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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
Governor

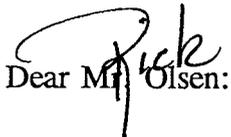
Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

February 6, 1992

Mr. Rick Olsen, President
Soldier Creek Coal Company
P. O. Box I
Price, Utah 84501


Dear Mr. Olsen:

Re: Five-Year Permit Renewal, Soldier Creek Coal Company, Soldier Canyon Mine, ACT/007/018, Folder #3, Carbon County, Utah

Enclosed is a renewed permanent program mining permit for the Soldier Canyon Mine. The expiration date for this permit is February 3, 1997, five years from the expiration date of the current permit. Also, enclosed is a copy of the State's Decision Document for the permit renewal and a Division Order requiring correction of outstanding deficiencies in your MRP.

Please note that two (2) copies of the permit are included. Please read the permit to be sure you understand the requirements of the permit and conditions, then have both copies signed and return one to the Division.

Thank you for your cooperation during the permitting process.

Best regards,


Dianne R. Nielson
Director

Attachments

cc: P. Rutledge, OSM
R. Hagen, OSM
L. Braxton, DOGM
B-Team
SOLDRENE.FEB

**UTAH DIVISION OF OIL, GAS AND MINING
STATE DECISION DOCUMENT**

**For
PERMIT RENEWAL**

Soldier Creek Coal Company
Soldier Canyon Mine
ACT/007/018
Carbon County, Utah

February 3, 1992

CONTENTS

- * Administrative Overview
- * Location Map
- * Permitting Chronology
- * Mine Plan Information Form
- * Findings
- * Affidavit of Publication
- * Technical Review Document
- * Letters of Concurrence and Consultation
 - Division of State History, December 18, 1991
 - Division of Water Rights, January 8, 1992
 - Memo from Joseph C. Helfrich, January 27, 1992
 - AVS Clearinghouse Recommendation, January 27, 1992
- * Renewed Permit with Division Order

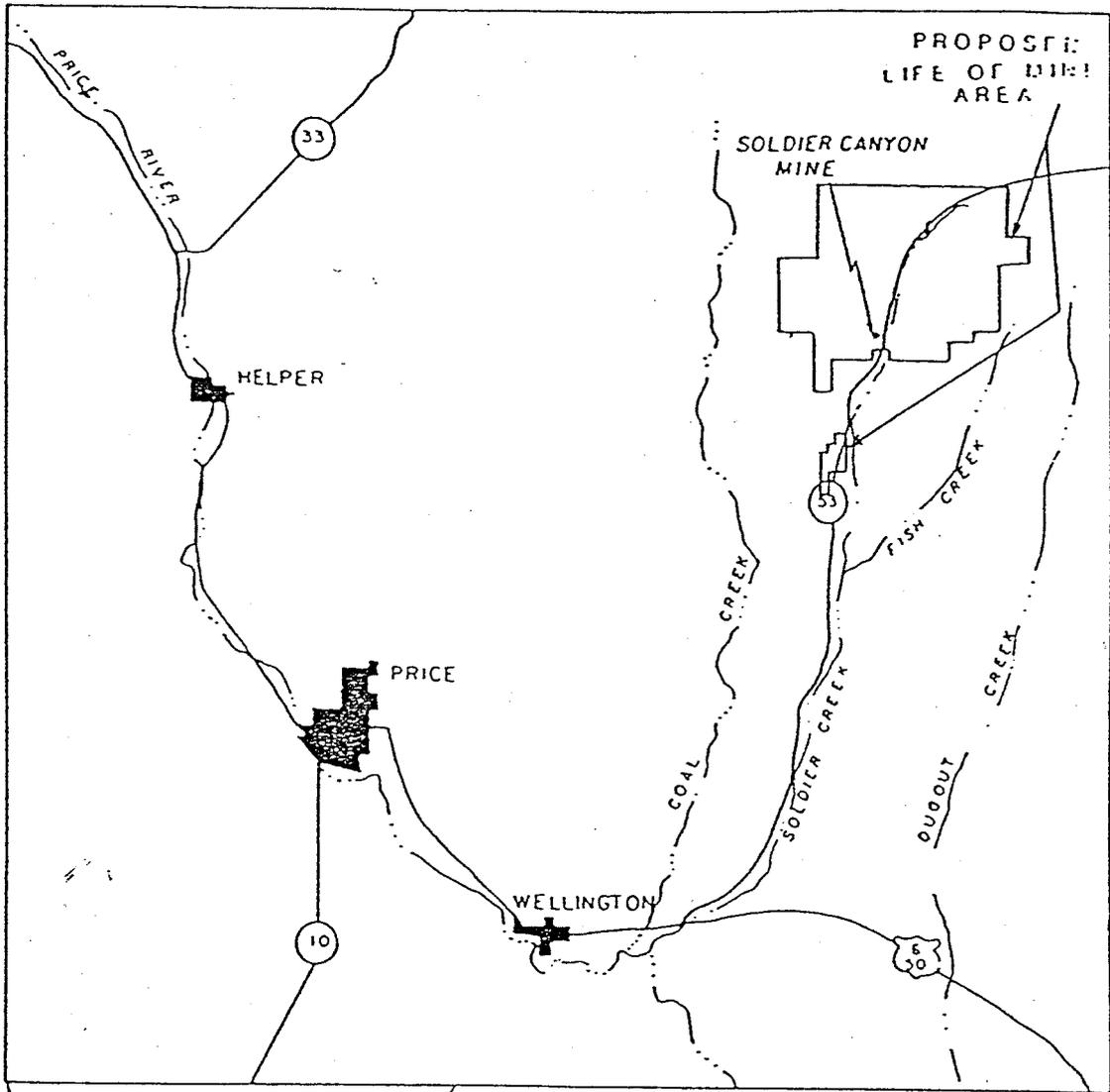
At this time Soldier Creek Coal Company proposes to renew the permit for an additional 5 year term. An updated Mining and Reclamation Plan which incorporates the new R614 (R645) regulations has been supplied.

