

0019



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210

Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-5319 (TDD)

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

*Mine file*

January 28, 1997

Mr. John Pappas  
Cyprus-Plateau Mining Corporation  
P. O. Drawer PMC  
Price, Utah 84501

*John*  
Dear Mr. Pappas:

Re: Permit Renewal, Cyprus-Plateau Mining Corporation, Star Point Mines,  
ACT/007/006, Folder #3, Carbon County, Utah

Enclosed please find two permits for the permit renewal for the Star Point Mines. Please sign both copies and return one to the Division.

This permit renewal represents a successive renewal of the existing mining and reclamation plan. The permit changes that were submitted with the permit renewal are being processed separately. If you have any questions, please call Daron Haddock or Pamela Grubaugh-Littig.

Very truly yours,

A handwritten signature in cursive script that reads "James W. Carter".

James W. Carter  
Director

Enclosures

cc: Ron Singh, OSM-WRCC  
Daron Haddock  
Pamela Grubaugh-Littig  
Joe Helfrich  
Bill Malencik, PFO



**UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT**

**Cyprus-Plateau Mining Corporation  
Star Point Mine  
Permit Renewal**

**Carbon County, Utah  
ACT/007/006  
January 28, 1997**

**CONTENTS**

- \* Administrative Overview
- \* Location Map
- \* Permitting Chronology
- \* Findings
- \* Permit
- \* Affidavit of Publication
- \* Memo to File, AVS Recommendation

A:/SDD&TA.SP

## ADMINISTRATIVE OVERVIEW

Cyprus Plateau Mining Corporation  
Star Point Mine  
Five Year Renewal  
ACT/007/006  
Carbon County, Utah

January 28, 1997

### PROPOSAL

Cyprus Plateau Mining Corporation proposes to renew the permit for the Star Point Mine.

### BACKGROUND

The original permit for the Star Point Mine was issued on January 28, 1987, and was renewed on January 28, 1992. A reclamation surety bond in the amount of \$5,180,000 is currently posted for reclamation at the Star Point Mine.

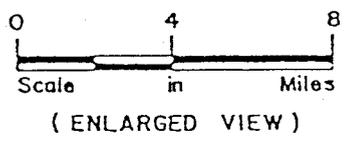
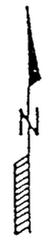
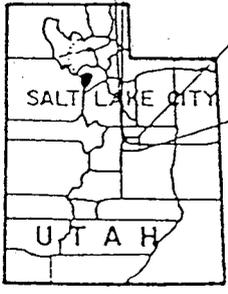
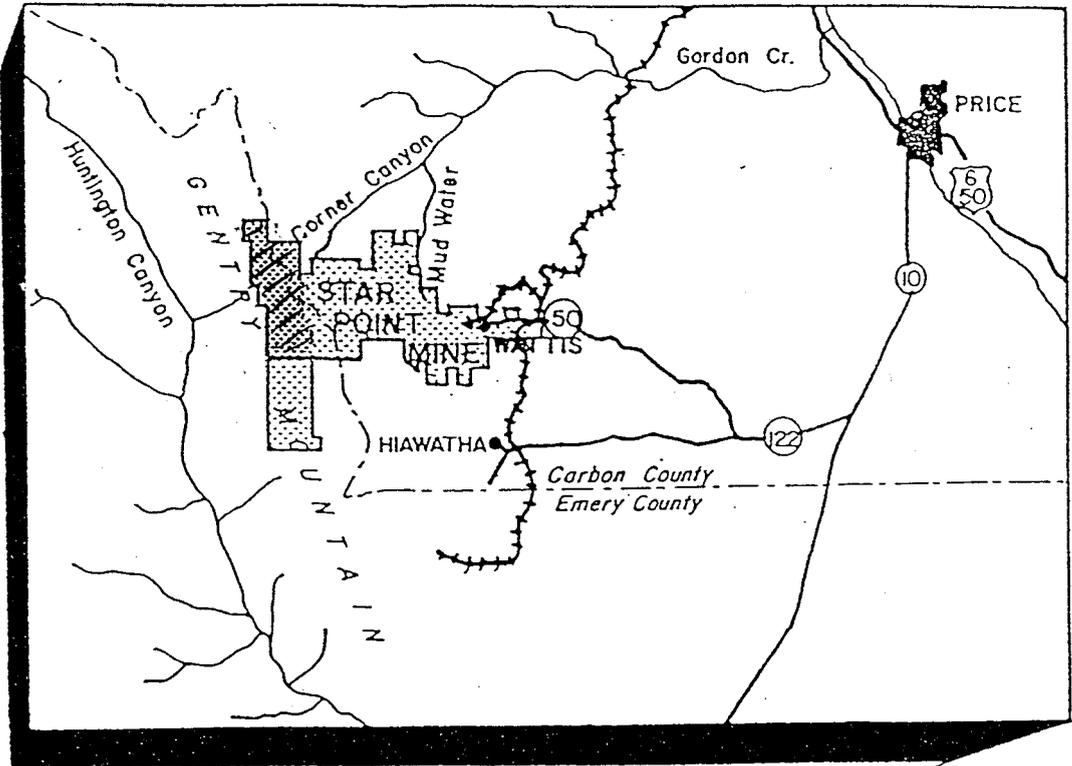
Cyprus Plateau Mining Corporation submitted an application for the entire Castle Valley Ridge Lease Area, approximately 2000 acres, in September 1991, with the permit renewal application. The original permit was renewed in January 1992 without approval of the Castle Valley Ridge Federal Lease. Three incidental boundary changes have been approved for this lease dated September 27, 1991, July 1, 1993, and January 13, 1994. The entire Castle Valley Ridge Lease received mining plan approval on February 1, 1995.

