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**EarthFax**

**EarthFax  
Engineering, Inc.**  
Engineers/Scientists  
7324 So. Union Park Ave.  
Suite 100  
Midvale, Utah 84047  
Telephone 801-561-1555  
Fax 801-561-1861  
www.earthfax.com

April 13, 2010

Daron Haddock  
Utah Division of Oil, Gas and Mining  
Coal Program  
1594 West North Temple, Suite 1210  
Salt Lake City, UT 84114-5801

Subject: Plateau Mining Corporation, Star Point Mine, ACT/007/0006  
Response to DOGM Deficiency List  
Task ID# 3493

Dear Mr. Haddock:

On behalf of Dennis Ware of Plateau Mining Corporation, I am pleased to submit three review copies and one CD with electronic versions to support planned changes to the Star Point Mine permit. This documentation is submitted in response to the Deficiency List included with your letter of March 31, 2010 associated with Task ID# 3493.

Included herewith are the required C1 and C2 forms, redline/strikeout changes to affected text, modified drawings, and additions to one of the permit exhibits. I have also attached the following two documents that address comments in the Deficiency List:

- A revised Public Notice that is currently being published in the Sun Advocate and
- A copy of the letter that has been sent to adjoining property owners, etc. announcing the request for bond release and change in post-mining land use, along with a list of the entities to whom that letter was sent.

Please contact me at 801-561-1555 or Dennis Ware at 435-650-2951 if you have any questions.

Sincerely,

Richard B. White, P.E.  
President  
EarthFax Engineering, Inc.

cc: Dennis Ware (Plateau Mining Corporation)  
Brandon Treese (ConocoPhillips Company)

Enclosure

File in:  
 Confidential  
 Shelf  
 Expandable  
Date Folder 04/21/2010 C/0070006  
See Incoming For additional information

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**DIV. OF OIL, GAS & MINING**

## Response to DOGM Deficiency List

Task ID# 3493

Phase III Bond Release — Star Point Mine

R645-301-321.100: Please update Tables 321.100a and 321.100b to include the correct acreages of vegetation and disturbed area. Please update Maps 321.100 "Disturbed Area Maps" to include the correct permit boundary and proposed postmining land use change area. (IW)

*Tables 321.100a and 321.100b have been updated to indicate the current permit- and disturbed-area acreages, and the vegetation types affected by these changes. Maps 321.100g and 321.100h have been modified to show the updated permit boundary and the areas affected by post-mining land-use changes.*

R645-301-880.120 Please make the following corrections to the public notice (KL):

- The wording of the first sentence should be revised to read "...for a reduction in the Permit Area and change in post-mining land use from wildlife to industrial for a 40-acre parcel and Phase ET bond release for an 8-acre parcel associated with Permit C/007/0006."
- The approval date in the draft Public Notice requires correction. Permit C/007/0006 was most recently renewed January 28, 2007.
- The applicant address and ownership information in the draft Public Notice does not agree with Section 100 of the MRP, please either correct the Notice or submit corrected material for Section 100 of the MRP.
- In addition to the information included in the draft, the Public Notice must contain 1) the type and amount of the bond filed and the portion sought to be released, and 2) the type and appropriate dates of reclamation work performed and a description of the results achieved as they relate to the operator's approved reclamation plan.

*The above changes were made to the Public Notice prior to its publication in the Sun Advocate. The introductory page to Section 100 of the MRP has been updated to indicate changes in ownership of Plateau Mining Corporation to be consistent with the wording in the Public Notice.*

Please submit copies of letters sent by the Operator to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality notifying them of the intention to seek bond release. (KL)

*A copy of the letter sent to the adjoining property owners, etc. is provided to the Division with this submittal, along with a list of entities to whom that letter was sent.*

R645-301-521.130 Map 112.500a should be corrected as follows (KL):

- The map and legend include both (capital) "C" and (lower-case) "c" listings for "United States Government"; however, there is no description of how these entries differ. Please use either one letter or correct legend to identify how these owners differ.

*Map 112.500a has been modified to clarify that upper-case letters apply to lands within the permit area and lower-case letters apply to lands outside to permit area.*

- Property lines which are missing or terminate in the following areas should be added or corrected:
  - Sections 26 & 27, T 15 S, R 8 E (property line ends)
  - Sections 35 & 36, T 14 S, R 8 E (property line missing between "c" and "b")
  - Sections 2 & 11, T 15 S, R 8 E (property line missing between "c" and "b")
  - Section 11, T 15 S, R 8 E (property line missing between multiple "c" labels)
  - Section 14, T 15 S, R 8 E (property line missing between multiple "c" labels)

*Property lines on Map 112.500a have been modified accordingly. Multiple "c" labels were placed on the map merely to indicate broad areas of the same land ownership. Some of these labels have been removed to avoid confusion.*

