

0017



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

1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

June 27, 1997

Michael Watson, President
U.S. Fuel Company
P.O. Box 887
Price, Utah 84501

Re: Extension of Time to Respond to Division Order 97A, U.S. Fuel Company, Hiawatha Complex, ACT/007/011-DO97A, Folder #3, Carbon County, Utah

Dear Mr. Watson:

On June 18, 1997 the Division received your request for extending the date for responding to Division Order 97A. We are interested in getting a quality submittal and want to make sure that you have adequate time to respond, however, in light of the amount of time already expended on the order, an additional two months seems to be excessive. In lieu of your circumstances we feel that an additional five weeks is reasonable. You now have until August 1, 1997 to complete the Division Order.

The Division is aware of U. S. Fuel's efforts to transfer the permit and wish you success in your negotiations, however we must make it clear that the Division Order must be satisfied before we will process any transfer application. It is imperative that these deficiencies get corrected. Please make every effort to complete your submittal by the new deadline.

If you have any questions, don't hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock".

Daron R. Haddock,
Permit Supervisor

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

April 11, 1997

---ooOoo---

IN THE MATTER OF THE FIVE- : INFORMAL CONFERENCE
YEAR PERMIT RENEWAL FOR :
THE HIAWATHA COMPLEX, U. S. : FINDINGS, CONCLUSIONS
FUEL COMPANY, CARBON : AND ORDER
COUNTY, UTAH :
CAUSE NO. ACT/007/011

---ooOoo---

On March 14, 1997, the Division of Oil, Gas and Mining ("Division") held an informal conference concerning the five-year permit renewal for the Hiawatha Complex, U. S. Fuel Company, Carbon County, Utah. The following individuals attended:

Presiding: Lowell P. Braxton
Deputy Director
Division of Oil, Gas and Mining

Petitioner: Scott Ellsworth
J. Craig Smith
Nielsen & Senior
representing
Huntington-Cleveland Irrigation Company
North Emery Water Users Association

Applicant: Michael Watson
U. S. Fuel Company

Petitioner's objections to the five-year permit renewal are established in the record of the hearing, and are summarized as follows:

1. The permit should not be renewed until errors in the Probable Hydrologic Consequences ("PHC") document perceived by Petitioner have been addressed, including:

- a. Unanswered questions concerning possible affects of underground mining on ground water sources.
- b. Establishment of the affects of historic, unregulated coal mining operations on water flows.
- c. Establishment of the affects of mining on livestock and wildlife watering sites at higher elevations.
- d. Insufficient information in the PHC to establish potential losses of snow melt, runoff and other flows.
- e. Allegations that the PHC states that mining impacts to Huntington Creek are 2.1 cfs (emphasis added).
- f. Given the mining impacts of 2.1 cfs to Huntington Creek, water replacement is required under the water replacement provisions of the federal Energy Policy Act of 1992, as incorporated into SMCRA and adopted by Utah.
- g. Provisions for replacement of the alleged water loss should be made part of the permit.
- h. The PHC's statements regarding flows at Big Bear Spring are no longer current.
- i. Allegations that the Division's Cumulative Hydrologic Impact Assessment ("CHIA") finds that mining has diverted up to 1,000 g.p.m. of recharge to the regional aquifer via ground water inflows into the Hiawatha Complex associated with the Bear Canyon fault.
- j. Drainage from the Mohrland Portal is not correctly reported in the CHIA.
- k. Current mining activity at Hiawatha is recovery of coal fines from the coal processing waste stream attendant to a now dismantled coal processing plant, and should be considered "surface coal mining and reclamation activities", rather than surface affects of underground coal mining.
- l. Surface coal mining and reclamation activities require contemporaneous reclamation activities, and as such, timely and programmatically sound reclamation should be mandated for the inactive areas of the Hiawatha Complex.
- m. The public needs to be aware of the reclamation schedule for the Hiawatha Complex.

n. Reclamation of surface disturbances at the Hiawatha Complex does not appear to be timely.

The Findings, Conclusions, and Order in this matter are based on information provided by the Petitioner and Applicant in connection with this informal conference, and on information in the files of the Division.