ANALYSIS

No additional permit area or new surface disturbance is being approved with this permit renewal. The applicant's newly submitted Mining and Reclamation Plan does contain information regarding future lease expansion and the installation of a waste rock disposal site. However, these proposals will not be approved with this renewal and will require separate permitting actions including public notice and issuance of a revised permit. No significant changes have occurred since the approval of the expanded disturbed area and relocation of Utah Highway 53 on July 19, 1991. Therefore, it is DOGM's opinion that the mining and reclamation practices and procedures which were approved in the February 3, 1987 five-year permit and subsequent August 8, 1989, May 28, 1991 and July 19, 1991 revisions are acceptable during the next 5 year renewal period. The applicant has recalculated the reclamation bond amount and has provided additional bond in the amount of \$3,238,000 which adequately covers current disturbance.

RECOMMENDATION

SCCC has demonstrated that mining of the Soldier Canyon Mine can be done in conformance with the Surface Mining Control and Reclamation Act, and the corresponding Utah Act and performance standards. Approval for permit renewal is recommended based on the newly submitted MRP, the submittal of a revised bond, a review of the current permit including all conditions, amendments and revisions approved to date; and conformance with criteria for approval of permit renewal applications (R645-303-230 thru 235) (see attached Permit Renewal Findings document). All issues raised during the review process which are pertinent to the term of the renewal have been resolved or will be attached as conditions to permit approval by Division Order. No other issues were raised during the public comment period.



PROPOSED
LIFE OF MINE
AREA

SOLDIER CANYON
MINE

HELPER

PRICE

WELLINGTON

COAL CREEK

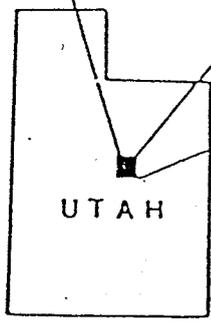
FISH CREEK

COAL CREEK

SOLDIER CREEK

OUBOUT CREEK

FIGURE 1



UTAH



SCALE IN MILES

 Soldier Creek Coal Company SOLDIER CANYON MINE													
TITLE MINE LOCATION CARBON COUNTY, UTAH	DRAWING NO. REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DATE	BY	1			2			3		
NO.	DATE	BY											
1													
2													
3													
DEVENOR 11/26/02 EXP 11/27/02 SCALE AS SHOWN													

PERMITTING CHRONOLOGY

Soldier Creek Coal Company
Soldier Canyon Mine
Permit Renewal
ACT/007/018
Carbon County, Utah

February 3, 1992

- 10/11/91 Soldier Creek Coal Company (SCCC) submits application for permit renewal which includes a new MRP designed around the R614 (R645) regulations.
- 12/4/92 Division of Oil, Gas & Mining (DOGM) determines the application for the Permit Renewal to be complete and forwards notice of the complete application to other interested agencies.
- 12/11/91 DOGM submits copies of new MRP to other agencies for their review.
- 12/5/91, 12/12/91, 12/19/91, 12/26/91
SCCC publishes notice of a complete application for permit renewal in the Sun Advocate.
- 01/14/92 DOGM notifies SCCC of deficiencies in the plan which must be addressed prior to final permit approval.
- 01/24/92 SCCC responds to deficiencies. DOGM notifies SCCC of 3 more deficiencies that need to be addressed prior to permit renewal.
- 01/25/92 Public comment period ends with no comments received.
- 01/28/92 DOGM sends results of final technical review of MRP to SCCC. A number of technical deficiencies exist all of which can be resolved by Division Order.
- 01/31/92 SCCC responds to final deficiencies needing to be resolved prior to permit renewal. SCCC submits revised bond.
- 02/03/92 DOGM issues Decision Document and renewed state permit.

MINE PLAN INFORMATION

Mine Name: Soldier Canyon Mine State ID: ACT/007/018
 Operator: Soldier Creek Coal Company County: Carbon
 Controlled By: The Sun Company Contact Person(s): J. Thomas Paluso
 Telephone: (801) 637-6360 Position: Chief Engineer
 New/Existing: Both Mining Method: Room and Pillar

Federal Lease No(s): SL-051279-063188; U-50722
 Legal Description(s): SL-051279-063188: T.13S., R.11E., Sec. 12: E1/2 E1/2, Sec. 13: NE1/4NE1/4, SE1/4NE1/4, NE1/4SE1/4, Sec. 18: Lot 2 (SW1/4NW1/4), SE1/4NW1/4 T.13S., R.12E., Sec. 7: All, Sec.8: W1/2, Sec.17: NW1/4, Sec. 18: N1/2NE1/4, SE1/4NE1/4, NE1/4NW1/4, Lot 1 (NW1/4NW1/4); U-50722: T.13S.,R.11E., Sec.12: E1/2W1/2, W1/2E1/2, Sec. 13: NW1/4NE1/4, NE1/4NW1/4

