

NONFEDERAL
(April 1987)

Permit Number ACT/007/012, December 10, 1989

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DIVISION OF
OIL, GAS & MINING

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

This permit, ACT/007/012, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Genwal Coal Company
P. O. Box 1201
Huntington, Utah 84528
(801) 687-9813

for the Wellington Preparation Plant. Genwal Coal Company is owner of certain fee-owned parcels. A surety bond with a value of \$2,591,000.00 has been filed with DOGM. 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 associated with a preparation plant on the following described lands (as shown on the map appended as Attachment B) within the permit area at the Wellington Preparation Plant, situated in the state of Utah, Carbon County, and located:

Township 15 South, Range 11 East, SLBM

Section 8: SE1/4 NE1/4, SE1/4 except portion N of the railroad tracks
Section 9: S1/2, portions of S1/2 N1/2
Section 15: W1/2 NW1/4
Section 16: All
Section 17: E1/2 SE1/4, NE1/4

This legal description is for the permit area (as shown on Attachment B) of the Wellington Preparation Plant. The permittee is authorized to conduct underground coal mining activities associated with a preparation plant on the foregoing described property subject to all applicable conditions, laws and regulations.

- Sec. 3 PERMIT TERM - This permit becomes effective on December 10, 1989 and expires on December 10, 1994.
- Sec. 4 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13(e) and UMC 788.17-.19.
- Sec. 5 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- A. have the rights of entry provided for in 30 CFR 840.12, UMC 840.12, 30 CFR 842.13 and UMC 842.13; and,
 - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with UMC 842.12 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6 SCOPE OF OPERATIONS - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the permit application and approved for the term of the permit and which are subject to the performance bond.
- Sec. 7 ENVIRONMENTAL IMPACTS - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- A. accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
 - B. immediate implementation of measures necessary to comply; and
 - C. warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

- Sec. 8 DISPOSAL OF POLLUTANTS - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program which prevents violation of any applicable state or federal law.
- Sec. 9 CONDUCT OF OPERATIONS - The permittee shall conduct its operations:
- A. in accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
 - B. utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act and the approved Utah State Program.
- Sec. 10 AUTHORIZED AGENT - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.
- Sec. 11 COMPLIANCE WITH OTHER LAWS - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.
- Sec. 12 PERMIT RENEWAL - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act and the approved Utah State Program.
- Sec. 13 CULTURAL RESOURCES - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 14 APPEALS - The permittee shall have the right to appeal as provided for under UMC 787.

Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and/or requirements set out in this permit, the permittee shall comply with the condition appended hereto as Attachment A.

The above conditions (Secs. 1-15) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the leases. 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: *Dianne Nielson*
Date: 12/10/89

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

Charles T. Vangl
Authorized Representative of
the Permittee
Date: 1-25-90

APPROVED AS TO FORM:

By: *Roberta W. Roberts*
Assistant Attorney General
Date: Dec 12, 1989

ATTACHMENT A

STIPULATION

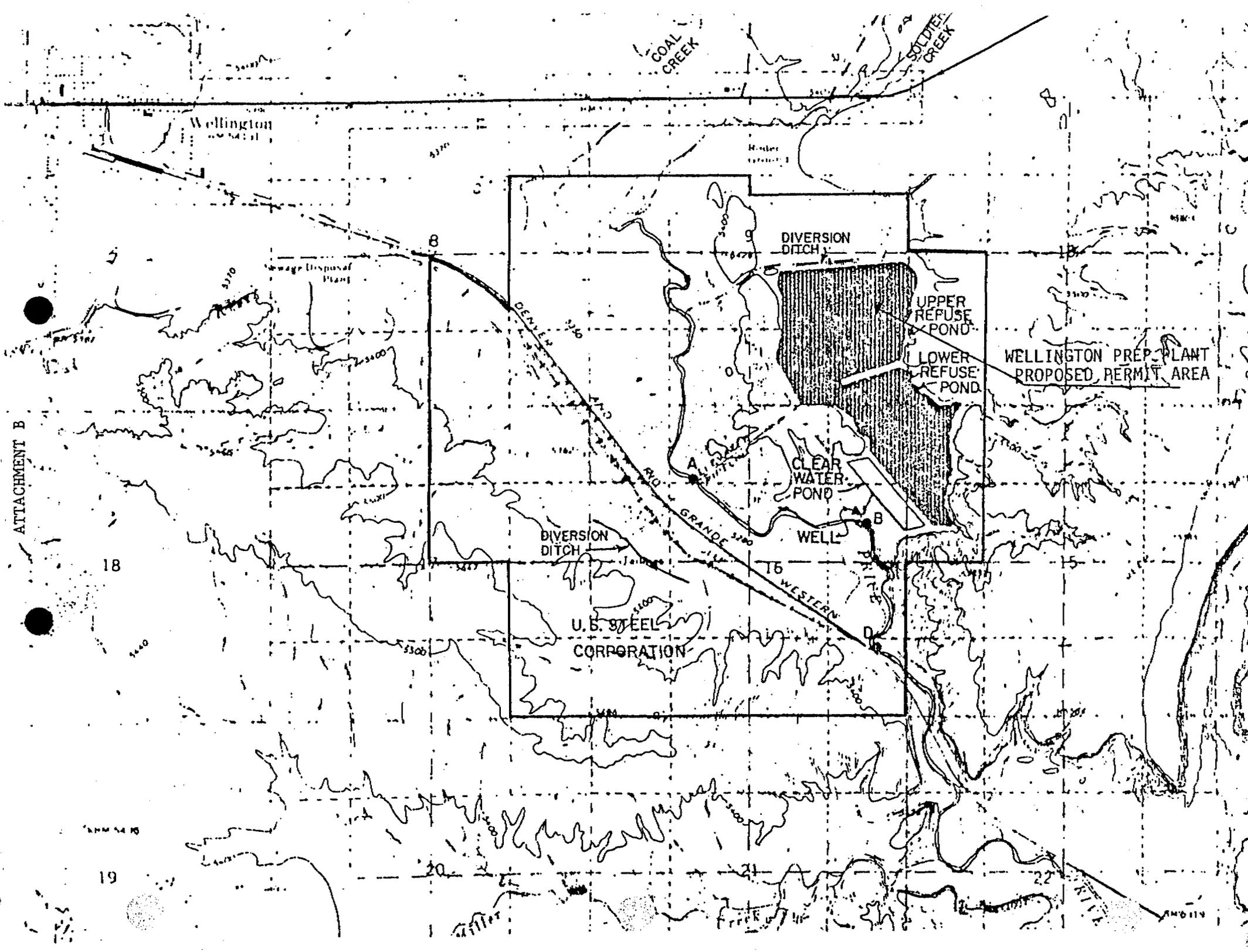
Genwal Coal Company
Wellington Preparation Plant
Permit Renewal
ACT/007/012
Carbon County, Utah

December 10, 1989

Stipulation UMC 788.14-(1) - SCL

1. Genwal Coal Company (GCC) will submit information necessary to update the approved Operation and Reclamation Plan (ORP) and to address outstanding stipulation UMC 817.103 -(1)- TLP to the original permit approval and stipulations UMC 788.14 -(1)- SCL, UMC 817.52 -(1)- RPS, and UMC 817.81, .85 and .89 - JRH to the Mid-Permit Term Review, in accordance with the following schedule:

March 1, 1990	Submittal of new test plot designs.
June 1, 1990	Submittal of an ORP outline and reformatted baseline information, including a baseline hydrology report.
October 1, 1990	Submittal of updated maps and operation design details.
January 1, 1991	Submittal of updated reclamation designs and maps, including bond calculations.
June 1, 1991	Complete updated plan will be approved and in place.



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