**R645-301-413** Please document that the 40-acre parcel may be re-zoned by Carbon County to a category for which oil and gas exploration and production are approved uses. This documentation should be included with Exhibit 412.200a. (KL)

*Page 400-7 of the MRP has been updated to indicate that industrial land use within the county includes the operation of "exploratory and production wells". Pages from "The Development Code of Carbon County, Utah" have been added to Exhibit 412.200a to support that conclusion.*

**R645-301-413 and R645-301-731** Please identify specific measures to be taken to ensure that the change in postmining land use will not result in water pollution, including but not limited to suspended solids, from industrial activities to be performed at the 40-acre COP parcel. (KL)

*Page 400-8 of the MRP has been modified to indicate that future oil and gas operations will be subject to the storm-water rules of the Utah Division of Water Quality.*

## Public Notice

Application for Permit Area Reduction,  
Post-mining Land Use Change, and  
Phase III Bond Release  
Star Point Mine  
Plateau Mining Corporation  
Permit ACT/007/0006, Approved 28 Jan 2007

Notice is hereby given that Plateau Mining Corporation, P.O. Box 30, Helper, Utah 84526, a subsidiary of Alpha Natural Resources, Inc., has filed an application with the Utah Department of Natural Resources, Division of Oil, Gas and Mining for a reduction in the Permit Area and change in post-mining land use from wildlife to industrial for a 40-acre parcel and Phase III bond release for an 8-acre parcel associated with Permit ACT/007/0006. The reduction in the permit area applies to land comprising the SE/4 SE/4 Sec. 9, T. 15 S., R. 8 E. The post-mining land use of this parcel will change from a currently approved wildlife use to an industrial use. The Phase III bond release applies to 8.0 acres of previously disturbed but subsequently reclaimed land within the aforementioned parcel. The purpose of this change is to allow sale of the parcel for oil and gas development on fee surface within the Drunkards Wash Unit under the provisions of the Utah Coal Mining and Reclamation Act pursuant to R645-301-413.300 of the Utah Coal Program Regulations.

The affected lands are located in Carbon County and can be found on the Wattis U.S. Geological Survey 7.5 minute quadrangle. Copies of the complete permit application are available for public inspection at the Utah Division of Oil, Gas and Mining (1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801) and at the Carbon County Courthouse (120 East Main, Price, Utah 84501).

Reclamation of the Star Point Mine site began in February 2000. Phase II bond release for the site was issued by the Utah Division of Oil, Gas and Mining on June 12, 2008, indicating that backfilling, regrading, replacement of topsoil, installation of drainage control, and revegetation of the regraded lands had been achieved prior to that date in accordance with the operator's approved reclamation plan. Upon Phase II bond release, the surety bond filed by Plateau Mining Corporation to cover reclamation of the Star Point Mine was reduced to \$734,000. It is proposed that this bond amount be reduced by \$62,000 to \$672,000 upon Phase III bond release of the aforementioned 8.0 acres.

The Utah Division of Oil, Gas and Mining will now evaluate the proposal to determine whether it meets all the criteria of the Permanent Program Performance Standards according to the requirements of the Utah Coal Mining Rules.

Written comments, objections, and requests for public hearing or informal conferences regarding this proposal may be addressed to:

Utah Coal Regulatory Program  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

The closing date for submission of such comments, objections, and requests for public hearing or informal conferences on the proposal must be received in writing by May 24, 2010.

**PLATEAU MINING CORPORATION  
P.O. BOX 30  
HELPER, UTAH 84526**

Dennis N. Ware  
Controller and Administrative Manager  
Phone: (435) 472-0475

April 6, 2010

\*\*\*  
\*\*\*  
\*\*\*

Subject: Application for Permit Area Reduction, Post-mining Land Use Change, and Phase III Bond Release, Star Point Mine, Plateau Mining Corporation

Dear \*\*\*:

Plateau Mining Corporation has filed an application with the Utah Department of Natural Resources, Division of Oil, Gas and Mining for a reduction in the Permit Area and change in post-mining land use from wildlife to industrial for a 40-acre parcel and Phase III bond release for an 8-acre parcel associated with Permit ACT/007/0006. The reduction in the permit area applies to land comprising the SE/4 SE/4 Sec. 9, T. 15 S., R. 8 E. The post-mining land use of this parcel will change from a currently approved wildlife use to an industrial use. The Phase III bond release applies to 8.0 acres of previously disturbed but subsequently reclaimed land within the aforementioned parcel. The purpose of this change is to allow sale of the parcel for oil and gas development on fee surface within the Drunkards Wash Unit under the provisions of the Utah Coal Mining and Reclamation Act pursuant to R645-301-413.300 of the Utah Coal Program Regulations. Upon Phase II bond release, the surety bond filed by Plateau Mining Corporation to cover reclamation of the Star Point Mine was reduced to \$734,000. It is proposed that this bond amount be reduced by \$62,000 to \$672,000 upon Phase III bond release of the aforementioned 8.0 acres.