The permit renewal application was received on September 27, 1996 with a number of permit changes, the most significant being the changes to the reclamation plan for the refuse pile. On October 17, 1996, the Division notified the permittee that these permit changes would be processed separately.

Therefore, the permit renewal for the Star Point Mines is considered a successive renewal of the current mining and reclamation plan.

### RECOMMENDATION

The application for a successive permit renewal has met the requirements for approval. The permit renewal was advertised in the Sun Advocate and Emery County Progress on November 6, 12, 19, and 26, 1996 with no comments. The permit renewal should be approved.



LOCATION MAP

PLATEAU MINING COMPANY  
CARBON & EMERY COS., UTAH

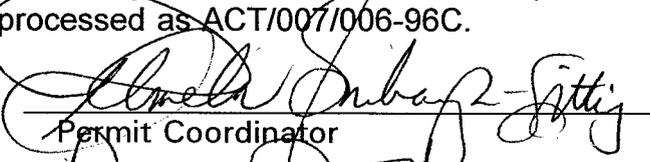
PERMITTING CHRONOLOGY  
Permit Renewal  
Star Point Mines  
Cyprus Plateau Mining Corporation  
ACT/007/006

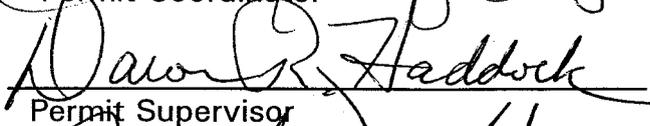
January 28, 1997

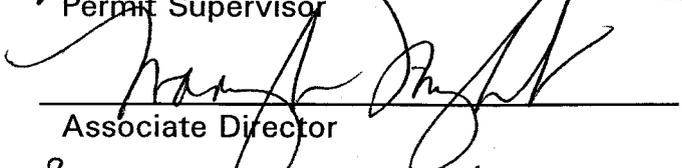
|                                  |  |
|----------------------------------|--|
| September 27, 1996               | Permit Renewal Application received.   |
| October 17, 1996                 | Notification to Cyprus Plateau Mining Corporation that the permit changes associated with the permit renewal application will be processed separately and the completeness determination made. |
| November 5, 12, 19, and 26, 1996 | Advertisement of permit renewal for the Star Point Mines in the <u>Emery County Progress</u> and <u>Sun Advocate</u> .   |
| November 7, 1996                 | Letter of Determination of Completeness for permit renewal for distribution to agencies.   |
| January 28, 1997                 | No adverse comments received. Permit renewed.  |

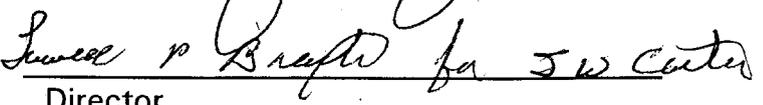
**FINDINGS**  
**FIVE-YEAR RENEWAL**  
Cyprus Plateau Mining Corporation  
Star Point Mines  
ACT/007/006  
January 28, 1997

1. Application for a permit renewal was made on September 27, 1996 (R645-303.233.100.)
2. The terms and conditions of the permit within the approved boundaries of the existing permit area are being satisfactorily met. (R645-303-233.110)
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the State Program. (R645-303-233.120)
4. The requested renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas. (R645-303-233.130)
5. The operator has provided evidence of having liability insurance (RMGL - 1437605, National Union Fire Insurance Company of Pittsburg, PA). (R645-303-233.140)
6. The operator has provided evidence that a performance bond is in effect for the operation and will continue in full force and effect for the proposed period of renewal (Aetna Casualty and Surety Company - Bond Number 645100208576 BCA in the amount of \$5,180,000). (R645-303-233.150)
7. For the most recent permit term, permit changes ordered by the Division and notices of violation requiring a permit change have been incorporated into the permit. There are outstanding permit changes that were submitted as part of the permit renewal and are being processed as ACT/007/006-96C.

