |
| Senior Vice President, Eastern Operations                                      | Donald E. Hudson       |                            | January 3, 1995      |
| Senior Vice President, Western Operations                                      | J. Mark Cook           |                            | January 3, 1995      |
| Assistant Secretary  | Michael R. Peelish     |                            | January 3, 1995      |
| Senior Vice President, Development   | Donald E. Hudson       |                            | April 3, 1995        |



**CYPRUS WESTERN COAL COMPANY**  
 (Formerly Cyprus Industrial Minerals Company; name changed effective August 26, 1985.)

**Principal Operating Office:** 9100 East Mineral Circle  
 Englewood, Colorado 80112-8299

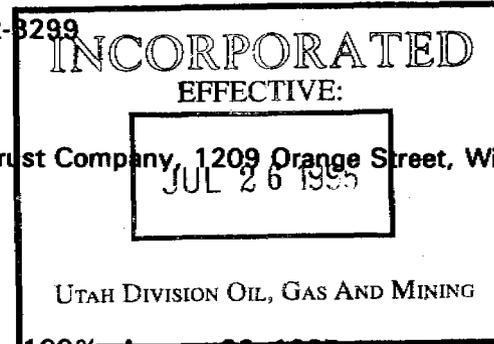
**Telephone:** 303/643-5000

**Incorporation:** Delaware, The Corporation Trust Company, 1209 Orange Street, Wilmington, DE 19801  
 State: February 12, 1982  
 Date: Perpetual  
 Existence:

**Qualified to Do Business In:** Colorado, Delaware, Utah

**Ownership - Percentage:** Cyprus Amax Coal Company - 100%, August 26, 1985

**IRS Identification Number:** 36-3200083



**OFFICERS:**

| <u>Title</u>  | <u>Name</u>         | <u>Social Security #</u> | <u>Date Assumed Office</u>      |
|---|---------------------|--------------------------|---------------------------------|
| President   | Randall J. Scott    | [REDACTED]               | January 3, 1995                 |
| Senior Vice President                                     | Gerald J. Malys     | [REDACTED]               | August 1, 1989                  |
| Senior Vice President, General Counsel,<br>and Secretary  | Philip C. Wolf      | [REDACTED]               | November 13, 1993               |
| Senior Vice President, Sales and Marketing                | Nicholas P. Moros   | [REDACTED]               | December 20, 1993               |
| Vice President and Treasurer                              | Francis J. Kane     | [REDACTED]               | January 11, 1994                |
| Vice President and Contoller                              | Frank J. Wood       | [REDACTED]               | December 20, 1993               |
| Vice President and General Manager                        | William Ivy         | [REDACTED]               | January 3, 1995                 |
| Vice President and General Manager                        | Keith H. Sieber     | [REDACTED]               | April 6, 1992/December 20, 1993 |
| Vice President, Labor, Safety and<br>Government Relations | Chris L. Crowl      | [REDACTED]               | December 20, 1993               |
| Vice President, Sales and Marketing                       | George E. Vajda     | [REDACTED]               | December 20, 1993               |
| Vice President and Assistant Secretary                    | Greg A. Walker      | [REDACTED]               | December 20, 1993               |
| Vice President  | George L. Raymond   | [REDACTED]               | December 20, 1993               |
| Assistant Treasurer                                       | Farokh S. Hakimi    | [REDACTED]               | July 31, 1987                   |
| Director of Tax   | J. David Flemming   | [REDACTED]               | April 6, 1992                   |
| Assistant Secretary                                       | Susan E. Chetlin    | [REDACTED]               | April 3, 1995                   |
| Assistant Secretary                                       | Kathleen J. Gormley | [REDACTED]               | September 22, 1986              |
| Assistant Secretary                                       | Morris W. Kegley    | [REDACTED]               | December 20, 1993               |
| Assistant Secretary                                       | Dale E. Huffman     | [REDACTED]               | February 1, 1994                |

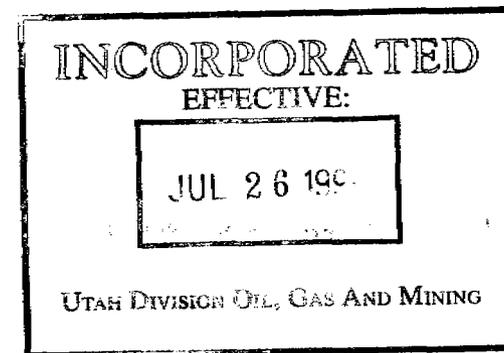
**DIRECTORS:**

|                    |            |                   |
|--------------------|------------|-------------------|
| Garold R. Spindler | [REDACTED] | January 3, 1995   |
| Gerald J. Malys    | [REDACTED] | August 1, 1989    |
| Philip C. Wolf     | [REDACTED] | December 31, 1993 |