Copies of the complete permit application are available for public inspection at the Utah Division of Oil, Gas and Mining (1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801) and at the Carbon County Courthouse (120 East Main, Price, Utah 84501). The Utah Division of Oil, Gas and Mining will now evaluate the proposal to determine whether it meets all the criteria of the Permanent Program Performance Standards according to the requirements of the Utah Coal Mining Rules.

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Utah Coal Regulatory Program  
Utah Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

The closing date for submission of such comments, objections, and requests for public hearing or informal conferences on the proposal must be received in writing by May 24, 2010.

Sincerely,

Dennis Ware  
Controller & Administrative Manager

**Individuals receiving notification of Star Point bond release request:**

Henry Austin  
Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, Colorado 80202-3050

Bill Bates, Regional Supervisor  
Division of Wildlife Resources  
319 North Carbonville Rd. #A  
Price, Utah 8450

Carbon County Commissioners  
120 East Main Street  
Price, Utah 84501

Kevin Carter, Director  
Trust Lands Administration  
675 East 500 South, Suite 500  
Salt Lake City, Utah 84102

Ted Farmer, Area Field Manager  
MSHA  
215 East Main Street  
Price, Utah 84501

James Fulton, Chief, DFD  
Office of Surface Mining  
1999 Broadway, Suite 3320  
Denver, Colorado 80202-3050

Weston L & Scot Stella Hamaker  
490 W Stake Farm Road  
Price, Utah 84501

Jim Karpowitz, Director  
Division of Wildlife Resources  
1594 West North Temple  
Salt Lake City, Utah 84114

Jerry Kencka, Field Manager  
Bureau of Land Management  
125 South 600 West  
Price, Utah 84501

David Levanger  
Carbon County Planning & Zoning  
120 East Main Street  
Price, Utah 84501

Jeff McKenzie  
Bureau of Land Management  
P.O. Box 45155  
Salt Lake City, Utah 84145-0155

Price River Wwater Improvement District  
265 South Fairgrounds Road  
Price, Utah 84501

Howard Sargent, Forest Supervisor  
Manit-La Sal National Forest  
599 West Price River Road  
Price, Utah 84501

Randy Scott, General Manager  
Sunnyside Cogeneration Associates  
#1 Power Plant Road  
Sunnyside, Utah 84539

Michael Stiewig  
Field Manager  
Bureau of Land Management  
125 South 600 West  
Price, Utah 84501

## APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

Permittee: Plateau Mining Corporation

Mine: Star Point Mine

Permit Number:

ACT/007/0006

Title: Post-mining land use change and bond release request (DOGM Task ID# 3493)

Description, Include reason for application and timing required to implement:

Change in post-mining land use in SE/4 SE/4 Sec. 9, T. 15 S., R. 8 E. and request for Phase III bond release in that area

Instructions: If you answer yes to any of the first eight questions, this application may require Public Notice publication.

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 1. Change in the size of the Permit Area? Acres: <u>40.00</u> Disturbed Area: <u>8.00</u> <input type="checkbox"/> increase <input checked="" type="checkbox"/> decrease |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 2. Is the application submitted as a result of a Division Order? DO# _____   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 6. Does the application require or include public notice publication?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 7. Does the application require or include ownership, control, right-of-entry, or compliance information?  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # _____  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies?<br><i>Explain:</i> _____  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | 11. Does the application affect the surface landowner or change the post mining land use?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 18. Does the application require or include water monitoring, sediment or drainage control measures?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 21. Have reclamation costs for bonding been provided?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?   |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 23. Does the application affect permits issued by other agencies or permits issued to other entities?  |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | 24. Does the application include confidential information and is it clearly marked and separated in the plan?  |

Please attach three (3) review copies of the application. If the mine is on or adjacent to Forest Service land please submit four (4) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Dennis N. Ware

Controller & Admin. Mgr.

Date

Signature (Right-click above choose certify then have notary sign below)

Subscribed and sworn to before me this 21<sup>st</sup> day of April, 2010

Notary Public: Ruane Leeflang, state of Utah

My commission Expires: 6-30-12

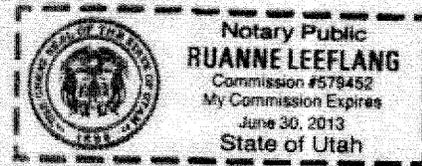
Commission Number: 579452

Address: 25 No. Main

City: Orangeville

State: Ut

Zip: 84537



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**DIV. OF OIL, GAS & MINING**



## Star Point Mines

On June 30, 1999, the stock of Cyprus Amax Coal Company was sold to RAG American Coal Company. Subsequently, Cyprus Amax Coal Company was merged into RAG American Coal Company, with RAG American Coal Company being the surviving entity.

