0048

ACT/007/006
#4

STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee 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

August 7, 1987

Mr. John J. Spiecha
Vice President & General Manager
Plateau Mining Company
P. O. Drawer PMC
Price, Utah 84501

Dear Mr. Spiecha:

Re: Final Permit Approval, Five-Year Renewal and New Lands Application, Plateau Mining Company, Star Point Mines, ACT/007/006, Folder #2 and 4, Carbon County, Utah

Enclosed is the state permit for Plateau Mining Company's Star Point Mines. The permit encompasses the New Lands parcels along with the Five-Year Renewal. Please examine the permit with stipulations and sign both copies of the attached permit (ACT/007/006, 8/87), on page 5 of that document. Upon signing, please keep one copy of the permit for your records and return one original Certified Return Receipt Requested to the Division at your earliest convenience.

A signed and executed performance bond for the Star Point Mines is posted in the amount of $3,407,322, payable to the Division of Oil, Gas and Mining. Therefore, upon your signature of the permit, it will become valid and enforceable.

Thank you for your cooperation in this matter. Should you have any questions, please feel free to contact the Division.

Best regards,

Kenneth E. May

for Dianne R. Nielson
Director

JJW/djh
Enclosure
cc: P. Rutledge R. Hagen
L. Braxton J. Whitehead
Price Field Office

0800R/43

FEDERAL
(April 1987)

Permit Number ACT/007/006, 8-87

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/007/006, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Plateau Mining Company
P. O. Drawer PMC
Price, Utah 84501
(801) 637-2875

for the Star Point Mines. Cyprus Western Coal Company, parent company of Plateau Mining Company, is the lessee of federal coal lease SL-031286, U-7949, U-37045, and U-13097, the lessee of state coal lease 22729 and/or the owner of certain fee-owned parcels. A performance bond is filed with the DOGM in the amount of $3,407,322.00, 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 B) within the permit area at the Star Point Mines situated in the state of Utah, Carbon County, and located:

T15S, R7E

Sec. 1:	S1/2
Sec. 2:	SE1/4 SE1/4
Sec. 11:	E1/2 NE1/4, NE1/4 SE1/4
Sec. 12:	All
Sec. 13:	N1/2
Sec. 14:	S1/2, E1/2 NE1/4, SW1/4 NE1/4
Sec. 23:	All
Sec. 25:	W1/2 NW1/4
Sec. 26:	N1/2

T15S, R8E

Sec. 5:	W1/2 NW1/4, NW1/4 SW1/4
Sec. 6:	E1/2 NW1/4, E1/2 SW1/4, SW1/4 SW1/4 W1/2 NE1/4, SE1/4 NE1/4, SE1/4
Sec. 7:	All
Sec. 8:	W1/2 NW1/4, SW1/4, SE1/4 SE1/4, S1/2 SW1/4 SE1/4
Sec. 9:	SW1/4 SW1/4, SE1/4, E1/2 SW1/4
Sec. 10:	SW1/4, W1/2 SE1/4, SE1/4 SE1/4
Sec. 11:	Portions of S1/2 SW1/4
Sec. 15:	N1/2 NW1/4, N1/2 NE1/4
Sec. 16:	All
Sec. 17:	E1/2, NW1/4, portions of NW1/4 SW1/4
Sec. 18:	N1/2, Portions of N1/2 SE1/4, N1/2 SW1/4
Sec. 20:	NE1/4
Sec. 21:	E1/2 NW1/4

Sec. 3: PERMIT TERM - This permit expires on January 27, 1992.

Sec. 4 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. 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 UMC 788.17-.19.

Sec. 5 RIGHT OF ENTRY - The permittee shall allow the authorized representative of 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, UMC 840.12, 30 CFR 842.13 and UMC 842.13; and,

B. be accompanied by private persons for the purpose of conducting an inspection in accordance with UMC 842.12 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.

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 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 (are) 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 UMC 787.

Sec. 15 SPECIAL CONDITIONS - 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 special conditions appended hereto as Attachment A.