FINDINGS OF FACT

1. Notice of the informal conference was properly given.
2. By letter dated February 10, 1997, the Huntington-Cleveland Irrigation Company and the North Emery Water Users ("Water Users") requested a "hearing" to discuss issues of concern to the Water Users involving the five-year permit renewal for the Hiawatha Complex.
3. Pursuant to Utah Code Ann. Section 40-10-13 and Utah Administrative Rule R645-300-123, an informal conference in the matter was held on March 14, 1997.
4. At the informal conference, Petitioners:
 - a. Discussed possible flaws in the PHC, but presented no legal argument suggesting a PHC must be updated at permit renewal.
 - b. Used publicly available information to suggest that coal mining at the Hiawatha Complex could have an affect on stream flows, but presented no evidence that any state appropriated water had been affected by contamination, diminution or interruption resulting from underground coal mining operations.
 - c. Argued that coal fines extraction at Hiawatha constituted "surface coal mining and reclamation activities", but presented no evidence supporting a hindrance to reclamation performance standards by including these activities in a reclamation plan for an underground mine complex.
 - d. Argued that reclamation at Hiawatha was not timely, but presented no evidence suggesting a different reclamation schedule is mandated.
5. The PHC is required at the time of permit submission to assist in the preparation of the CHIA. Upgrades to the PHC are not mandated at permit renewal.

6. CHIAAs are broader in scope than mine permit areas, and need to be updated when new data dictate revisions are appropriate.
7. The CHIA that includes the Hiawatha Complex is being revised by the Division at this time.
8. U. S. Fuel Company has undertaken reclamation of certain permitted disturbances at the Hiawatha Complex site.
9. The Division has ordered U. S. Fuel Company to modify the Hiawatha Mining and Reclamation Plan (“MRP”) to provide additional detail to the previously approved reclamation plan, and U. S. Fuel is complying with this order.
10. The Utah Coal Regulatory Program must permit coal preparation activities within the permit area of a mine.

CONCLUSIONS OF LAW

1. Permits issued under the Utah Coal Regulatory Program have a right of successive renewal within the approved boundaries of the existing permit, R645-303-231.
2. In the determination of whether to approve or deny a permit, the burden of proof will be on the opponents to the renewal, R645-303-233.220.
3. No data were presented to substantiate that any State appropriated water right had been affected by contamination, diminution or interruption resulting from underground coal mining operations at the U. S. Fuel Company’s Hiawatha Complex.
4. Submission of a PHC document is required at the time of permit application, but changes to the PHC are not mandated at permit renewal.
5. The Division is acting within its authority in revising the CHIA for the area that includes the affected area of the Hiawatha Complex.
6. The Division is acting within its authority in ordering modifications to the reclamation plan for the Hiawatha Complex.
7. Reclamation performance standards for regulated coal preparation plants do not distinguish between surface or underground coal mining activities.

ORDER

NOW THEREFORE, it is ordered that:

The five-year permit for the U. S. Fuel Company's Hiawatha Complex, ACT/007/011 shall be retroactively approved effective March 14, 1997.

SO DETERMINED AND ORDERED this 11 day of April, 1997.

Lowell P. Braxton

Lowell P. Braxton, Deputy Director
Division of Oil, Gas and Mining
State of Utah

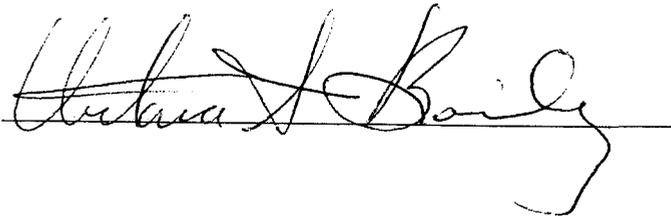
CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing FINDINGS, CONCLUSIONS AND ORDER for Cause No. ACT/007/011 to be mailed by certified mail, postage prepaid, on the 11th day of April, 1997 the following:

J. Craig Smith ✓
Nielsen & Senior, P.C.
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Scott M. Ellsworth ✓
Nielsen & Senior, P.C.
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Michael Watson, President ✓
U. S. Fuel Company
340 Hardscrabble Road
Helper, Utah 84526

A handwritten signature in cursive script, appearing to read "Barbara J. Bailey", is written over a horizontal line.