Due to the fact that the permittee is no longer affiliated with Cyprus Amax Minerals Company or Amax Energy Inc., Cyprus Plateau Mining Corporation changed its name, effective June 30, 1999. The new name of this same corporate entity is Plateau Mining Corporation.

Therefore, all references to Cyprus Plateau Mining Corporation (CPMC) should now be replaced with Plateau Mining Corporation (PMC) when reading the Mining and Reclamation Plan. The Permittee stayed the same, only the name changed from CPMC to PMC.

RAG American Coal Company was converted to RAG American Coal Company, LLC on 3/10/04. The stock of its parent, RAG American Coal Holding, Inc., was sold to Foundation Coal Corporation on 7/30/04. RAG American Coal Company, LLC changed its name to Foundation American Coal Company, LLC on 7/30/04

RAG American Coal Holding, Inc. changed its name to Foundation American Coal Holding, Inc. on 8/9/04. Foundation American Coal Holding, Inc. was converted to Foundation American Coal Holding, LLC on 8/19/05.

Foundation Coal Corporation was owned by Foundation Coal Holdings, Inc. Alpha Natural Resources, Inc. merged into Foundation Coal Holdings, Inc. on 7/31/09, and the surviving entity changed its name to Alpha Natural Resources, Inc. Foundation American Coal Company, LLC changed its name to Alpha American Coal Company, LLC on 7/31/09 Foundation American Coal Holding, LLC changed its name to Alpha American Coal Holding, LLC on 7/31/09.

Due to the various intra-corporate reorganizations, the current ownership structure of Plateau Mining Corporation is as follows:

Alpha Natural Resources, Inc. – ultimate parent company that is publicly traded  
Alpha American Coal Holding, LLC – 100% owned by Alpha Natural Resources, Inc.  
Alpha American Coal Company, LLC – 100% owned by Alpha American Coal Holding, LLC  
Plateau Mining Corporation – 100% owned by Alpha American Coal Company, LLC

Therefore, all references to RAG American Coal Company should now be replaced with Alpha Natural Resources, Inc. when reading the Mining and Reclamation Plan.

**TABLE 321.100a**  
**Permit Area Vegetation Type Acreage**

VEGETATION TYPE	ACRES
Douglas Fir	2120.05
Aspen	2012.17
Mountain Grassland	1671.22
Mountain Shrub	1137.89
Spruce/Fir	752.33
Sagebrush	709.43
Pinyon-Juniper	582.23
Saltbush	81.44
Barren	17.24
TOTAL ACRES	9084 <sup>(a)</sup>

<sup>(a)</sup>The current permit area currently comprises 8885 acres. After the original preparation of this table, land was removed from the permit area in the Mountain Grassland, Mountain Shrub, and Sagebrush vegetation types, thereby reducing the total permit area.

The smaller scale maps were used to calculate the acreage of vegetation types within the permit area and the larger scale maps were used to calculate the extent of existing disturbance. These maps were compiled from a variety of sources. Mapping originally conducted for CPMC in 1980 and 1981 was used as a basis for portions of the vegetation maps. Mapping completed in these two years was conducted by Endangered Plant Studies, Inc. (EPS), and consisted of work covering the lower portion of the surface facilities area, particularly those areas surrounding the proposed Refuse Expansion Area.

In 1982, the Environmental Services Group of Getty Mining Company conducted detailed vegetation mapping at the proposed Corner Canyon Fan Site, the proposed Subsoil Stockpile Area and in the proposed Unit Train Loadout Area.

Mapping for the most of the permit area was completed during July 1986. Initially, vegetation types were mapped from a combination of black and white or color aerial photographs taken in 1983 and 1985, respectively. Field verification of the mapping including the current extent of disturbance was conducted during July 1986. The mapping of the vegetation within the Castle Valley Ridge Lease Tract areas was completed during July 1988. The mapping of the vegetation was finalized following the completion of field sampling efforts in Little Park Canyon in July 1991.

Since no information could be obtained outlining the characteristics of the vegetation prior to 1916 when the mine opened, photographs taken in 1976 (prior to when the current major expansion took place) and professional judgment was used to extrapolate the community types for previously disturbed areas. The SCS soils mapping used this same kind of extrapolation. CPMC feels that the current assessment is the best available in light of the available information.

The disturbed vegetation acreage by type for selected pre-SMCRA (but continuously used for mining after SMCRA) areas and all post-SMCRA areas *excluding* County Road 290 are included in Table 321.100b.

**TABLE 321.100b  
Disturbed Acreage by Vegetation Type**

VEGETATION TYPE	ACRES
Mountain Shrub	51.31
Pinyon-Juniper	21.31
Sagebrush	111.67 <sup>*(a)</sup>
Douglas Fir	7.24
Mountain Grassland	13.41
Saltbush	8.01
Aspen	0.44
TOTAL ACRES	213.39 <sup>(b)</sup>

<sup>\*(a)</sup> The soil borrow area is permitted to disturb a total of 24 acres; however only the quantity of growth medium required for distribution will be harvested; thus there is a potential for less disturbance.