State Lease No(s): ML-21994; ML-22675; ML-42648(part); ML-42649(part); ML-44365
 Legal Description(s): ML-21994: T.12S., R.12E., Sec.32: S1/2; ML-22675: T.12S., R.12E., Sec.32: NE1/4NE1/4, S1/2NE1/4, NW1/4; ML-42648: T.13S., R12E., Sec.8: E1/2, Sec.17: NE1/4; ML-42649: T.13S., R.12E., Sec.4: S1/2, Lots 1,2,3,4, Sec.5: SE1/4, Lots 1,2, Sec.9: W1/2, NE1/4, N1/2SE1/4; ML-44635: T.13S., R.12E., Sec.5: SW1/4, Lots 3,4, Sec.6: All

Other Leases (identify): None
 Description(s): _____

Ownership Data:

<u>Surface Resources (acres):</u>	<u>Existing Permit Area</u>	<u>Proposed Permit Area</u>	<u>Total Life Of Mine Area</u>
Federal	<u>594.69</u>	_____	<u>594.69</u>
State	<u>2755.80</u>	_____	<u>2755.00</u>
Private	<u>1560</u>	_____	<u>1560</u>
Other	_____	_____	_____
TOTAL	<u>4909.69</u>	_____	<u>4909.69</u>

Coal Ownership (acres):

Federal	<u>2111.63</u>	_____	<u>2111.63</u>
State	<u>2755.00</u>	_____	<u>2755.00</u>
Private	_____	_____	_____
Other	_____	_____	_____
TOTAL	<u>4866.63</u>	_____	<u>4866.63</u>

Page 2
 Mine Plan Information

<u>Coal Resource Data</u>	<u>Total Reserves (Tons)</u>	<u>Total Recoverable Reserves (Tons)</u>
Federal	<u>27,155.8</u>	<u>10,637.7</u>
State	<u>76,917.3</u>	<u>29,447.2</u>
Private	<u> </u>	<u> </u>
Other	<u> </u>	<u> </u>
TOTAL (Life of Mine)	<u>104,073.1</u>	<u>40,084.9</u>
Total Percent Recoverable	<u>38.5%</u>	(See attached Table)

<u>Recoverable Reserve Data</u>	<u>Name</u>	<u>Thickness</u>	<u>(Map)</u>	<u>Depth</u>
Seam	<u>Sunnyside</u>	<u>5' - 11'</u>	(E031)	<u>250' - 2700'</u>
Seam	<u>Gilson</u>	<u>1' - 18'</u>	(E033)	<u>250' - 2700'</u>
Seam	<u>Rock Canyon</u>	<u>6' - 12'</u>	(E032)	<u>250' - 2700'</u>
Seam	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Seam	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Seam	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Mine Life: 1976-2016
 Average Annual Production: 1,300,000 Tons Percent Recovery: 34 - 40%
 Date Projected Annual Rate Reached: 1990-2005
 Date Production Begins: 1976 Date Production Ends: 2016

Reserves Recoverable By: (1) Surface Mining: None
 (2) Underground Mining: 40,089 Tons

Reserves Lost Through Management Decisions: Unknown
 Coal Market: Unknown

PERMIT RENEWAL FINDINGS

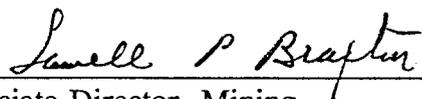
Soldier Creek Coal Company
Soldier Canyon Mine
ACT/007/018
Carbon County, Utah

February 3, 1992

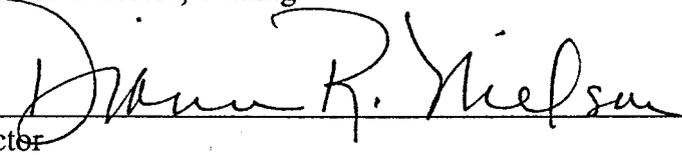
1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
2. The terms and conditions of the existing permit are being satisfactorily met (R645-303-233.110).
3. The present underground coal mining activities are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The operator has provided evidence of having liability insurance (R645-303-233.140).
6. The operator has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect for the additional permit period. No additional surface disturbances are approved with this renewal (R645-303-233.150).
7. The operator has submitted all updated information as required by the Division at this time (R645-233.160). All items marked prior to approval in the January 27, 1992 deficiency review document have been completed and the remaining technical deficiencies are subject of a Division Order.



Permit Supervisor



Associate Director, Mining



Director
Division of Oil, Gas & Mining

AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE
Application for Permit Renewal
Soldier Creek Coal Company
Soldier Canyon Mine
P.O. Box I, Price, UT 84501

STATE OF UTAH)

ss.

County of Carbon,)

I, Dan Stockburger, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for Four (4) consecutive issues, and that the first publication was on the

5th day of December, 1991.

and that the last publication of such notice was in the issue of such newspaper dated the

26th day of December, 1991.

[Signature]

Subscribed and sworn to before me this

26th day of December, 1991.