First-Mail, Postage Prepaid to:

JAMES FULTON CHIEF
DENVER FIELD DIV
OFFICE OF SURFACE MINING R & E
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BUREAU OF LAND MANAGEMENT
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BOB HENRY
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BUREAU OF LAND MNGMNT
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SOUTHEASTERN UTAH HEALTH DEPT
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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

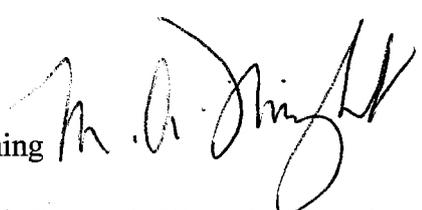
Mine file

Michael O. Leavitt
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Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-7223 (TDD)

March 14, 1997

TO: Mine File

FROM: Mary Ann Wright, Associate Director of Mining 

RE: Administrative Delay for the Five-Year Permit Renewal, Hiawatha Complex, U. S. Fuel Company, ACT/007/011, Folder #3, Carbon County, Utah

On February 10, 1997 the Division received an objection to the five-year permit renewal of U. S. Fuel's Hiawatha Complex. As a result of the objection, an Informal Conference was held on March 14, 1997. The Division is granting administrative delay to U. S. Fuel for their five-year permit renewal until review of the information received at the Informal Conference is complete and a finding has been made.

vb

cc: L. Braxton

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TRANSACTION REPORT

P. 01

MAR-18-97 TUE 09:22 AM

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
MAR-18	09:21 AM	18014723384	51"	1	SEND	(M) OK	007	

TOTAL 51S PAGES: 1



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

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Michael O. Leavitt
 Governor

Ted Stewart
 Executive Director

James W. Carter
 Division Director

March 14, 1997

TO: Mine File

FROM: Mary Ann Wright, Associate Director of Mining *M. A. Wright*

RE: Administrative Delay for the Five-Year Permit Renewal, Hiawatha Complex, U. S. Fuel Company, ACT/007/011, Folder #3, Carbon County, Utah

On February 10, 1997 the Division received an objection to the five-year permit renewal of U. S. Fuel's Hiawatha Complex.

Post-it® Fax Note	7671	Date	3-18-97	# of pages	2
To	Mike Watson	From	Mary Ann Wright		
Co./Dept.	U S Fuel	Co.	DOCOM		
Phone #	(801) 637-2252	Phone #	538-5306		
Fax #	(801) 472-3384	Fax #	359-3940		

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
(801) 538-5340

This permit, ACT/007/011, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGGM) to:

United States Fuel Company
P. O. Box A
Hiawatha, Utah 84527
(801) 637-2252

for the Hiawatha Mines Complex. United States Fuel Company is the lessee of federal coal leases SL-025431, SL-069985, U-058261, U-026583 and U-51923, the remainder of the coal in the life of mine area is owned by U. S. Fuel Company. A performance bond is filed with the DOGM in the amount of \$2,838,000, of which \$1,450,000 is a surety bond and \$1,388,000 is a self bond, 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 maps appended as Attachment B) within the permit area at the Hiawatha Mines Complex situated in the state of Utah, Carbon and Emery Counties, and located:

Township 15 South, Range 7 East, SLM

Sec. 13: S1/2
Sec. 24: All
Sec. 25: E1/2, E1/2 NW1/4
Sec. 36: E1/2

Township 15 South, Range 8 East

Sec. 17: S1/2, S1/2 N1/2
Sec. 18: S1/2 S1/2, NE1/4 SW1/4
(part) NW1/4 SW1/4 (part)
Sec. 19 Thru 21: All
Sec. 26: W1/2 SW1/4
Sec. 27: S1/2, SW1/4, NW1/4
Sec. 28 Thru 33: All
Sec. 34: N1/2, SW1/4, N1/2 SE1/4
Sec. 35: NW1/4, NW1/4 SW1/4

Township 16 South, Range 8 East, SLM, Utah

- Sec. 3: W1/2**
- Sec. 4: All**
- Sec. 5: All**
- Sec. 6: NE1/4 SE1/4, Lots 1 thru 10**
- Sec. 8: E1/2 E1/2**
- Sec. 9: All**

This legal description is for the permit area (as shown on Attachment B, two maps) of the Hiawatha Mines Complex. The permittee is authorized to conduct underground coal mining activities on the foregoing described property subject to the conditions of the leases, including all conditions of the previous permit term and all other applicable conditions, laws and regulations.