<sup>(b)</sup> The current disturbed area currently comprises 87.24 acres. After the original preparation of this table, Phase III bond release was granted for lands in the Mountain Grassland, Mountain Shrub, and Sagebrush vegetation types, thereby reducing the permitted disturbed area.

### PLANT COMMUNITY DESCRIPTIONS

Table 321.100a, Permit Area Vegetation Acreage Type indicates that the permit area encompasses 9,084 acres with the lower portions of the permit area dominated by pinyon-juniper, sagebrush and saltbush vegetation types and the mountainous portions of the permit area dominated by coniferous forests containing Douglas fir, Engelmann spruce and Subalpine fir and the deciduous species aspen, and mountain shrub communities. Grass dominated areas are also common in many mountainous areas.

According to Table 321.100b, Disturbed Acreage by Vegetation Type, seven vegetation types have been disturbed in connection with pre-SMCRA (continuously used) and post-SMCRA mining activities. A list of the dominate plants growing in each of these plant communities is presented on Table 321.100c, in Exhibit 321.100a. A brief description for each of these community types has been given below.

**TABLE 412.100a.  
Postmining Land Use**

AREA	PRESENT OWNERSHIP	PREMINING USE	PROPOSED POSTMINING USE	ABILITY TO SUPPORT PROPOSED POSTMINING USE
LAND USE IN RELATION TO MINE FEATURES				
Mine Site and Exploratory Excavations	USFS, Private, State	Wildlife, Grazing Recreation	Wildlife, Grazing Recreation	-
Conveyor and Powerline Routes	Private, State	Grazing	Grazing, Power Line Route	-
County Road 290	Private, BLM, State	Service Road	Service Road	-
Coal Processing and Unit Train	Private, BLM	Grazing, Wildlife, Recreation	Oil and Gas, Grazing, Wildlife, Recreation	-
Corner Canyon Fan Breakouts	USFS	Grazing, Wildlife Forestry, Recreation	Grazing, Wildlife Forestry, Recreation	-
LAND USE IN RELATION TO PHYSICAL FEATURES				
Flatlands	-	-	Oil and Gas, Wildlife/Grazing Habitat	Adequate
Canyons	-	-	Wildlife/Grazing Habitat	Adequate
Moderate Elevations: North & East Slopes	-	-	Wildlife/Grazing Habitat	Adequate
South & West Slopes	-	-	Wildlife Habitat	Moderate - because of harsh natural conditions
High Elevations; Steep land North & East Slopes	-	-	Wildlife Habitat	Adequate
South & West Slopes	-	-	Wildlife Habitat	Moderate - because of harsh natural conditions

**412.140. thru 412.200. CONSISTENCY WITH SURFACE OWNER PLANS AND APPLICABLE UTAH AND LOCAL LAND-USE PLANS.**

The reclamation plan is consistent with all state, federal and local land use plans and programs, including surface water plans. *Re-zoning of certain areas formerly within the Star Point permit area for oil and gas operations is consistent with a post-mining industrial land use, as indicated by "The Development Cose of Carbon County, Utah" as indicated in Exhibit 412.200a.*

The surface owners of record agree with the post mining land uses. No other comments have been received. Copies of letters sent to the land owners by PMC are presented in Exhibit 412.200a, Land Owner Letters. Exhibit 412.200a also contains various documents pertaining to postmining land uses.

#### **412.300. SUITABILITY AND COMPATIBILITY.**

Following the removal of the surface facilities, the affected areas will be restored to a condition capable of supporting the postmining land uses. This will be achieved by implementing the reclamation plan described in response to R645-301-542 or as required by the Division's Oil and Gas regulations. Specifically, the affected area will be regraded to the approved contour, drainage patterns will be restored, soil material will be reapplied and the seed mixtures will be planted.

All reclaimed areas will be capable of supporting the postmining land uses. Based on the results of interim vegetation, vegetation test plots, ongoing vegetation monitoring and data gathered over two permit terms, the soils in the disturbed areas are capable of supporting a variety of vegetation compatible with current and postmining land uses.

#### **413. PERFORMANCE STANDARDS**

##### **413.100. thru 413.120. POSTMINING LAND USE.**

All disturbed areas will be restored in a timely manner to conditions that are capable of supporting premining land uses or higher or better uses.

##### **413.200. thru 413.220. DETERMINING PREMINING USES OF LAND.**

The postmining land uses will be the same as the premining land uses, except for those areas where oil and gas development are to occur. Although PMC has no control over the activities of others associated with oil and gas operations in the area, these operations will need to meet the regulatory requirements of the Utah Division of Water Quality, including the implementation of Storm Water Pollution Prevention Plans under R317-8. Thus, these future industrial land uses should not adversely effect water pollution.