  
\_\_\_\_\_  
Permit Coordinator

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Associate Director

  
\_\_\_\_\_  
Director

FEDERAL

PERMIT  
ACT/007/006

JANUARY 28, 1997

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801

This permit, ACT/007/006, is issued for the State of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**Cyprus Plateau Mining Corporation**  
P.O. Drawer P M C  
Price, Utah 84501  
(801) 637-2875

for the Star Point Mines. A Surety Bond is filed with the Division in the amount of \$5,180,000, payable to the State of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). The Division 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 within the permit area at the Star Point Mines situated in the state of Utah, Carbon County, and located in:

Township 14 South, Range 7 East, SLB & M

Section 34: Lots 3, 4, N1/2 SE1/4

Township 15 South, Range 7 East, SLB & M

Section 1: S1/2;

Section 2: Lots 2 through 7, 10 through 12, SW1/4, W1/2SE1/4

Section 3: Lots 1,2, 7 through 10, E1/2SE1/4, E1/2W1/2SE1/4

Section 10: E1/2E1/2, E1/2NW1/4NE1/4;

Section 11: All;

Section 12: All;

Section 13: N1/2

Section 14: All;  
Section 15: E1/2E1/2NE1/4, E1/2E1/2SE1/4  
Section 22: E1/2E1/2NE1/4NE1/4, Parts of  
E1/2SE1/4NE1/4, Parts of E1/2NE1/4SE1/4, Parts of  
E1/2SE1/4NE1/4;  
Section 23: All;  
Section 25: W1/2NW1/4;  
Section 26: N1/2;  
Section 27: Parts of E1/2E1/21/2NE1/4NE1/4.

Township 15 South, Range 8 East

Section 5: Lots 4, 5, 12, NW1/4 SW1/4;  
Section 6: Lots 2, 3, 6, 7, 8, 10, 11, 14, E1/2 SW1/4, SE1/4;  
Section 7: All;  
Section 8: W1/2 NW1/4, SW1/4, SE1/4 SE1/4, S1/2  
SE1/4;  
Section 9: SW1/4 SW1/4, E1/2 SW1/4, SE1/4;  
Section 10: SW1/4, W1/2 SE1/4, SE1/4 SE1/4;  
Section 15: N1/2 N1/2;  
Section 16: All;  
Section 17: E1/2, NW1/4, NW1/4 SW1/4 North of the  
Right Fork North Fork Miller Creek;  
Section 18: N1/2, N1/2 SE1/4, NE1/4 SW1/4, N1/4 NW1/4  
SW1/4;  
Section 20: NE1/4;  
Section 21: E1/2 NW1/4.

This legal description is for the permit area of the Star Point Mines. The permittee is authorized to conduct underground coal mining activities and related surface activities on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

**Sec. 3** **COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

**Sec. 4** **PERMIT TERM** - This permit becomes effective on January 28, 1997 and expires on January 29, 2002.

**Sec. 5**      **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the 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 R645-303-300.

**Sec. 6**      **RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), 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, R645-400-220, 30 CFR 842.13 and R645-400-110;
- (b)    be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by a private person.

**Sec. 7**      **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 approved plan and approved for the term of the permit and which are subject to the performance bond.

**Sec. 8**      **ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

- (a)    Any accelerated or additional monitoring necessary to determine the nature 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. 9 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. 10 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 the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.
- Sec. 13 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. 14 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. 15 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. 16**     **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 the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.
- Sec. 17**     **APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.
- Sec. 18**     **SPECIAL CONDITIONS** - There are special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-18) 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 the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

ACT/007/006  
Permit  
January 28, 1997  
Page 6

THE STATE OF UTAH

By: James P. Bampton for J.W. Coats

Date: 1/28/97

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

PERMITTEE

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

\_\_\_\_\_  
Date

**ATTACHMENT A**

**Special Conditions**

- #1** The permittee must drill horizontally ahead of the advance of the mains in a westerly direction toward the fault zone. If water is encountered during drilling in excess of the amounts anticipated in the PHC and CHIA, Cyprus Plateau Mining Corporation must cease driving entries to the west and contact the responsible officials of the Division of Oil, Gas and Mining, the Bureau Land Management, and the Forest Service. Further advance of the entries to the west will not be authorized unless the operator can demonstrate that significant impacts to the ground water will not occur.
  