[Signature]
Notary Public

My Commission expires January 10, 1995

Residing at Price, Utah

Publication fee, \$ 165.60

Notice is hereby given that Soldier Creek Coal Company, on October 11, 1991 submitted a complete application for permit renewal, to the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining under the provisions of the Utah Coal Mining and Reclamation Act (Utah Code Annotated 40-10-1 et seq.) and the Utah R614 Coal Mining Rules. The presently approved permit is Permit No. ACT/007/018. The permit area is located approximately 12 miles north of U.S. Highway 6 & 50, on Soldier Creek Road.

A copy of the complete application for permit renewal is available for public inspection at the Carbon County Recorder's Office, Price, Utah 84501 and at the Division of Oil, Gas and Mining office, Salt Lake City, Utah.

Soldier Canyon Mine and the associated lands involved in the mining project are shown on the United States Geological Survey 7.5 minute quadrangle maps:

Deadman Canyon, Pine Canyon

A legal description of the lands involved in Soldier Creek Coal Company's permit area is as follows:

LEGAL DESCRIPTION

SOLDIER CANYON MINE

Township 12 South, Range 12 East, SLB&M, Sec. 32: NW/4, SW/4, NE/4, E/2 NE/4, S/2

Township 13 South, Range 11 East, SLB&M, Sec. 1, Lot 8, Sec. 12: E/2, E/2NW/4, E/2SW/4. Sec. 13: N/2NE/4, NE/4NW/4, SE/4NE/4, NE/4SE/4. Sec. 24: SE/4 SE/4 SE/4, beginning at a point N 313.28 ft and W. 155.41 ft from the SE corner of Sec. 24, thence N 44° 21' 57" W 168.00 ft, thence N 45° 38' 00" E 312.00 ft, thence S 44° 21' 59" E 168.00 ft, thence S 45° 38' 01" W 312.00 ft to the point of the beginning. Sec. 25: Beginning at a point on the west R-O-W line of Soldier Creek Road, which point is south 104.65 ft. and west 1,836.53 ft. from the east 1/4 corner of Section 25, and running thence west 30.00 ft.; thence north 265.00 ft.; thence S 82° 15' W, 329.50 ft.; thence S 40° W, 122.14 ft.; thence south 480.00 ft.; thence east 90.00 ft.; thence N 49° 05' 09" E, 416.84 ft.; thence north 30 ft.; thence east 30.00 ft.; thence north 50.00 ft. to the point of beginning.

Township 13 South, Range 12 East, SLB&M, Sec. 4: All, Sec. 5: All, Sec. 6: All, Sec. 7: All, Sec. 8: All, Sec. 9: W/2, NE/4, N/2 SE/4, Sec. 17: N/2, Sec. 18: N/2N/2, SE/4NE/4, S/2NW/4, NW/4NE/4SW/4NE/4, NW/4SW/4NE/4SW/4NE/4, NE/4SE/4NW/4SW/4NE/4. Sec. 19: commencing at a point N 23° 21' 59" E, 1126.22 ft from the SW corner of Sec. 19; thence S 47° 39' 00" W, 75.35 ft; thence S 75° 52' 28" W, 44.00 ft; thence S 82° 21' 10" W, 78.00 ft; thence S 71° 53' 59" W, 60.57 ft; thence S 64° 40' 02" W, 75.27 ft; thence S 59° 26' 11" W, 77.03 ft; thence S 57° 57' 52" W, 40.00 ft; thence S 50° 58' 42" W, 48.00 ft; thence S 43° 03' 31" W, 88.30 ft; thence S 39° 25' 25" W, 98.36 ft; thence S 36° 27' 33" W, 138.59 ft; thence S 53° 32' 27" E, 52.30 ft; to include a 15 ft R-O-W (7.5 ft either side) along the entire length.

Written comments must be submitted within thirty (30) days from the last date of publication of this notice, December 26, 1991. Written comments, objections or requests for public hearing or an informal conference concerning this Application may be submitted to:

State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining, 3 Triad Center, Suite 350, 355 W. North Temple, Salt Lake City, Utah 84180-1203.

Published in the Sun Advocate December 5, 12, 19 and 26, 1991.

Notary Public
JAN 10 1995
COUNTY OF CARBON
STATE OF UTAH

LETTERS OF CONCURRENCE AND CONSULATION

SOLDIER CREEK COAL COMPANY
SOLDIER CANYON MINE
PERMIT RENEWAL

February 3, 1992



State of Utah

Division of State History

(Utah State Historical Society)

Department of Community and Economic Development

300 Rio Grande

Salt Lake City, Utah 84101-1182

801-533-5755

FAX: 801-364-6436

Norman H. Bangertter

Governor

Max J. Evans

Director

RECEIVED

DEC 30 1991

DIVISION OF
OIL GAS & MINING

December 18, 1991

Daron R. Haddock
Permit Supervisor
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

RE: Permit Renewal Application, Soldier Creek Coal Company, Soldier Canyon Mine, ACT/007/018, Folder #2, Carbon County, Utah

In Reply Please Refer to Case No. M967

Dear Mr. Haddock:

The Utah State Historic Preservation Office received the above referenced Mine Plan on December 16, 1991. After review of the mine plan, the Utah Preservation office has no additional comments to add to our August 14, 1991 letter.

This information is provided on request to assist the Division of Oil, Gas and Mining with its Section 106 responsibilities as specified in 36CFR800. If you have questions or need additional assistance, please contact me at (801) 533-7039.