##### **413.300. thru 414.300. CRITERIA FOR ALTERNATIVE POSTMINING LAND USES.**

Phillips is in good standing in the State of Utah. Phillips is a working interest owner in, and is unit operator of, the Drunkard Wash Unit. Existing wells recover gas from state, federal, and private mineral estates within and adjacent to permit area.

The use does not present any actual or probable hazard to public health or safety, or threat of water diminution or pollution; and the use will not: be impractical or unreasonable; be inconsistent with applicable land-use policies or plans; involve unreasonable delay in implementation; or cause or contribute to violation of federal, Utah, or local law.

The Lease and Surface Use Agreement between PMC and Phillips addresses the surface landowner of the lands within the permit area of knowingly requesting that a variance be granted so as to render the land shown on Map 542.200c after reclamation suitable for an industrial use. The Lease and Surface Use Agreement further requires the Phillips to perform all reclamation of which may be required by federal or state law. The Division of Oil, Gas and Mining will further oversee Phillips activities on PMC's fee surface.

#### **420. AIR QUALITY**

##### **421. thru 422. CLEAN AIR ACT AND OTHER APPLICABLE LAWS.**

PMC has and will continue to make every effort to comply with requirements of the Clean Air Act, the Clean Water Act, and the laws pertinent to this section. The information presented in R645-301-700 describes how the hydrologic resource will be protected. NPDES permit UT-0023736 will continue to be in effect for the PMC operations. The applicable air quality permit issued by the Utah State Department of Health will be maintained and PMC will endeavor to comply with these permits.

The Utah State Health Department does not require air quality monitoring programs except for major sources. PMC has not implemented a monitoring program. Meteorological data, including wind speed and direction, were collected over a three year period to establish a baseline for prevailing winds in the event monitoring equipment placement becomes necessary.

Fugitive dust control measures have been implemented on all facilities at PMC. All surface operations including construction and reclamation operations are conducted utilizing dust control measures. Approval orders have been received from the Utah State Department of Health for all facilities at PMC. These approval orders are as follows: Coal Production Increase and Waste Area Expansion approved Aug. 5, 1981; Fly Ash Collector for Mine Repair Boiler approved Nov. 6, 1981; Rock Dust Distribution System approved March 18, 1982; Coal Fired Boiler Lion Deck Bath House approved March 15, 1985; Unit Train Loadout approved April 28, 1982; and Unit Train Loadout Modification approved August 19, 1985; Approval Order For Modification to Star Point Coal Mine and Processing Facility DAQE-886-96, September 20, 1996. A copy of Approval Order DAQE-886-96, replacing all Approval Orders issued for this location is presented in Exhibit 422a, Air Quality Approval Correspondence.

Unpaved roads are periodically watered when conditions dictate. Speeds on these roads are restricted to twenty five miles per hour to reduce fugitive dust. Chemical stabilization has not been necessary. In the event it does become necessary, nontoxic agents will be used.

The main access road, which carries the vast majority of traffic, is paved to prevent fugitive dust. Traffic is restricted to established roadways.

Accumulations of coal, rock and other dust forming materials are promptly removed from roads. Unpaved roads are periodically graded and compacted to stabilize the surfaces.

Dumping of coal has been restricted and eliminated where possible by constructing stacking tubes. Heights of free-falling coal have been reduced to the lowest level possible. Coal in the system has surface moisture from the mining and washing processes which helps reduce fugitive dust. Coal stockpiles are inspected daily, and burning areas are removed and cooled to prevent further burning.

All transfer points on conveyors are enclosed to prevent fugitive dust losses. Conveyors have covers to prevent dust loss. Fugitive dust from loading of coal at the silo and the truck loading point is controlled with chutes, hoods and by reducing the drop distance as well as with water sprays.

The coal refuse material contains approximately 20% moisture which eliminates any fugitive dust from this material. After it is spread and dried, it crusts over which reduces dust loss from the pile.

Disturbances to land are kept to a minimum to prevent unnecessary dust. Those areas which are disturbed during construction that are not necessary for surface facilities are promptly seeded to stabilize the surface material.

Very little surface drilling and blasting are conducted at PMC. When they occur, appropriate measures are used to control dust emissions.

#### **423. SURFACE COAL MINING AND RECLAMATION ACTIVITIES EXCEEDING 1,000,000 TONS PER YEAR.**

No surface mining takes place at PMC.