The designated permit area as described above excludes 55 acres for the town of Hiawatha in:

T. 15 S., R. 8 E., SLM, Secs. 27, 34; as shown and delineated on Attachment B.

- 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 renewed permit becomes effective on March 14, 1997 and expires on March 14, 2002.
- Sec. 5 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 R645-303.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
 - (a) have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220; and,

- (b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100, R645-400-200 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the 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 mining and reclamation plan and permit application and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 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. 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 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. 11 EXISTING STRUCTURES - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

FEDERAL

Page 4.

- 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 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. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.
- Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting actions as described in Attachment A.

The above conditions (Sections 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 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: Jesse P Braxton for S.W. Carter

Date: 4/16/97

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

PERMITTEE

Michael P. Water

Authorized Representative of the Permittee

Date: 4/22/97

ATTACHMENT A

SPECIAL CONDITIONS

1. By May 27, 1997, U.S. Fuel Company must adequately address all of the deficiencies in the Division Order issued February 20, 1997 (ACT/007/011 - DO-97A).

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

U.S. Fuel Company

Mike Watson, President
340 Hardscrabble Road
Helper, Utah 84526

PERMIT NUMBER ACT/007/011
DIVISION ORDER # 97A

ORDER & FINDINGS
OF
PERMIT DEFICIENCY

PURSUANT to R645-303-212, the Division orders the permittee, U.S. Fuel Coal Company, to make the requisite permit changes enumerated in the findings of Permit Deficiency in order to be in compliance with the State Coal Program. These findings are to be remedied in accordance with R645-303-220.

FINDINGS OF PERMIT DEFICIENCY

A review of the current Mining and Reclamation Plan (MRP) and field investigations have revealed that certain activities associated with the mine are not adequately addressed or described in the MRP.

MAPS AND PLANS

Information Required to Be Submitted by Regulation Cited:

a. Mine Facilities

R645-301-142 — U.S. Fuel must show on one or more maps the location and configuration of all reclaimed areas. U.S. Fuel must update these maps any time a major phase of construction or reclamation is completed or any time the sediment control plan is changed. The maps must distinguish between areas disturbed before Surface Mine Control and Reclamation Act (SMCRA) that have not been used since August 3, 1977, areas initially disturbed before SMCRA that have been continuously used, and areas disturbed after the enactment of SMCRA.

R645-301-521 — U.S. Fuel must provide maps and cross sections that show the

operations surface facilities including permitted long-term equipment storage areas, noncoal waste storage area, etc. U.S. Fuel must update these maps to show the actual on the ground condition of the operational program.

SOILS

Information Required to Be Submitted by Regulation Cited:

a. Soils Resource Information

R645-301-220 — U.S. Fuel must clearly document the soil resources for locating any recoverable substitute soils and fills to be used during reclamation to help offset soil borrow needs. Provide on-site soil surveys of the lower Middle Fork, North Fork Facilities, Upper Railroad Yard and Preparation Plant surface disturbance areas with the detail and specificity necessary to adequately describe the soils, disturbed soils, and fills as for depth, volume, and quality. The detailed, on-site soil profile descriptions should include field notes correlated with soil pit locations and soil map delineations differentiating individual soil types. All soil maps must be updated accordingly and accurately scaled at less than 1 to 12,000. The Division requests notification for the location, sample density, and analytical procedures before U.S. Fuel Company conducts any additional soil surveys.

b. Operational Soils Plans

R645-301-232.720 and R645-301-140 — (1) U.S. Fuel must identify and utilize all excess and available disturbed and substitute soils prior to using borrow site soils. Based on reclamation soil redistribution needs, provide soil mass balance determinations based on salvaged soils, projected substitute soils, and fills. Correlate soil mass balance information with the on-site soil survey. Provide soil mass balance tables and maps that delineate locations, acreage, depths, and volumes. (2) Based on mass balance results, determine soil borrow amounts. Update soil borrow information accordingly and for all borrow related reclamation activities. Soil borrow affected areas and associated haul roads need to be portrayed on all maps as surface disturbance.

c. Reclamation Soils Plans

R645-301-233 and R645-301-553.252 — U.S. Fuel must conduct additional sampling of the newly disturbed surface materials on Slurry Ponds #1 to

ascertain the toxic- and acid-forming properties. The sampled material will be analyzed according to the Division's guidelines for management of topsoil and overburden.