Sincerely,

James L. Dykman
Regulation Assistance Coordinator

JLD:M967 OSM



STATE OF UTAH
NATURAL RESOURCES
Water Rights

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Robert L. Morgan, State Engineer

Southeastern Area • 453 S. Carbon Avenue • P.O. Box 718 • Price, UT 84501-0718 • 801-637-1303

January 8, 1992

RECEIVED

JAN 10 1992

DIVISION OF
OIL GAS & MINING

Division of Oil, Gas & Mining
Attn: Daron Haddock, Permit Supervisor
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Permit Renewal Application
Soldier Creek Coal Company, Soldier Canyon Mine

Dear Daron:

The above referenced permit Application for the Soldier Canyon Mine has been reviewed. A few of the concerns which I have enumerated below, address specific requirements of this office. In addition, several comments listed discuss the possible interference or diminution of flow within and adjacent to the life-of-mine (LOM) boundary.

1) Page 1-4 discusses the construction of a sedimentation pond for the proposed refuse disposal area. Pursuant to Section 73-5a-204 of the Utah Code, an application for the construction, reconstruction, or abandonment of any dam must be completed and approved prior to construction. Therefore, Form R-69, Application to Construct a Dam Impounding Less Than 20 Acre Feet, should be completed and submitted to this office.

2) Several sections of the plan, in particular Chapters 5 and 7, discuss mining induced subsidence and the possible effects upon the area water resources. References were made on pages 7-15, 7-28, and 7-30 regarding the perched aquifers of the Flagstaff Formation and the regional water table. Mining in the Blackhawk Formation may develop fractures (by subsidence) that would allow water to migrate down to the lower formations which could dewater established sources. Further, page 7-80 states that the primary consequence of intercepting groundwater flow within the mine is to lessen the natural base flow discharge to Soldier Creek. Although water is returned to Soldier Creek at the mine discharge (MW-3; SE4NE4 Sec. 7, T13S, R12E, SLB&M), the northern reaches may be impacted. Furthermore, due to the coal bed inclination, gravity discharge from the mine will not occur and could affect replacement of rights. Finally, within and adjacent to the LOM boundary, 39 water rights have been filed with this office. Of these, Sunoco Energy Co. (Soldier Creek Coal) has the rights to 10 springs and 6 surface sources; California Portland Cement has the right to one underground source. To prevent interruption or loss of flows, SCCC should protect all sources to the extent possible. (Note: Title should be updated on CPC's right, 91-203, to Sunoco).

3) Two perennial streams exist within the LOM boundary, Soldier and Pine Creeks. Page 5-17 states that subsidence from the proposed mine plan should not significantly affect any streams. In addition, a zone of no secondary mining (exhibit 5.25-1) is designed to protect Soldier Creek. However, multiple seam mining below Pine Creek may have a greater impact upon immediate area surface flows and possible recharge to the system. A contingency plan is outlined on page 7-82 should a substantial loss of flow from Soldier Creek or Pine Creek be encountered. Any diminution or interruption of flows from any source should be considered significant and should be addressed accordingly. Upon the determination that a source has been impacted by mining operations, any anticipated changes or developments of water sources should be coordinated with this office.

4) Page 5-36 discusses the coal washing operations and addition of water to make up for losses contained in the refuse and clean coal products. These losses are approximately 19 gpm. Page 7-83 discusses the total consumption of groundwater which is estimated at 43.53 acre feet annually. It is not clear if this total figure includes the coal washing operations, however, the total acre foot amount for all operations appears to be well below the amount allotted under the existing water right (91-203).

5) The proposed refuse disposal site is discussed throughout the permit application. Page 7-49 discusses the surface water resources of the disposal area which consist of Soldier Creek, an ephemeral drainage, Anderson Reservoir, and an irrigation diversion. Page 7-50 states Anderson Reservoir is located on a small tributary of Soldier Creek which is the same drainage being proposed for the refuse disposal area. Upon development of the disposal site, construction and installation of diversion structures should allow water to be diverted under existing water rights. Proper maintenance of all ancillary structures should be performed to prevent wasting of diverted water.

6) Page 17 of the Supplemental Hydrogeological Study by Sargent, Hauskins, & Beckwith (Appendix I) states that it is possible for drainage from mine workings to enter uncased holes (old borings). It is not clear if these borings have been abandoned, and if so, whether they have been properly sealed to prevent contamination of aquifers. Clarification regarding the status of these borings should be supplied to this office.

7) During expansion of the mine facilities, encroachment upon Soldier Creek or other riparian environments may be inevitable. Pursuant to Section 73-3-29 of the Utah Code, an application must be filed with this office prior to initiating any work within a natural stream channel. A review of any proposed site may be required to determine whether or not a Permit to Alter a Natural Stream is required.

Division of Oil, Gas & Mining
Re: Soldier Creek Coal Company
January 8, 1992
Page 3

Sincerely,

William A. Warmack

William A. Warmack
Assistant Regional Engineer

cc: Tom Paluso - Soldier Creek Coal Company

WAW/mjk



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangertter
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Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

January 27, 1992

TO: Daron R. Haddock, Permit Supervisor *DRH*

FROM: Joseph C. Helfrich, Regulatory Program Coordinator *JCH*

RE: Compliance Review for Section 510(c) Findings, Soldier Creek Coal Company, Soldier Canyon Mine, ACT/007/018, Folder #5, Carbon County, Utah

As of the writing of this letter, there are no NOV's or CO's which are not corrected or in the process of being corrected. Any NOV's or CO's that are outstanding are in the process of administrative or judicial review. There are no finalized Civil Penalties which are outstanding and overdue in the name of Soldier Canyon Coal Company.