**CYPRUS PLATEAU MINING CORPORATION**  
 (formerly Plateau Mining Company; name changed effective June 8, 1987)

Resignations:

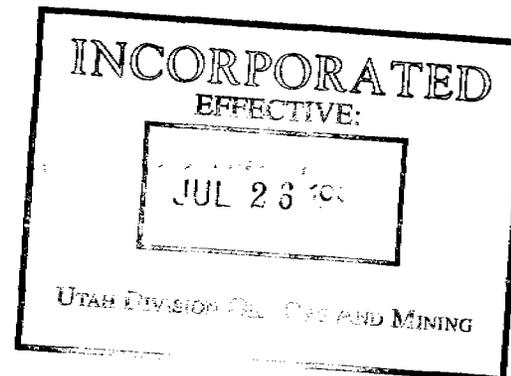
| <u>Title</u>  | <u>Name</u>            | <u>Social Security No.</u> | <u>Date Resigned</u> |
|---|------------------------|----------------------------|----------------------|
| President   | Donald P. Brown        | [REDACTED]                 | December 20, 1993    |
| Senior Vice President, General Counsel, and Secretary                       | Kevin Loughrey         | [REDACTED]                 | November 13, 1993    |
| Senior Vice President, Operations   | Donald E. Hudson       | [REDACTED]                 | December 20, 1993    |
| Senior Vice President, Sales and Marketing                                  | George E. Vajda        | [REDACTED]                 | December 20, 1993    |
| Vice President, Business Development, and Controller                        | Joseph Caffarelli, Jr. | [REDACTED]                 | December 20, 1993    |
| Vice President, Materials, Maintenance & Technical Resources                | W. Mark Hart           | [REDACTED]                 | December 20, 1993    |
| Vice President, Associate General Counsel, Assistant Secretary and Director | Deborah J. Friedman    | [REDACTED]                 | December 31, 1993    |
| Vice President and Treasurer  | Dennis C. Haugh        | [REDACTED]                 | December 31, 1993    |
| President   | J. Mark Cook           | [REDACTED]                 | January 3, 1995      |
| Assistant Secretary   | Michael R. Peelish     | [REDACTED]                 | January 3, 1995      |
| Director  | Donald P. Brown        | [REDACTED]                 | December 30, 1994    |