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 include these conditions in the contracts between and among them. 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: Kenneth E. May for Dianne R. Nielson

Date: 8/7/87

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

_____
Authorized Representative of the Permittee

Date: _____

APPROVED AS TO FORM:

By: _____
Assistant Attorney General

Date: 8/7/87

ATTACHMENT "A"

STIPULATIONS

Plateau Mining Company
Star Point Mine
ACT/007/006, Carbon County, Utah

August 5, 1987

Stipulation UMC 771.19-(2)-(JW)

1. Underground coal mining activities shall not commence within any federally leased coal contained in the New Lands parcels until the Mining Plan Modification is approved by the U.S. Department of Interior. The Division reserves the right to amend this permit (ACT/007/006) to incorporate any changes or requirements set out in the approved Mining Plan Modification.

2. Plateau Mining Company shall complete further testing of site 42Em2118 as described in the Abajo Archeaology report of July 1987 in order to determine eligibility for the National Register of Historic Places. The testing shall be done in accord with standards prescribed by the Utah Division of State History. Results from the testing will be forwarded to the Division of Oil Gas and Mining by October 31, 1987. If site 42Em2118 is determined to be eligible for listing, then PMC shall avoid any further disturbance of the site until appropriate mitigation measures are approved by the Utah Division of State History and the measures are fully implemented

Stipulation UMC 782.15-1-(JW)

Plateau Mining Company shall amend the Permit Application Package (PAP) by October 31, 1987 to commit that prior to initiating additional surface disturbance within the permit area on lands administed by the Bureau of Land Management, the required rights-of-way and/or permit will be obtained from the BLM.

Stipulation 817.11-(1)-(PGL)

The Plateau Mining Company shall submit by October 31, 1987 for inclusion in the PAP, all details about signs and markers as required by this regulation.

Stipulation 817.24-(1)-(DD)

Plateau Mining Company must submit by October 31, 1987, for insertion into the PAP, a mass balance of all areas to be retopsoiled. This will include acreage figures of all locations to be retopsoiled, depth of topsoil to be redistributed, and amount and location of material presently stockpiled. The applicant must also commit to sample soils before reclamation on areas of the Lion Deck Portal that will be used for reclamation.

Stipulation 817.43-(1)-(TM)

Plateau Mining Company shall submit by October 31, 1987, for inclusion in the PAP, flow, velocity, and sizing calculations, location maps, and inlet and outlet protection measures for all culverts in the disturbed area.

Stipulation 817.44-(1)-(TM)

Plateau Mining Company shall submit by October 31, 1987 for inclusion in the PAP, complete and adequate design, calculations, profiles, cross sections, and drawings to detail final reclamation and channel restoration measures which will be employed. This will include post mining drainage patterns, and water monitoring locations.

Stipulation 817.45-.47-(2)-(TM)

1. Plateau Mining Company shall submit by October 31, 1987, for inclusion in the PAP, detailed calculations, maps and drawings showing the nature and location of pond outlet and inlet protection measures presently installed with supporting calculations which demonstrate the adequacy of these measures.

Stipulation 817.45-.47-(2)-(TM) (Cont'd.)

2. Plateau Mining Company will include on their quarterly sediment pond inspection forms, the cleanout volume (Ac.Ft.) for each facility and an updated sediment volume (Ac.Ft.) based on a current survey of each pond and treatment facility.

3. Plateau Mining Company shall submit by October 31, 1987, detailed silt fence design drawings showing design height, materials used, and general field construction details. Moreover, PMC shall submit by October 31, 1987, detailed sediment trap design drawings showing size, depth and location, a 60 percent sediment cleanout elevation for these structures with a location map of a scale greater than map 43 sufficient to determine drainage area, ditch location, and ditch length contributing to these structures.

Stipulation 817.49-(1)-(PGL)

Prior to final reclamation, Plateau Mining Company must submit definite plans for the disposition of all of the impoundments. If the applicant retains any of the impoundments permanently, all of the criteria for permanent impoundments must be met according to UMC 817.49.

Stipulation 817.52-(2)-(TM)

1. Plateau Mining Company (PMC) shall upon permit approval, utilize the monitoring stations proposed in PMC's April 30, 1987 letter to the Division. Moreover, PMC shall monitor springs S11-1, 238, and 494 at least one time in 1987 during low flow conditions in accord with the approved monitoring plan.