Finally, they do not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

jbe
A:\510(C)

DATE: 27 JAN 92

APPLICANT VIOLATOR SYSTEM
APPLICATION EVALUATION REPORT

TIME: 11:18:20

STATE: UT

APPNO: ACT007018

SEQNO: 0

PAGE: 1

APPLICANT'S ENTITY ID: 089070

APPLICANT'S NAME : SOLDIER CREEK COAL CO

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT

*			*	
*	SYSTEM RECOMMENDATION	:	ISSUE	*
*	PREVIOUS SYSTEM RECOMMENDATION:		ISSUE(910719)	*
*	OSMRE RECOMMENDATION	:	ISSUE(910723)	*
*				*

THERE ARE ASSOCIATIONS IN THIS OFT ON HOLD. CHECK !

F2/PROCEED F3/QUIT F4/MAIN F6/REPORT F9/V.VIOL F10/V.OFT

FEDERAL
(April 1987)

Permit Number ACT/007/018, February 3, 1992
(Renewal)

**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/007/018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOG M) to:

**Soldier Creek Coal Company
P. O. Box I
Price, Utah 84501
(801) 637-6360**

for the Soldier Canyon Mine. Soldier Creek Coal Company is the lessee of federal coal leases SL-051279-063188, U-50722, and the lessee of state coal leases ML-22675, ML-21994, ML-42648, ML-42649, and ML-44365. A performance bond is filed with the DOGM in the amount of \$3,238,000.00, 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 map appended as Attachment B) within the permit area at the Soldier Canyon Mine situated in the state of Utah, Carbon County, and located:

Township 13 South, Range 12 East, SLBM

Section 4: All
Section 5: All
Section 6: All
Section 7: All

Section 8: All
Section 9: W1/2, NE1/4, N1/2SE1/4
Section 17: N1/2
Section 18: N1/2N1/2, SE1/4NE1/4, S1/2NW1/4, NE1/4SW1/4NE1/4,
NW1/4SW1/4NE1/4
Section 19: Portion of SW1/4SW1/4

Township 12 South, Range 12 East, SLBM

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

Township 13 South, Range 11 East, SLBM

Section 12: E1/2, E1/2W1/2
Section 13: N1/2NE1/4, NE1/4NW1/4, SE1/4NE1/4, NE1/4SE1/4
Section 24: S1/2S1/2SW1/4SE1/4, Portion of SE1/4SE1/4
Section 25: N1/2NW1/4NE1/4, Portion of N1/2NW1/4SE1/4 Portion of
S1/2SW1/4NE1/4

This legal description is for the permit area (as shown on Attachment B) of the Soldier Canyon Mine. The permittee is authorized to conduct underground coal mining activities on the foregoing described property subject to the conditions of the leases, including all conditions and all other applicable conditions, laws and regulations. **Note:** The waste rock disposal site and lease additions proposed in the permittee's application are not approved with this permit and will require separate permitting action and approval.

- Sec. 3 PERMIT TERM - This renewed permit becomes effective on February 6, 1992 and expires on February 3, 1997.
- 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 R645-303.
- Sec. 5 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. 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 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 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 R645-300.
- Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and/or requirements set out in the leases and this permit, the permittee shall comply with the Division Order 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: _____

Date: _____

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

Authorized Representative of the Permittee

Date: _____

ATTACHMENT A

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

PERMITTEE

Mr. Rick Olsen
President
Soldier Creek Coal Company
P. O. Box I
Price, Utah 84501

Soldier Canyon Mine
Carbon County

Permit Number ACT/007/018
Division Order # 92-A

DIVISION ORDER AND FINDINGS of PERMIT DEFICIENCY

PURSUANT to R645-303-212, the DIVISION hereby ORDERS the PERMITTEE, Soldier Creek Coal Company to make the permit changes enumerated in the FINDINGS OF PERMIT DEFICIENCY in order to be in compliance with the State Coal Program. These Findings of Permit Deficiency are to be remedied in accordance with the requirements of R645-303-220.

FINDINGS OF PERMIT DEFICIENCY

Based on a review of Soldier Creek Coal Company's Mining and Reclamation Plan submitted on October 11, 1991 a number of deficiencies have been determined. They are enumerated below.