**Zoning Ordinances from  
“The Development Code of  
Carbon County, Utah”  
(Dated 19 Mar 2003)**

**Place in Exhibit 412.200a**

E. Access  
Per Table 4.1.

F. Utility Requirements  
Per Table 4.5.

G. Special Provisions

1. Landscaping – All shopping centers shall be fully landscaped as per a plan submitted to and approved by the Planning Commission.
2. Storm Drainage – All shopping centers shall be served by a storm drainage system designed by a professional engineer licensed in the State of Utah, and approved by the County Engineer.
3. Trash Storage – All shopping centers shall have trash storage facilities constructed and maintained in accordance with the applicable provisions of Section 5.10 of this Code.

#### 4.2.13 I-1 Light Industrial Zone

A. Legislative Intent

The I-1 Light Industrial zone has been established for the purpose of providing a place where firms engaged in the light manufacturing, processing, warehousing and fabrication of goods and materials can locate with minimum conflict or deleterious effect on surrounding properties and uses and with a high degree of protection from encroachment of residential and commercial uses. It is also intended in this zone to promote the economic well being of the people and broaden the tax base.

The zone is characterized by a mixture of industrial establishments, situated on low sloping land, with ready access to major transportation routes, and served by adequate streets, power, water and other utilities and facilities. Some of the territory designated will consist of open land intended for future industrial development. Accordingly, it will be used for agriculture or other open land uses, until its industrial potential is realized.

Representative of the uses within the zone are structures utilized for light manufacturing, fabrication, processing, storage, warehousing, and wholesale distribution, under conditions which limit the generation of noise, vibration, smoke, odor, dust, fumes or hazard from explosion. Residential and retail commercial developments and other activities that would be inconsistent with the use of the land for industrial purposes are not permitted in the zone.

B. Permitted Conditional Uses

The following buildings, structures and uses of land shall be permitted upon compliance with the standards and requirements set forth in this Code, and after approval has been given by the Planning Commission and County Commission, and a conditional use permit has been issued:

1. The manufacturing, compounding, processing, fabrication and warehousing of goods and materials, provided that all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning and

Source: The Development Code of Carbon County, Utah  
(03/19/2003)

County Commission. Any industrial activity which involves the storage or processing of petroleum products or other hazardous materials shall be considered as large scale industrial projects, and subject to Section 5.3.

2. Construction companies.
3. Accessory and advertising signs subject to the provisions of Section 3.3.25.
4. Production of fruit and crops in the field.
5. Buildings, silos and other structures for the storage and keeping of agricultural products and machinery.
6. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables.
7. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock.
8. Forest and plant nurseries and greenhouses.
9. Minor utility transmission projects.
10. Animal hospitals and veterinary clinics.
11. Mine and well machinery storage and repair.
12. Livestock and commodity auctions.
13. Non-accessory advertising signs, subject to the conditions of Section 3.3.25 and after approval of a site plan as provided under Section 3.3.31.
14. Caretaker dwellings subject to the conditions set forth in Section 3.3.26.
15. Truck terminals subject to approval of a site plan as provided under Section 3.3.31.
16. Water treatment plants and water distribution reservoirs and sewage treatment plants when approved by the County Commission.
17. Major utility transmission or railroad projects when approved by the County Commission in accordance with the applicable provisions of Section 5.5.
18. Exploratory and production wells subject to approval of a site plan, and recommendation for a conditional use permit by the Planning Commission, and approval of a conditional use permit by the County Commission following a public hearing, as set forth in Section 3.3.31 and other applicable sections of this Code.
19. Communication towers.
20. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the County Commission, following a recommendation by the Planning Commission.
21. Water diversions, water distribution systems, facilities and structures for water.
22. The incidental pasturage and keeping of livestock at levels not exceeding one animal unit for each 10,000 square feet of area used as livestock management area.

C. Area Requirements

There shall be no minimum area requirements except that area sufficient to accommodate location requirements, off-street parking, loading and unloading, and vehicular access shall be provided and maintained.

D. Width Requirements

Each zoning lot shall have a minimum width of 80 feet, measured along the front property line.

E. Access Requirements

Per Table 4.1.

F. Location Requirements

Buildings shall be set back from the lot lines as per Tables 4.2, 4.3 or 4.4.

G. Parking and Loading Requirements

Each lot or parcel shall provide parking and access facilities, which are designed and constructed in accordance with County or approved standards for the proposed use.

H. Area and Location of Zone

Each single I-1 zone shall contain a minimum of five (5) acres, and each zone established by a change of zoning district shall abut upon or have access to a collector or arterial class road as shown on the County major street plan.

I. Utility Requirements

Per Table 4.5.

J. Special Provisions

1. Uses Within Buildings – All uses shall be conducted entirely within a fully enclosed building, except those uses deemed by the County to be customarily and appropriately conducted in the open, and limited as approved.
2. Trash Storage – No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Containers for trash storage of a size, type and quantity approved by the County shall be maintained in the location as shown on the approved site plan.
3. Outside Storage Areas – All outside storage areas shall be enclosed within a fence or wall of not less than six (6) feet in height.
4. Maintenance of Premises – The yards around buildings shall be kept free of debris, refuse, weeds and other flammable material that may constitute a fire hazard.
5. Landscaping – All industrial developments shall be fully landscaped as per a plan submitted to and approved by the Planning Commission.