- #2** Cyprus Plateau Mining Corporation must continually comply with the Pittston's settlement agreements as identified in the Applicant Violator System, see memo dated January 27, 1997 from Pamela Grubaugh-littig to File.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Carbon,)

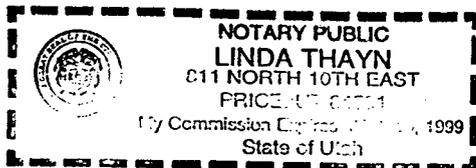
I, Kevin Ashby, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 5th day of November, 1996 and that the last publication of such notice was in the issue of such newspaper dated the 26th day of November, 1996.

*Kevin Ashby*  
Kevin Ashby - Publisher

Subscribed and sworn to before me this 26th day of November, 1996.

*Linda Thayne*  
Notary Public My commission expires January 10, 1999 Residing at Price, Utah

Publication fee, \$274.08



**NOTICE OF APPLICATION FOR PERMIT  
CYPRUS PLATEAU MINING CORPORATION**

Notice is hereby given that Cyprus Plateau Mining Corporation, P. O. Drawer 7007, Price Utah 84501, a wholly owned subsidiary of Cyprus Western Coal Company, 9100 E. Mineral Circle, P. O. Box 3299, Englewood, Colorado 80112, has submitted an application to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, for renewal of its five year permit, number ACT/007/006. The application was submitted in accordance with the Utah Mining and Reclamation Code Annotated 40-10-1 et. seq., and the Utah Coal Program Rules R645. The permit area is located in Carbon and Emery Counties, Utah, as follows:

- Township 14 South, Range 7 East, SLBM Section 04, portion
- Township 15 South, Range 7 East, SLBM Section 1, portion; Section 2, portion; Section 3, portion; Section 10, portion; Section 11, all; Section 12, all; Section 13, portion; Section 14, all; Section 15, portion; Section 22, portion; Section 23, all; Section 25, portion; Section 26, portion
- Township 15 South, Range 8 East, SLBM Section 5, portion; Section 6, portion; Section 7, all; Section 8, portion; Section 9, portion; Section 10, portion; Section 15, portion; Section 16, all; Section 17, portion; Section 18, portion; Section 20, portion; Section 21, portion

The proposed area is shown on the following U.S. Geological Survey 7.5 minute Quadrangle Maps: Watts and Hiawatha. Copies of the permit application are available for public inspection at the following locations:

Carbon County Recorder's Office  
Carbon County Court House  
Price, Utah

Emery County Recorder's Office  
Emery County Court House  
Castle Dale, Utah

Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Ste. 210  
Box 145801  
Salt Lake City, Utah 84114-5801

Permit comments are solicited from anyone affected by this permit application. Comments should be filed by December 26, 1996.

Mr. James W. Garner  
Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Ste. 210  
Box 145801  
Salt Lake City, Utah 84114-5801

Published in the Sun Advocate November 12, 19 and 26, 1996.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Emery,)

I, Kevin Ashby, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, 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 4 (Four) consecutive issues, and that the first publication was on the 5th day of November, 1996 and that the last publication of such notice was in the issue of such newspaper dated the 26th day of November, 1996.



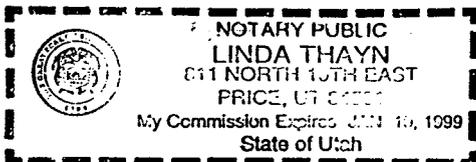
Kevin Ashby - Publisher

Subscribed and sworn to before me this 26th day of November, 1996.



Notary Public My commission expires January 10, 1999 Residing at Price, Utah

Publication fee, \$195.84



**NOTICE OF APPLICATION FOR PERMIT  
CYPRUS PLATEAU MINING CORPORATION**

Notice is hereby given that Cyprus Plateau Mining Corporation, P. O. Drawer 700 Price, Utah 84501, a wholly owned subsidiary of Cyprus Western Coal Company, 9100 Mineral Circle, P. O. Box 3299, Englewood, Colorado 80112, has submitted an application to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, for renewal of its five year permit, number ACT/007/006. The application was submitted in accordance with the Utah Mining and Reclamation Code Annotated 40-10-1 et. seq., and the Utah Coal Program Rules R645. The permit area is located in Carbon and Emery Counties, Utah; follows:

**Township 14 South, Range 7 East, SLBM**

Section 9, portion

**Township 15 South, Range 7 East, SLBM**

Section 1, portion; Section 2, portion; Section 3, portion; Section 10, portion; Section 11, portion; Section 12, all; Section 13, portion; Section 14, all; Section 15, portion; Section 22, portion; Section 23, all; Section 24, portion; Section 26, portion.