ORDERS AND FINDINGS
ACT/007/018

- 1) R645-100-200 and R645-301-525.270: There are no provisions for permitting of all areas potentially affected by subsidence resulting from approved coal extraction.
- 2) R645-301-536: Exhibit 5-21-1a must be revised to delete the storage of coal mine waste on the surface.
- 3) Soldier Creek Coal Company must update the Title for water right 91-203 to Sunoco and provide the Division with a commitment to protect all water sources to the extent possible. (See January 8, 1992 letter from the Division of Water Rights)
- 4) Soldier Creek Coal Company must provide a commitment in the Mining and Reclamation Plan to coordinate with the Division of Water Rights immediately upon the determination that a water source has been impacted by mining operations. (See January 8, 1992 letter from the Division of Water Rights)
- 5) Soldier Creek Coal Company must provide to the Division of Water Rights and the Division of Oil, Gas and Mining, clarification regarding the status of the old borings discussed on page 17 of the Supplemental Hydrogeological

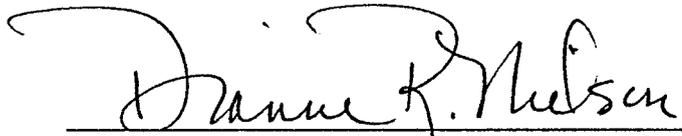
Study by Sergent, Hauskins, & Beckwith (Appendix I). (See January 8, 1992 letter from the Division of Water Rights)

- 6) Soldier Creek Coal Company must adequately address all outstanding issues discussed in the Division's Technical Deficiency Review dated January 27, 1992.

ORDER

It is hereby ORDERED that Soldier Creek Coal Company make the requisite permit changes in accordance with R645-303-220 and submit a complete application for permit change, addressing the FINDINGS OF PERMIT DEFICIENCY by no later than March 9, 1992 for item #1, and May 8, 1992 for items #2 thru #6.

So ORDERED, this 3rd day of February, 1992, by the Division of Oil, Gas and Mining.



Dianne R. Nielson, Director
Division of Oil, Gas and Mining

OUTSTANDING ISSUES (January 27, 1992)
SOLDIER CREEK COAL COMPANY
SOLDIER CANYON MINE
ACT/007/018

R645-301-131.

All technical data submitted in the permit application will be accompanied by the names of persons or organizations that collected and analyzed the data, dates of the collection and analysis of the data, and descriptions of the methodology used to collect and analyze the data.

1. In Chapter 2 of the MRP, for each group of soil analyses, describe sample collection and preparation and supply citations for the methods of analysis used for sampling which has occurred in the last 5 years.
2. Provide the credentials of all contributors as they are mentioned in the MRP; i.e., Dr. A. R. Southard, Soil Scientist, U.S.U.

R645-301-222.

Soil Survey.

1. Include information in Appendix 10 regarding the Fan #3 exploration soils data gathered by the SCS. Include the volumes of topsoil stored at the Topsoil Storage site from the Fan #3 exploration.
2. Mention in the narrative on pg. 2-3, Soil Survey, that the location of the soil samples taken of the topdressing is on Figure 3.7-2. These samples are summarized in Table 2.22-2
3. A commitment is required in the MRP that the development plans for future disturbance (adjacent or distant from the central mine site) will include depth segregated soil sampling which will be logged in the field according to the National Cooperative Soil Survey and analyzed by horizon according to Table 1 of the Division's "Guidelines" for topsoil. Methodologies of the labs will be made available to the Division with the laboratory analysis sheets.
4. An Order 1 soil survey map of the surface disturbed mine facilities area must be prepared before construction of Fan #3. This map will consolidate the information provided in Appendix 10 (Vol. 5) and Chapter 2, and Fan #3 exploration. Locations of all previous sample pits and auger holes, and dates of sampling will be provided on the map. The map must show all soil types from available information. Areas disturbed prior to August 1977 will be delineated.

R645-301-222.400. Present and Potential Productivity of Existing Soils.

1. Clarify the number of reference areas and mention on pg. 3-22 and pg. 5 of App. 3-B the figures which show location of vegetation reference areas.
2. Provide the map which is referred to on pg. 5 (App. 3-B, Vol. 2 of the 1990 Mt. Nebo Scientific Vegetation Analysis Report.

R645-301-234. Topsoil Storage.

1. Locate all the designated substitute topsoil and all the topsoil storage areas on Central Mine Facilities Map 5.21-1 of the MRP.
2. Amend the MRP to state that the pre-SMCRA surface will be covered with the best substitute topsoil material in the permit area as determined by testing of depth segregated samples for total and nitrate nitrogen, phosphorus, potassium, and total petroleum hydrocarbons, SAR, electrical conductivity, pH, percentage rock fragments, organic carbon, boron and selenium at the time of final reclamation.
3. Amend the plan to state that organic matter such as composted manure, digested sewage sludge, composted sawmill waste or other available material will be incorporated into the substitute topsoil upon reclamation to inject microbial activity into the rhizosphere. Methodology to be used will be based upon the test plots developed at the permanent topsoil storage site, using subsoil excavated from the refuse disposal site.

R645-301-224. Substitute Topsoil.

1. Provide a description in Section 2-24 for location of the crib wall test plot, a description of the treatments employed on this plot, and the evaluations of the plot to date.
2. Include the crib wall test plot on the Central Mine Facilities Map 5.21-1.

3. Clarify the description of the location of soil sample #2 (pg.2-19 of Vol 1 of the MRP) and the storage location of the soils represented by sample #2 (pg. 2-32 of vol 1 of the MRP).
4. Clarify the yardage of all substitute topsoil presently stored in fills by completion of the table presented in this technical analysis under this rule.
5. Present a commitment in the MRP to resample all designated substitute topsoil locations prior to final reclamation, refer to the deficiencies under R645-301-234 for specifics.
6. Present a plan for isolating and protecting the substitute topsoil during the backfilling and grading of final reclamation.

R645-301-230. Operation Plan.