**CYPRUS WESTERN COAL COMPANY**  
(Formerly Cyprus Industrial Minerals Company; name changed effective August 26, 1985.)

**Resignations:**

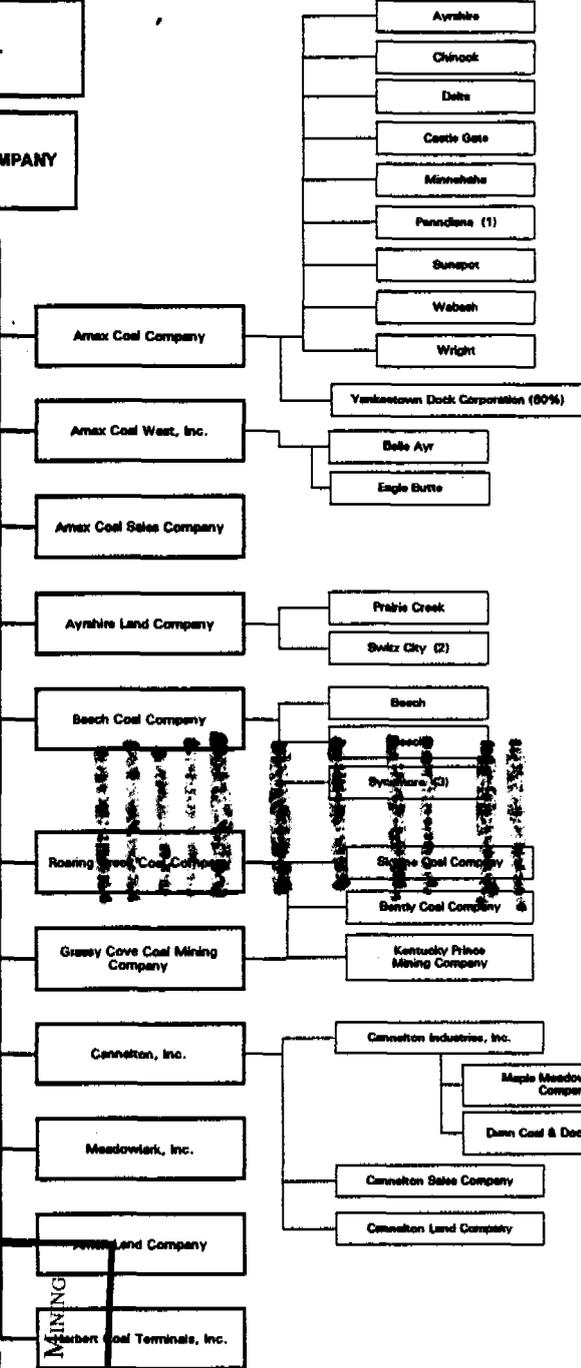
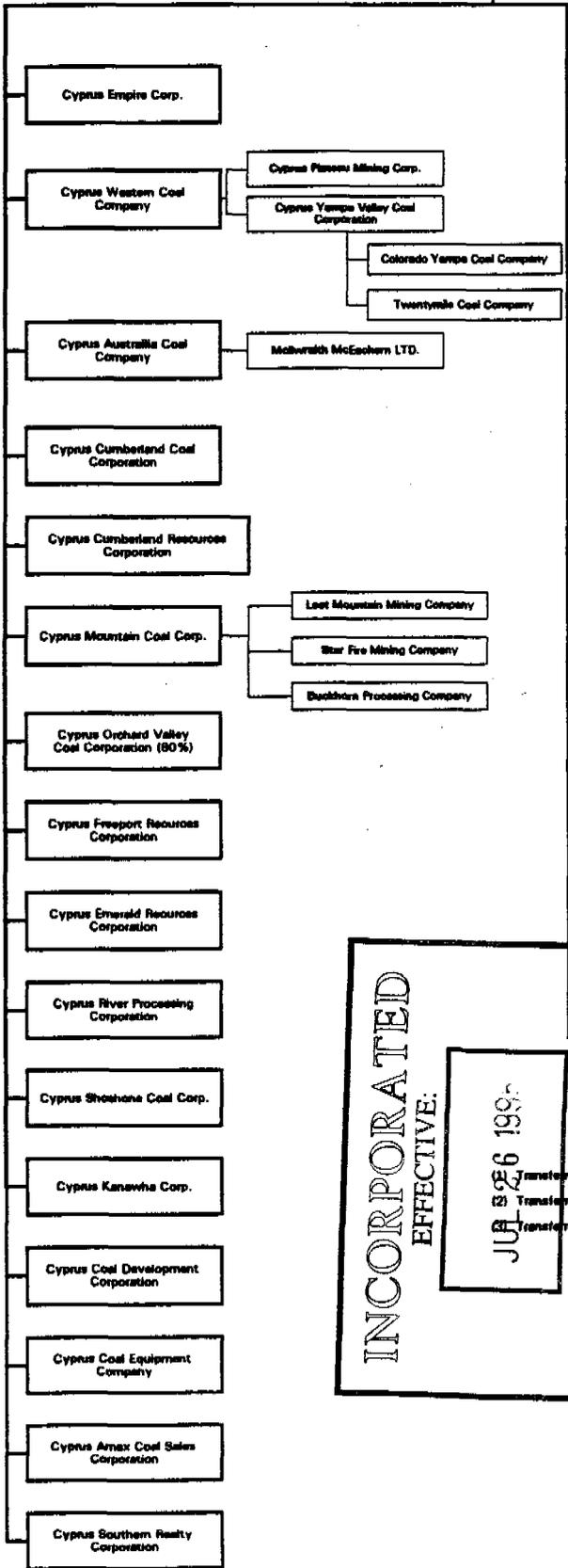
| <u>Title</u>   | <u>Name</u>            | <u>Social Security No.</u> | <u>Date Resigned</u> |
|--|------------------------|----------------------------|----------------------|
| President  | Donald P. Brown        | [REDACTED]                 | December 20, 1993    |
| Senior Vice President, General Counsel,<br>and Secretary                       | Kevin Loughrey         | [REDACTED]                 | November 13, 1993    |
| Senior Vice President, Operation   | Donald E. Hudson       | [REDACTED]                 | December 6, 1993     |
| Senior Vice President, Sales and<br>Marketing                                  | George E. Vajda        | [REDACTED]                 | December 20, 1993    |
| Vice President, Business<br>Development, and Controller                        | Joseph Caffarelli, Jr. | [REDACTED]                 | December 20, 1993    |
| Vice President, Associate General Counsel,<br>Assistant Secretary and Director | Deborah J. Friedman    | [REDACTED]                 | December 31, 1993    |
| Vice President and Treasurer   | Dennis C. Haugh        | [REDACTED]                 | December 31, 1993    |
| President  | J. Mark Cook           | [REDACTED]                 | January 3, 1995      |
| Vice President and General Manager   | W. Mark Hart           | [REDACTED]                 | January 3, 1995      |
| Assistant Secretary  | Michael R. Peelish     | [REDACTED]                 | January 3, 1995      |
| Director   | Donald P. Brown        | [REDACTED]                 | December 30, 1994    |



CYPRUS AMAX MINERALS COMPANY

AMAX ENERGY INC.

CYPRUS AMAX COAL COMPANY



INCORPORATED EFFECTIVE: JUL 26 1995

UTAH DIVISION OF GAS AND MINING

Transferred From Ayrshire Land Company  
 (2) Transferred To Coal Mining Of Indiana  
 (3) Transferred From Sycamore Mining Company