BIOLOGY

Information Required to Be Submitted by Regulation Cited:

a. Interim Stabilization

R645-301-331 — U.S. Fuel must submit an interim revegetation plan for disturbed areas that will not be immediately seeded with a final reclamation seed mixture and where erosion or weed establishment could create problems.

b. Revegetation

R645-301-341 — U.S. Fuel must provide a plan to reduce compaction on areas prior to seeding.

R645-301-341.220 — U.S. Fuel must provide a revegetation plan that will incorporate appropriate seeding measures that will allow for establishment of important species (i.e., broadcasting species that require a shallow seeding depth).

R645-301-341.250 — U.S. Fuel must evaluate their reference areas to determine their range condition in accordance with NRCS guidelines. If U.S. Fuel is not all in fair or better range condition, U.S. Fuel must propose different success standards that meet the requirements.

R645-301-341.250 — U.S. Fuel must propose a revegetation success standard for all disturbed riparian areas.

LAND USE AND AIR QUALITY

Information Required to Be Submitted by Regulation Cited:

a. Land use

R645-301-411.140 — U.S. Fuel must provide maps and supporting narrative in the MRP, describing the cultural and historic resources within the permit or adjacent area listed, or eligible for listing, in the National Register of

Historic Places, which includes protection measures to be used during mining and reclamation activities.

ENGINEERING

Information Required to Be Submitted by Regulation Cited:

a. Operation plan

R645-301-341, R645-301-512.230, R645-301-536, R645-301-553.250, and R645-301-542.730 — U.S. Fuel must identify and provide a plan to clean up and properly place all miscellaneous coal and coal waste materials including, but not limited to, materials found in the cemetery and near the refuse piles, both in and adjacent to the disturbed areas. These areas include, but are not limited to: all stray coal piles, wind blown coal fines, coal waste piles and downcast coal materials.

R645-301-523 — Since U. S. Fuel has sealed the portals and begun to dismantle many structures, U.S. Fuel must update the operations plan to reflect their intent. In the update, U.S. Fuel must describe the future plans for all facilities. If U.S. Fuel plans to retain a structure for future use, U.S. Fuel must describe how that facility will be maintained. For any structure scheduled for demolition, U.S. Fuel must describe its reclamation and the reclamation of the surrounding area.

R645-301-526 — U.S. Fuel must update the mine facilities section of the operations plan. At a minimum, the U.S. Fuel must update the MRP with regards to the use, maintenance and removal of mine structures. Since bond release for the demolition of structures cannot be granted until all the requirements of Phase I bond release have been met, U.S. Fuel must maintain two separate lists. One list and map must show the current conditions and the other must show the structures with regards to bond calculations.

R645-301-528 — U.S. Fuel must provide a narrative explaining the modification, use, and maintenance of the coal waste, refuse and impoundment structures. The narrative must also explain the coal storage, loading, hauling, handling and associated haul roads located within the railroad right of way.

R645-301-116.100 — U.S. Fuel must update the MRP to describe the anticipated or actual starting and termination dates of each phase of coal mining and reclamation operation and the anticipated number of acres of

land to be affected during each phase of mining and reclamation over the life of the mine.

b. Reclamation plan

R645-301-527.123 and R645-301-527.123 — U.S. Fuel must either reclaim the North Fork Canyon ancillary road or reclassify it as primary.

R645-301-542.100 — U.S. Fuel must provide a detailed timetable for the completion of each major step of reclamation, including but not limited to, a description of the removal of equipment, demolition of structures, backfilling and grading of all disturbed areas. This may require adding to or modifying Table III-9 or another such table to include Slurry Pond 5A and the South Fork facilities.

R645-301-850.100 — The current reclamation bond does not cover the railroad loadout area and the associated haul road. U.S. Fuel must include the loadout and haul road as part of the affected area.