2. By October 31, 1987, Plateau Mining Company shall update the PAP water monitoring plan including text and tables, to:

   a. reflect the revised monitoring stations proposed in PMC's April 30, 1987 letter to the Division as well as to add springs 238 and 494 to the monitoring program.

Stipulation 817.52-(2)-(TM) (Cont'd.)

b. reflect that all new source and existing baseline monitoring points for surface and groundwater monitoring shall be monitored in accord with the Division's baseline parameter list for a two year period.

3. Plateau Mining Company will by August 31, 1987, install a continuous monitoring station at Station M-8 as shown on Map 29. PMC will begin to monitor stream flow continuously and water quality monthly from August 31 1987 until October 31, 1987 weather permitting. Monitoring will be undertaken from June until October per the baseline water quality parameter list through 1988 and 1989.

4. Plateau Mining Company will amend the current PAP by August 31, 1987 to commit to carry out stream surveys equivalent to the one carried out in the NFRF Miller Creek on July 2, 1986, in July and September of every year mining occurs, including 1987, within Section 18 of the New Lands Permit Area, and until subsidence impacts have been stabilized. PMC will flag and determine the exact location of each monitoring station for the survey so the survey can be carried out at the same stations using the same monitoring methods, on a yearly basis.

Stipulation UMC 817.57-(1)-(TM)

1. Plateau Mining Company will amend the PAP by October 31, 1987 to commit to notify the Division immediately upon discovery of a crack or subsidence related impact to the NFRF Miller Creek. PMC will undertake the most appropriate approved mitigation plan to restore the integrity and flow of the NFRF Miller Creek channel and have this measure in place within seven (7) days of discovery of a crack or subsidence related impact.

2. Plateau Mining Company shall provide by October 31, 1987, for insertion into the PAP, design detail for the cutoff walls to be used in the event of a temporary diversion of North Fork of the Right Fork of Miller Creek.

Stipulation 817.71-.74-(1)-(PGL/DD/RVS)

The Plateau Mining Company shall submit by October 31, 1987, for inclusion in the PAP, an operational plan for collection and analyses of each stratum of overburden to be removed, including the stratum immediately above and below each coal seam to be mined, graben crossing waste rock, and materials presently in the refuse pile, to identify potential acid or toxic-forming, or alkalinity producing materials. The plan shall include a discussion of the potential for, and mitigation of, water quality impacts and/or revegetation problems attendant to the refuse pile. Moreover, the operator shall submit the calculated volume of waste rock to be generated during the permit term.

Stipulation UMC 817.121-1-(RVS)

1. Plateau Mining Company will provide, by August 31, 1987, a subsidence plan for monitoring vertical and horizontal movement along NFRF Miller Creek.

Stipulation UMC 817.124-1-(KMM)

1. Plateau Mining Company will, by October 31, 1987, commit to providing in the Annual Subsidence Report:

   (A) an assessment of the impacts of cliff failure and resulting talus slope formation on vegetation and wildlife resources.

   (B) An acceptable vegetation/mitigation plan to be implemented in the first normal season after significant subsidence and cliff failure ceases.

Stipulation UMC 817.126-1,2-(RVS)

1. Plateau Mining Company will, by October 31, 1987, commit to restricting longwall mining in panel three (Section 18) of the Wattis seam to areas of 500 or more feet of overburden. Moreover, in areas of 400 to 500 feet of overburden in Panel three (Section 18), the applicant will commit to mining by the room and pillar method with retention of pillars that are properly sized to maintain the integrity of NFRF Miller Creek.

Stipulation UMC 817.126-1,2-(RVS) Cont'd.)

