



0008

STATE OF UTAH
NATURAL RESOURCES
State Lands & Forestry

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DIVISION OF
OIL, GAS & MINING

November 3, 1986

Charles W. Durrett
Manager, Environmental Affairs
Sunedco Coal Company
7401 West Mansfield Avenue
Suite 413
Lakewood, CO 80235

RE: Soldier Canyon Mine

Dear Mr. Durrett:

Thank you for your letter of October 22, 1986, and the associated memorandum from J. William Huber. This satisfactorily addresses my concerns with the understanding that main line entries and barrier pillars will remain intact for the eventuality of extending into coal areas less than five feet thick should market conditions improve. Please advise me upon any future change to the mine plan which may negate this understanding.

Sincerely yours,

JOHN T. BLAKE
MINERALS RESOURCE SPECIALIST

JTB/jg

cc: Sue Linner
Division Oil, Gas, and Mining

Section 17: N1/2
Section 18: N1/2 N1/2, SE1/4 NE1/4, S1/2 NW1/4,
NW1/4 NE1/4 SW1/4 NE1/4, NW1/4 SW1/4 NE1/4 SW1/4 NE1/4,
NE1/4 SE1/4 NW1/4 SW1/4 NE1/4
Section 19: Portion of SW1/4 SW1/4

Township 12 South, Range 12 East, SLBM

Section 32: NW1/4, SW1/4 NE1/4, E1/2 NE1/4, S1/2

Township 13 South, Range 11 East, SLBM

Section 12: E1/2, E1/2 NW1/4, E1/2 SW1/4
Section 13: N1/2 NE1/4, NE1/4 NW1/4, SE1/4 NE1/4,
NE1/4 SE1/4
Section 24: S1/2 S1/2 SW1/4 SE1/4, Portion of SE1/4 SE1/4
Section 25: N1/2 NW1/4 NE1/4

This legal description is for the permit area (as shown on Attachment B) of the Soldier Canyon Mine. The permittee is authorized to conduct surface and reclamation operations connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, and OSMRE permit UT-0023, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 PERMIT TERM - This permit expires on February 3, 1992.
- 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 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, 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 surface coal mining and reclamation operations 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. 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 and the Federal Lands 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 and OSMRE in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands 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, the approved Utah State Program and the Federal Lands 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, 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. 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 of performance set out in the leases, OSMRE permit UT-0023 and this permit, the permittee shall comply with the special conditions of OSMRE permit UT-0023 and the conditions 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 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: Devin R. Nelson
Date: 2-4-87

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

Authorized Representative of
the Permittee

Date: _____

APPROVED AS TO FORM:

By: Paul W. Roberts
Assistant Attorney General

Date: 2-6-87

Attachment A

Special Permit Conditions

Stipulation UMC 817.42-(1)-DC

1. The applicant must submit the following information on the two disturbed areas that do not have runoff reporting to the sedimentation pond within 60 days from the date of permit issuance.
 - a. The exact size of each area in acres;
 - b. The volume of expected runoff from the design precipitation event (i.e. 10-yr, 24-hr);
 - c. The alternative sediment control method with a demonstration that the method has potential to treat drainage to meet limitations;
 - d. The location of and depiction of the alternative sediment control method on a map;
 - e. Maintenance methods and schedule and a monitoring plan to demonstrate compliance with limitation standards.

Stipulation 817.43-(1-2)-DC

1. The applicant must demonstrate that the diversions comply with the design events of the proposed DOGM regulations. Specifically the applicant must demonstrate that the diversions are capable of safely passing the peak flow from a 10-year, 6-hour precipitation event. If the proposed regulations have not been adopted by the Mid Permit Term Review the applicant must comply with the regulations that are in effect at that time.
2. The applicant must submit designs for the disturbed diversions that demonstrate they are in compliance with this regulation within 60 days from the date of permit issuance. Specifically, the applicant must submit designs that show the diversions have been sized to convey the 10-year, 6-hour precipitation event runoff with at least 0.3 foot free board. Additionally, the applicant must submit calculations showing the maximum expected velocity in each diversion and a demonstration of channel stability at the design velocities for each diversion.

Stipulation UMC 817.46-(1-2)-DC

1. Within 60 days from the date of permit issuance the applicant must demonstrate that the sediment pond complies with the design events as specified in the TA section UMC 817.46 to satisfy this regulation. Division review will be performed using the proposed regulations which is contingent upon these proposed regulations being adopted. If the proposed regulations have not been adopted by the Mid Permit Term Review the applicant must comply with the regulations that are in effect at that time.
2. Detailed designs for the rock waste disposal sediment pond must be submitted to the Division 120 days prior to construction. All applicable permits and approvals from federal, state, and local agencies must be obtained prior to construction.

Stipulation: UMC 817.113-(1)-LK

1. Within 60 days of permit issuance the applicant will revise the fall revegetation schedule (page 5-48) to show that seeding will not begin prior to October 1, and clarify that cutting and seedling planting is the April after seeding has been completed.

Stipulation UMC 817.116-(1)-LK

1. The applicant will have a competent range biologist evaluate the range condition of all reference areas to assure that they are in fair or better range condition. This evaluation is to be done during the field season prior to submitting the permit application for the next permit term.

Stipulations UMC 817.160-.166-(1)-JRH

1. The applicant shall provide specific plans and details of the access road to Exhaust Fan No. 1 within 60 days from the date of permit issuance, demonstrating compliance with these regulations.

R 11 E

R 12 E

T 12 S

T 13 S

ML-22675

ML-21994

ML-42649

ML-42648

U-50722

SL-051279

-063188

WASTE ROCK
DISPOSAL AREA

SEWAGE LAGOONS

SOLDIER CANYON
PERMIT AREA