HYDROLOGY

Information Required to Be Submitted by Regulation Cited:

a. Operation plan

R645-301-742.110 — U.S. Fuel must design and maintain all sediment control measures using the best technology currently available to prevent to the extent possible additional contributions of sediment runoff outside the permit area. This includes a description and location (shown on a map) of the sediment control measure with their respective areas.

R645-301-742.240 — U.S. Fuel has used the term small area exemption (SAE) and alternate sediment control areas (ASCA) synonymously. According to the Division Directive Tech-003A, these terms are specific to different types of areas. U.S. Fuel must either demonstrate that siltation structures and alternate sediment control measures are not needed to control sediment for any SAE, or re-identify current SAEs as ASCAs and include the appropriate sediment control designs.

R645-301-742-200 — U.S. Fuel must officially identify and design Slurry Pond 5A as a siltation structure or redesign sediment control for areas currently treated by that pond.

R645-301-742.312 — U.S. Fuel must include designs and design summaries for all diversions including all undisturbed-area and disturbed-area ditches and culverts for insertion into the MRP.

b. Reclamation

R645-301-746.330 — U.S. Fuel must provide adequate designs for drainage control of coal mine waste areas during reclamation. Designs must be provided for Slurry Pond 1, Slurry Pond 5 and Refuse Pile 1, and as-builts must be submitted for the reclamation work already completed on the Slurry Pond 4/Refuse Pile 2 complex.

R645-301-742.110 and R645-301-542.500 — U.S. Fuel must design sediment control measures for all reclamation activities, including interim and final steps. Further, U.S. Fuel must submit a schedule and timetable showing how U.S. Fuel will meet sediment control requirements throughout the reclamation process.

R645-301-742.312 — U.S. Fuel must include all diversion designs and summaries of these designs for insertion into the MRP. This includes all reclamation of undisturbed-area and disturbed-area ditches and culverts with ditch depths, widths and channel shapes.

ORDER

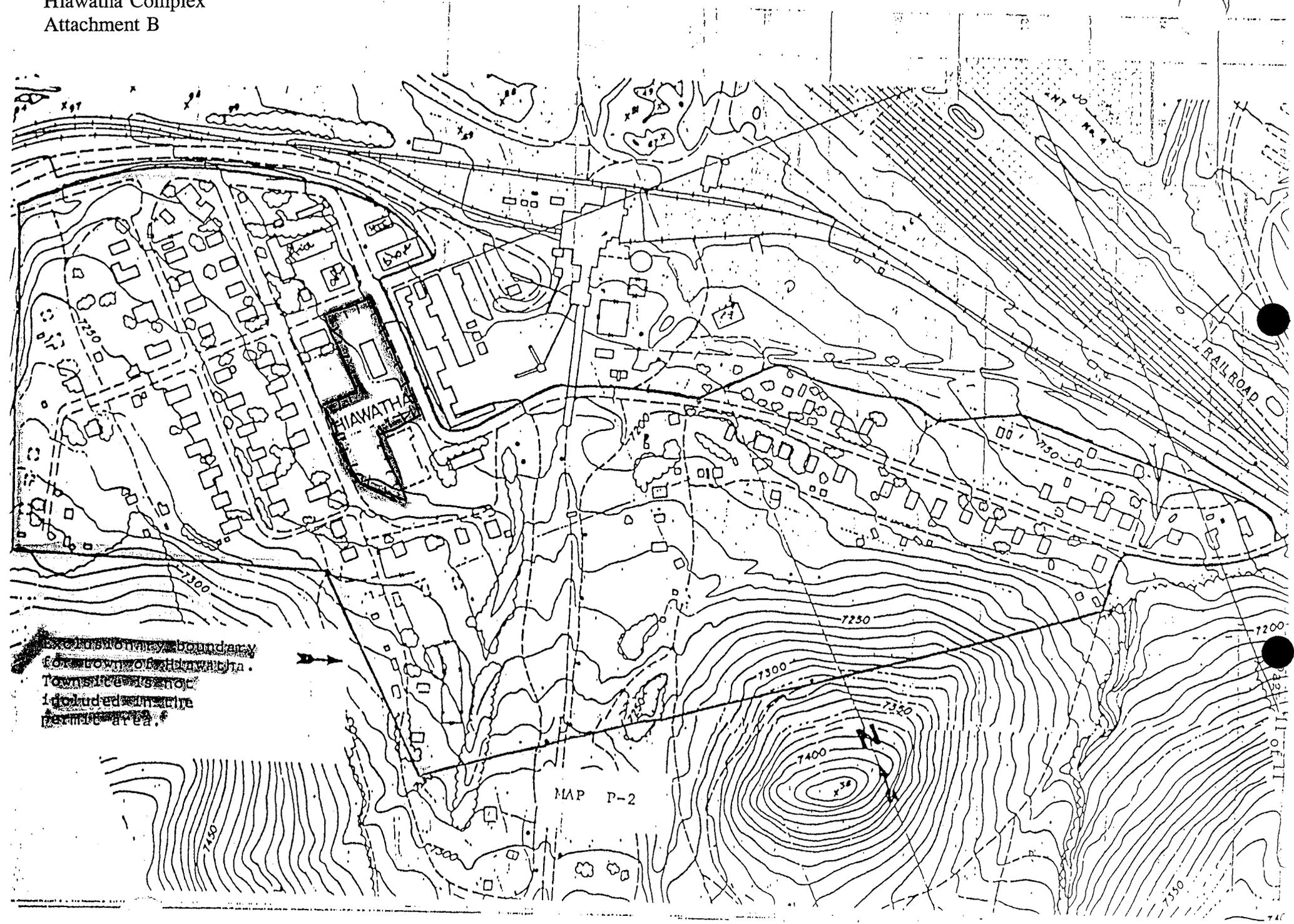
U. S. Fuel Company, is ordered to make the requisite permit changes in accordance with R645-303-220 and to submit a complete, adequate, and approvable application for permit change to address the findings of permit deficiency within 90 days of the date of receipt of this Order.