2. Longwall mining and development in Panels 7 and 8 (Section 18, third panel), may not proceed until:

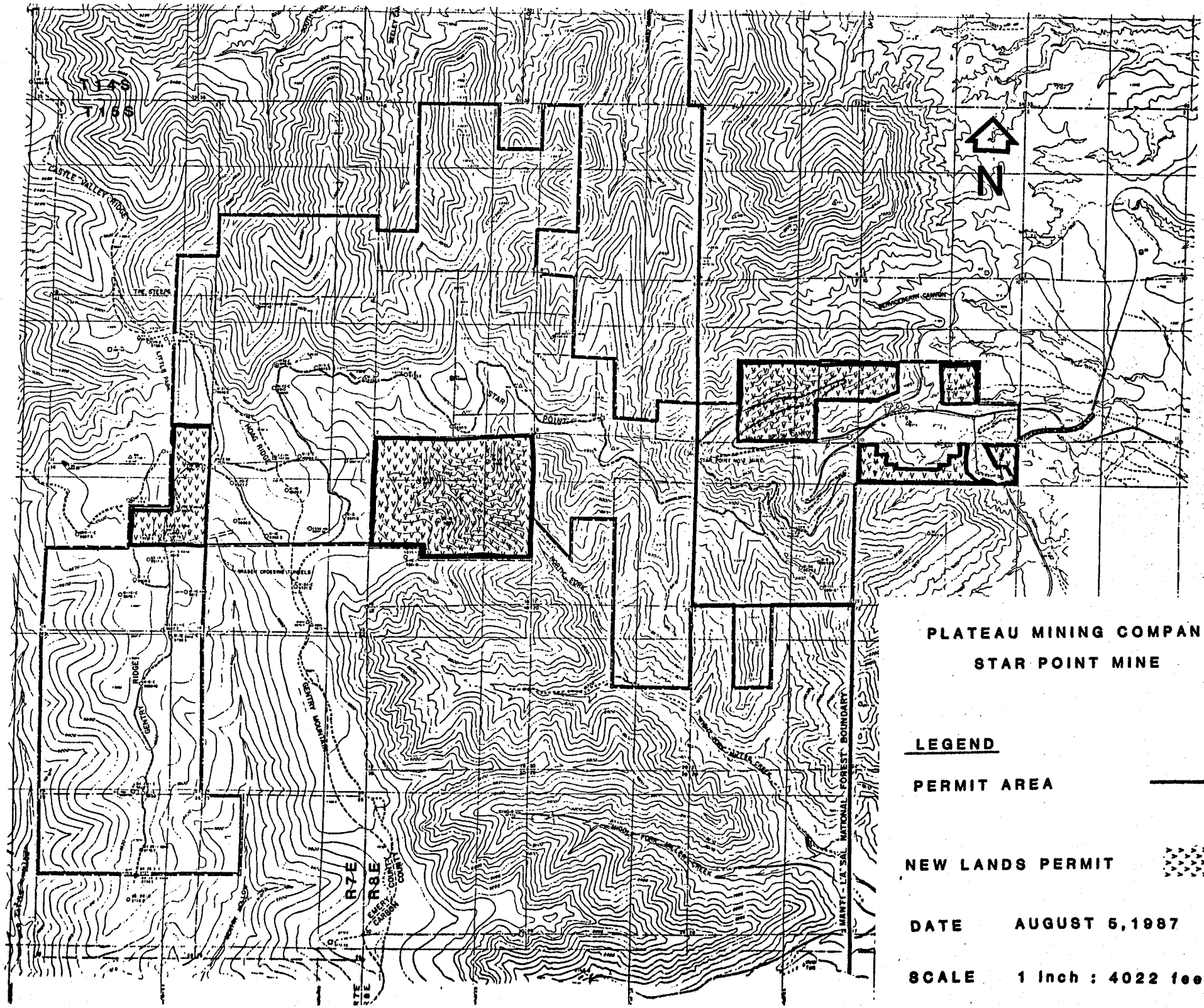
   (A) PMC has identified, to the Division's satisfaction, subsidence-induced material damage associated with Wattis seam mining, and

   (B) the Division has evaluated potential environmental degradation.

Stipulation 817.150-.176-(1)-(PGL)

Plateau Mining Company shall submit by October 31, 1987, for inclusion into the PAP, detailed descriptions and specifications for each road within the permit area to include: maintenance and reclamation details, maps showing location, and cross sections of each road in the permit area.

1260/16-21



ATTACHMENT B

PLATEAU MINING COMPANY

STAR POINT MINE

LEGEND

PERMIT AREA

NEW LANDS PERMIT

DATE AUGUST 5,1987

SCALE 1 inch : 4022 feet