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DIVISION OF  
OIL, GAS & MINING

BEFORE THE BOARD OF OIL, GAS & MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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IN THE MATTER OF IN RE	:	STIPULATION, MOTION AND
REVOCATION OF GENEVA MINE	:	ORDER
INTERIM PERMIT, KAISER COAL	:	
CORPORATION, a Delaware	:	Docket No. 84-064
Corporation.	:	Cause No. ACT/007/013

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STIPULATED FACTS

1. The Utah Board of Oil, Gas & Mining ("Board") issued an order in this matter dated September 28, 1984. In accordance with that order, Kaiser Steel Corporation and its successor in interest, Kaiser Coal Corporation (herein "Kaiser"), acquired the Geneva Mine (renamed the "Horse Canyon Mine") from U.S. Steel in December, 1984, and submitted and obtained Division and Board approval of a bonding arrangement under the permanent program in the amount of \$918,649.00 (1989 dollars) for the Geneva (Horse Canyon) Mine.

2. On September 12, 1986, Kaiser submitted a Petition for Review of Order and Entry of Supplemental Order ("Petition") requesting the Board to determine whether certain actions requested of Kaiser by the Division were within the purview of the September 28, 1984 Order in this matter.

3. By Stipulation and Order dated September 17, 1986 between counsel for the Division, Kaiser and the Chairman of the Board, the parties agreed to hold a pre-hearing conference in this matter on October 1, 1986 and the Division agreed to stay further action in this matter until a final order is entered concerning the issues raised in Kaiser's Petition.

STIPULATION AND MOTION

Pursuant to a pre-hearing conference held on October 1, 1986 before Board Chairman Gregory P. Williams, the Division, by and through its under signed Assistant Attorney General, and Kaiser, by and through its attorneys of record, hereby agree and stipulate as follows:

- STIPULATED FACTS
1. For the purpose of temporary stabilization, Kaiser will, by October 31, 1986, revegetate certain areas of the Geneva (Horse Canyon) Mine using a seed mixture agreed to by the Division. The areas to be seeded will be designated by the Division in an on-site meeting between Division and Kaiser personnel.
  2. Except as provided in paragraph 5 of this Stipulation and Motion, by February 27, 1987, Kaiser will submit to the Division either a response to the deficiencies in U.S. Steel's reclamation plan for the Geneva (Horse Canyon) Mine as set forth in the Division's April 9, 1984 letter, or if preferable to Kaiser, a mining and reclamation permit application consisting of a reclamation plan meeting the requirements set forth in UMC 784.13 and a maintenance plan under UMC 817.131 as described in paragraph 3 below.

3. The maintenance plan for the Geneva (Horse Canyon) Mine submitted in accordance with UMC 817.131 of the Coal Mining and Reclamation Permanent Program ("Permanent Program") will include, but not necessarily be limited to, the following requirements set forth at UMC 817.131(b), "the exact number of surface acres and the horizontal and vertical extent of subsurface strata which have been in the disturbed area prior to temporary cessation, the extent and kind of reclamation of surface area which will have been accomplished, and the identification of the backfilling, regrading, revegetation, environmental monitoring, underground opening closures and water treatment facilities that will continue during the temporary cessation."

4. Upon approval of the maintenance portion of the mining and reclamation plan, Kaiser will maintain the Geneva (Horse Canyon) Mine as therein required during the period of temporary cessation in accordance with Subchapter K of the Permanent Program.

5. If, as a result of imminent corporate decisions regarding the Geneva (Horse Canyon) Mine, Kaiser determines that the current temporary cessation status of the Mine should be modified to proceed with coal production or final reclamation, Kaiser may file a Petition with the Board setting forth its proposed modification, and any extensions and/or amendments to the schedule and requirements set forth herein. The Board may, in accordance with its procedural regulations and upon request of the parties, consider and decide the merits of such petition at a pre-hearing conference.

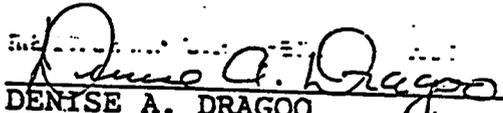
6. Kaiser and the Division will report to the Board at its regularly scheduled hearing on March 26, 1987 regarding the progress achieved in meeting the requirements set forth herein.

7. Kaiser will withdraw its Petition in this matter with each party to bear its own costs and attorney's fees.

8. The parties hereby move the Board for an Order in conformance with the foregoing Stipulation.

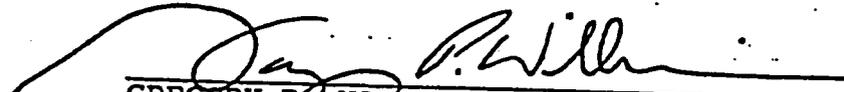
DATED this 21st day of October, 1986.

  
BARBARA W. ROBERTS  
Assistant Attorney General  
Attorney for the Division of Oil,  
Gas & Mining

  
DENISE A. DRAGOO  
Attorney for Kaiser Coal  
Corporation

ORDER

SO ORDERED this 23<sup>rd</sup> day of October, 1986.

  
GREGORY P. WILLIAMS, Chairman  
Board of Oil, Gas & Mining

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FABIAN & CLENDENIN

A PROFESSIONAL CORPORATION  
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BEVERLY S. CLENDENIN  
1969-1971  
SANFORD M. STODDARD  
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1925-1968

Horse Cyn Mine lib  
cc B. Robert  
L.R.B.

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SANDRA K. ALLEN

VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED

December 22, 1989

ACT/007/013

Mr. Mitchell S. Rollings  
Office of Surface Mining  
Reclamation & Enforcement  
625 Silver Avenue, S.W.  
Suite 310  
Albuquerque New Mexico 87102

RE: Notice Of Violation 89-02-370-006TV2

Dear Mitchell:

On behalf of Kaiser Coal Corporation ("Kaiser"), we present the following information for your consideration in preparing a proposed assessment concerning the above-stated violation.

Kaiser is maintaining the Geneva (Horse Canyon) Mine in a temporary cessation status under UMC 817.131 and 30 CFR 817.131 pursuant to a Stipulation, Motion and Order in the matter of In Re: Revocation of Geneva Mine Interim Permit, Kaiser Coal Corporation, Docket No. 84-064, Cause No. ACT/007/013, dated October 31, 1986, attached. Pursuant to this Order, Kaiser agreed to submit a reclamation plan meeting the requirements of UMC 784.13 and a maintenance plan under UMC 817.131. The above-stated notice of violation improperly cites Kaiser for requirements which exceed those required of the operator under 30 CFR 817.131, UMC 817.131 and the Stipulation, Motion and Order between the operator and the Board of Oil, Gas & Mining.

Despite the fact that Kaiser feels that it is in compliance with its temporary cessation requirements, the company is taking immediate steps to abate the alleged violations set forth in the NOV. Kaiser has contracted a firm to prepare the designs

U.S.G.P.O. 1987-197-722

Send this receipt and present it if you make inquiry.

Mr. Mitchell S. Rollings  
December 22, 1989  
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requested by the Office of Surface Mining in a timely manner. In addition, Kaiser has constructed all silt fences and sedimentation control and erosion measures required to abate the state violation issued contemporaneously with the federal NOV.

We appreciate your consideration in this matter.

Very truly yours,

  
Denise A. Dragoo

DAD:jmc:122289c

cc: Harrie F. Lewis, Esq.  
John Palfy