**Township 15 South, Range 8 East, SLBM**

Section 5, portion; Section 6, portion; Section 7, all; Section 8, portion; Section 9, portion; Section 10, portion; Section 11, portion; Section 16, all; Section 17, portion; Section 18, portion; Section 20, portion; Section 21, portion.

The project areas shown on the following U.S. Geological Survey 7.5 minute Quadrangle Maps, Wallis and Hiawatha. Copies of the permit application are available for public inspection at the following locations:

Carbon County Recorder's Office  
Carbon County Court House  
Price, Utah

Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Ste. 1210  
Box 145807

Emery County Recorder's Office  
Emery County Court House  
Castle Dale, Utah

Salt Lake City, Utah 84114-5801

Public comment is solicited from anyone affected by this permit application. Comments should be filed by December 26, 1996.

Mr. James W. Carter  
Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Ste. 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

Published in the Emery County Progress November 5, 12, 19 and 26, 1996.



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

James W. Carter  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340  
801-359-3940 (Fax)  
801-538-5319 (TDD)

January 27, 1997

TO: File

FROM: Pamela Grubaugh-Littig, Permit Coordinator

A handwritten signature in cursive script, appearing to read 'PGL', written over the printed name of Pamela Grubaugh-Littig.

RE: AVS Recommendation, Star Point Mine, Cyprus Plateau Mining Corporation, ACT/007/006, Folder #3, Carbon County, Utah

A "conditional issue" recommendation has been determined by the Applicant Violator System for the Star Point Mines. This recommendation is based on the condition of continual compliance with the Pittston's settlement agreements. As of the writing of this memo, there are no outstanding violations or cessation orders for the Star Point Mines nor delinquent civil penalties or bond forfeitures. Neither the applicant, nor any person who owns or controls the applicant, nor any person owned or controlled by the applicant is currently in violation of any laws, rules or regulations referred to in R645-300-132.



Reason: 0 AML, 2 AUD, 7 CMIS, 11 FORF, 12 STATE, 0 NRSP VIOLATION(S)

OSMRE : C (COND ISSUE) Date : 23-Jan-1997 Mode : VIEW  
Reason: Condition is based on continual compliance with the Pittston's settlement agreements. aw

SRA :  
Reason: Date : 27-Jan-1997 Mode : UPDATE

SAVE (F5) DELETE (F8)  
PRV\_SCR (F3) QUIT (F4) CHOICES (F10)  
■ avsdg

08 04

AVS Recom Maint Applicant Violator System 27-Jan-1997 08:02:56

State : UT Permit No : ACT007006 Appl No : ACT007006  
Permittee : 060102 ( CYPRUS PLATEAU MINING CORP )  
Applicant : 060102 ( CYPRUS PLATEAU MINING CORP ) Seqno : 2

SYSTEM : C (COND ISSUE) Date : 27-Jan-1997 Mode : VIEW  
Reason: 0 AML, 2 AUD, 7 CMIS, 11 FORF, 12 STATE, 0 NRSP VIOLATION(S)

OSMRE : C (COND ISSUE) Date : 23-Jan-1997 Mode : VIEW  
Reason: Condition is based on continual compliance with the Pittston's settlement agreements. aw

SRA :  
Reason: Date : 27-Jan-1997 Mode : UPDATE

SAVE (F5) DELETE (F8)  
PRV\_SCR (F3) QUIT (F4) CHOICES (F10)  
avsdg

08 04

VS Recom Maint Applicant Violator System 27-Jan-1997 08:02:56

State : UT Permit No : ACT007006 Appl No : ACT007006  
Permittee : 060102 ( CYPRUS PLATEAU MINING CORP )  
Applicant : 060102 ( CYPRUS PLATEAU MINING CORP ) Seqno : 2

SYSTEM : C (COND ISSUE) Date : 27-Jan-1997 Mode : VIEW  
Reason: 0 AML, 2 AUD, 7 CMIS, 11 FORF, 12 STATE, 0 NRSP VIOLATION(S)

OSMRE : C (COND ISSUE) Date : 23-Jan-1997 Mode : VIEW  
Reason: Condition is based on continual compliance with the Pittston's settlement agreements. aw