Ordered this 20th day of February 1997, by the Division of Oil, Gas, and Mining.



Lowell Braxton, Deputy Director
Division of Oil, Gas and Mining

Hiawatha Complex
Attachment B



Exclusionary boundary
for town of Hiawatha.
Township is not
included in the
permit area.

MAP P-2

**PUBLIC NOTICE FOR PERMIT RENEWAL
HIAWATHA COMPLEX ACT/007/011
UNITED STATES FUEL COMPANY
P.O. BOX 887
PRICE, UTAH 84501**

United States Fuel Company, has filed with the Utah Division of Oil, Gas & Mining an application for renewal of its Mining and Reclamation Plan Permit for its Hiawatha Complex. The Hiawatha Complex is located in Hiawatha, Utah, approximately 10 miles southwest of Price, Utah. The permit area is described as follows:

Township 15 South, Range 7 East, SLM, Utah

Section 13: S $\frac{1}{2}$;
Section 24: All;
Section 25: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
Section 36: E $\frac{1}{2}$;

Township 15 South, Range 8 East, SLM, Utah

Section 17: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$;
Section 18: S $\frac{1}{2}$ S $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ (Part), NW $\frac{1}{4}$ SW $\frac{1}{4}$ (Part);
Section 19: All;
Section 20: All;
Section 21: All;
Section 26: W $\frac{1}{2}$ SW $\frac{1}{4}$;
Section 27: S $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Section 28: All;
Section 29: All;
Section 30: All;
Section 31: All;
Section 32: All;
Section 33: All;
Section 34: N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
Section 35: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Township 16 South, Range 8 East, SLM, Utah

Section 3: W $\frac{1}{2}$;
Section 4: All;
Section 5: All;
Section 6: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1 through 10;
Section 8: E $\frac{1}{2}$ E $\frac{1}{2}$;
Section 9: All.

The application was filed, and this notice is being published to comply with the Surface Mining Control and Reclamation Act of 1977 and State and Federal regulations promulgated pursuant to said act.

The Hiawatha Complex is located on the "Hiawatha, Utah" U.S. Geological Survey 7.5-minute quadrangle map.