4.2.14 I-2 Heavy Industrial Zone

A. Legislative Intent

The I-2 General Industrial zone has been established for the purpose of providing a place where firms engaged in mining and related activities, and/or heavy manufacturing, processing and fabrication of goods and materials, can locate with minimum conflict or deleterious effect on surrounding properties and the natural environment, and with a high degree of protection from encroachment of residential and commercial uses. It is also the intent of this zone to promote the economic well being of the people within the County and to broaden the tax base.

The zone is characterized by a mixture of industrial establishments, which, because of the nature of the operation, may produce hazards, nuisances, or disturbances if located in close proximity to urbanized areas. In general, these zones

are situated on relatively flat land, with ready access to major highways and/or railroad tracks.

Some of the territory designated will consist of open land intended for future industrial development or as a buffer to adjacent development. Accordingly, some of the territory within the zone will be used for agriculture or grazing activities.

Representative of the uses and activities within the zone are manufacturing plants, mines and pits and mineral processing and loading facilities, electric power generating plants, metal fabrication, automobile wrecking and salvage yards, animal by-product plants, petroleum refineries, and concrete batching plants.

The specific requirements necessary for the accomplishment of the purposes of the zone are hereinafter set forth:

B. Permitted Conditional Uses

The following buildings, structures and uses of land shall be permitted upon compliance with the standards and requirements set forth in this Code:

1. The manufacturing, compounding, processing, fabrication and warehousing of goods and materials, provided that all activities shall be conducted in a manner that will limit fumes, smoke, noise, vibration, light and odor, as approved by the Planning and County Commission. Any industrial activity that involves the storage or processing of petroleum products or other hazardous materials shall be considered as large-scale industrial projects, and subject Section 5.3.
2. Accessory and non-accessory advertising signs subject to the provisions of Section 3.3.25.
3. Production of fruit and crops in the field.
4. Buildings, silos and other structures for the storage and keeping of agricultural products and machinery.
5. Structures and buildings for the sorting, grading, packaging, storage and processing of fresh fruits and vegetables.
6. Barns, stables, corrals, pens, coops and other buildings for the care and keeping of domestic livestock.
7. Forest and plant nurseries and greenhouses.
8. Minor utility transmission projects.
9. Animal hospitals and veterinarian services.
10. Livestock and commodity auctions.
11. Mine and well machinery storage and repair.
12. Water treatment plants and reservoirs and sewage treatment plants.
13. 1 Caretaker dwellings subject to the conditions set forth in Section 3.3.26.
14. Minor mines subject to the prior approval of a site plan, as provided under Section 3.3.31.
15. Exploratory and production wells subject to approval of a site plan, and recommendation for a conditional use permit by the Planning Commission, and approval of a conditional use permit by the County Commission following a public hearing, as set forth in Section 3.3.31 and other applicable sections of this Code.
16. The following uses, when approved as a large scale industrial project in accordance with the provisions of Section 5.3, and which may include any use or activity which

will emit fumes, smoke, noise, vibration or odor discernible beyond the limits of the zone boundary, including but not limited to the following:

- a. Mines, pits and quarries.
- b. Storage, processing and loading of earth products.
- c. Electric power generating plants.
- d. Manufacturing plants.
- e. Petroleum products processing and storage areas.
- f. Automobile wrecking and salvage yards.

17. Major utility transmission or railroad projects when approved by the County Commission in accordance with the applicable provisions of Section 5.5.

18. Communication towers.

19. Public and private airports, flying fields, helicopter pads, including terminal and aircraft storage facilities, subject to approval of a site plan by the County Commission, following a recommendation by the Planning Commission.

20. Water diversions, water distribution systems, facilities and structures for water.

23. The incidental pasturage and keeping of livestock at levels not exceeding one animal unit for each 10,000 square feet of area used as livestock management area.

C. Area Requirements

There shall be no minimum area requirements except that an area sufficient to accommodate location requirements, off-street parking, loading and unloading, and vehicular access shall be provided and maintained.

D. Width Requirements

Each zoning lot shall have a minimum width of eighty (80) feet, measured at the front property line.

E. Access Requirements

Per Table 4.1.

F. Location Requirements

Buildings shall be set back from the lot lines as per Tables 4.2, 4.3 or 4.4.

G. Parking and Loading Requirements

Each lot or parcel shall provide parking and access facilities, which are designed and constructed in accordance with County standards for the proposed use.

H. Area and Location of Zone

Each single I-1 zone shall contain a minimum of five (5) acres, and each zone established by a change of zoning district shall abut upon or have access to a collector or arterial class road as shown on the County major street plan.

I. Utility Requirements

Per Table 4.5.