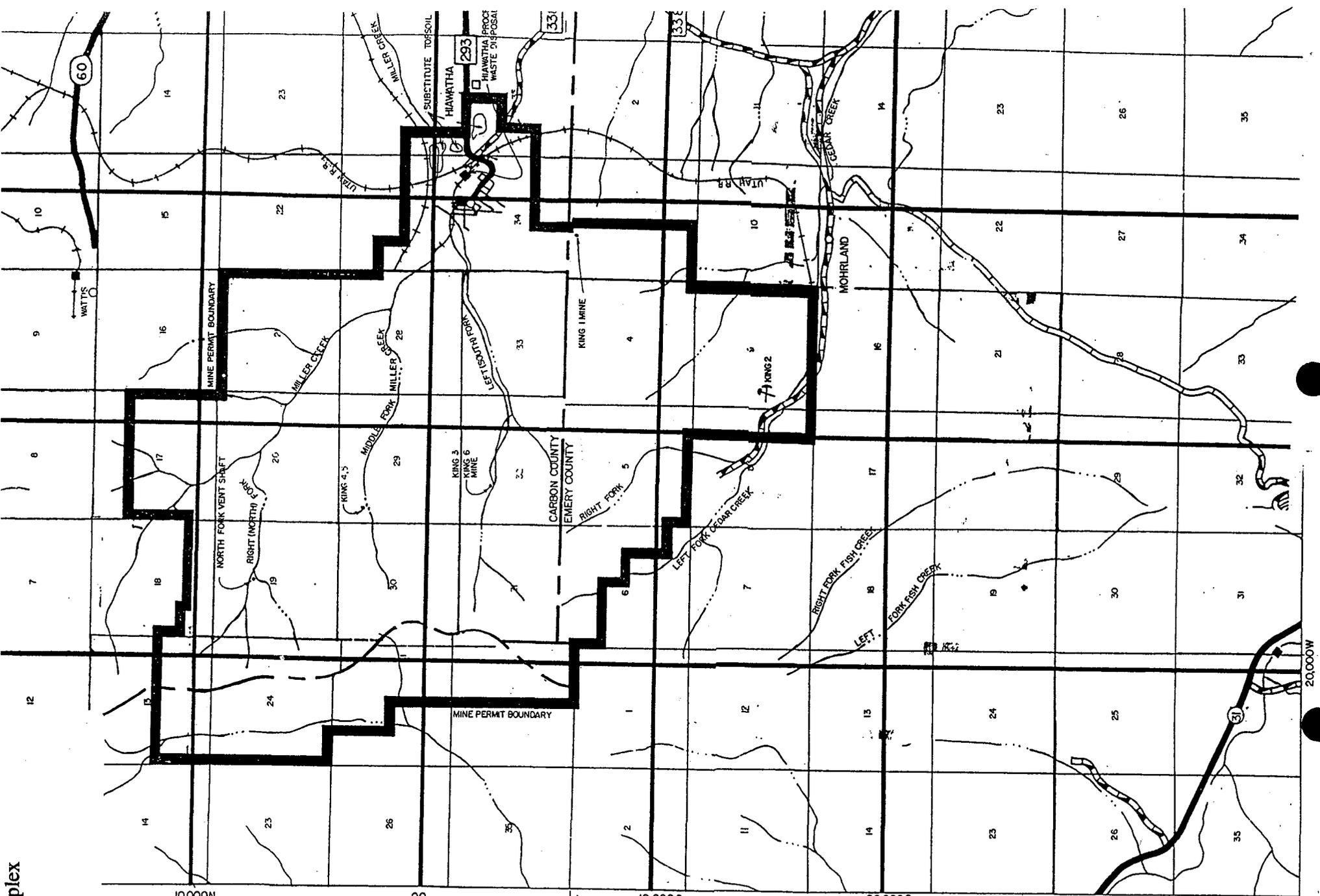
The application is available for public inspection at the:

Carbon County Courthouse
Price, Utah 84501

and
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

Written Comments, objections, or requests for informal conferences on the application may be submitted to: State of Utah Department of Natural Resources, Division of Oil, Gas & Mining, 1594 West North Temple, Suite 1210, P.O. Box 145801, Salt Lake City, Utah 84114-5801.
Published in the Sun-Advocate October 29 and November 5, 12 and 19, 1996.

Hiawatha Complex
Attachment B



REVISIONS	BY	DATE	SCALE: 1" = 2000'	DATE
1			DRAWN:	3-13-88
2			CHECKED:	
3			APPROVED:	
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UNITED STATES FUEL CO.
HIAWATHA, UTAH

MINE PERMIT AREA

TUGS
1175