1. All topsoil storage locations at the mine site must be specified on Map 5.21-1, Central Mine Facilities Map, estimate total and individual yardage.
2. The method of determining volumes of material must be stated, since cross-section of all topsoil piles and substitute topsoil piles which are stored at the topsoil storage site were not included with the MRP.
3. Include the yardage of topsoil salvaged from Fan #3 exploration site.
4. State definitively in the MRP that berms at the topsoil storage site are constructed of topsoil and that the road accessway has not been stripped of topsoil.

R645-301-242. Soil Redistribution.

1. Differentiate between the substitute topsoil and backfill from each location on the reclamation volumes Map 5.42a.
2. Identify the soil recovery map referred to on pg. 5-45 and 5-46 by the exhibit number.

3. Describe the method of sampling which will enable determination of unsuitable material which will be placed against the highwall. i.e., frequency of sampling, the depths of sampling, the analyses to be performed, etc. Will the sampling, as described in Deficiency #3 of R645-301-234, be conducted?

R645-301-321. Vegetation Information

1. Illustrations 10.7.1-1 and 10.7.1-2 must be discussed in Chapter 3.
2. Appendix 3A must include a statement to clarify the difference between the waste rock disposal area and the refuse disposal area.
3. An index must be provided to identify the scientific name abbreviations used in vegetation study tables.
4. Table designations 3.7-9, 3.7-10, and 3.7-11 must not overlap between different tables.

R645-301-322. Fish and Wildlife Information

1. Appendix 3D must contain an explanation of the difference between the waste rock disposal and refuse disposal areas. The reference to Exhibit 4.1-2 needs to be eliminated unless the exhibit is included.
2. Further survey work to confirm the presence or absence of western bluebirds, Williamson's sapsuckers, and three-toed woodpeckers needs to be performed. Since this work needs to be done in the spring, it is not possible for Soldier Creek to incorporate the results in the plan before permit renewal, but the work must be performed at the first opportunity.
3. Information on golden eagle nests in the cliffs above the mine

office is readily available and must be incorporated in the plan.

4. The discrepancy between Plate R-1 and Figure 1 in the maps in the Environmental Industrial Services report, Appendix 3D1, needs to be corrected. Also, Plate R-1 should be more legible.
5. The current status of Machaeranthera leucanthemifolia as a non-candidate for threatened or endangered species status must be shown. Reference to this plant may be eliminated from the plan altogether. The presence of Cryptantha creutzfeldtii in the permit area must be identified; however, new information from the survey work that is planned for next year may need to be included later.

R645-301-323. Maps and Aerial Photographs

1. The map showing raptor nests needs to include information from DWR on golden eagle nests in the cliffs above the main mine offices.

R645-301-330. Operation Plan

1. The application must include a program to qualitatively monitor all interim reclamation sites for revegetation success for at least the first two years following revegetation. The Applicant should also specify at what point remedial measures will be taken.
2. The Applicant must commit to compensating for livestock that might be killed or injured as a result of subsidence. Also, subsidence-caused surface cracks, which are of a size or nature to cause injury or death to livestock or wildlife, must be repaired.

3. Soldier Creek must commit to following the monitoring and operation program suggested in correspondence from DWR, contained in Appendix 3D1, for subsidence effects on raptors both for the expansion proposed at the time of the correspondence and for other areas.
4. The critical deer winter range mitigation, which Soldier Creek performed in 1989, must be referenced in Chapter 3 of the plan. Soldier Creek will need to follow DWR's recommendations on any further mitigation that is necessary to compensate for the temporary loss of the refuse disposal area as deer winter range. The index to Appendix 10 or the designation of the letters from DWR must be corrected so that they match.

R645-301-341. Reclamation Plan: Revegetation

1. Certified noxious weed free hay or straw must be used for mulch on those areas where straw or hay is to be used. The Applicant must not accept seed that is sold in violation of the Utah Seed Act. Any seed that must be stored must be protected from heat and large variations in temperature.
2. The permanent seed mixture for the topsoil/storage area must be corrected to show Artemisia tridentata var. wyomingensis instead of A. t. var. tridentata. Also, rubber rabbitbrush (Chrysothamnus nauseosus) and big sagebrush (Artemisia tridentata) can be eliminated from this seed mix. These deletions are not meant to apply to the components with varieties; i.e., Wyoming big sage, mountain big sage, and rubber rabbitbrush (Chrysothamnus nauseosus var. hololeucus).
3. Soldier Creek must use seed of adapted ecotypes and origin verified seed collected from the area near the mine where it is available.

4. The discrepancy between page 3-20 and 3-27 in acreage of riparian area to be reclaimed must be resolved.
5. Methods for determining sample adequacy and conducting tests for bond release must be according to the "Vegetation Information Guidelines". The formula for determining s^2_p must be corrected.
6. The plan must be changed to show that standards for success for woody species density will be according to the baseline information for the appropriate reference areas or, if there is no significant change at the time of bond release application, the current conditions of the reference areas. The pinyon-juniper reference area may not be used to establish woody species density for the proposed refuse disposal area.
7. In addition to the qualitative evaluation of species composition and diversity proposed, quantitative analysis must also be made. The determination of success will be based on all of this information.
8. The reference area for the proposed refuse disposal site must be changed so that comparison will be made to a more desirable community than pinyon-juniper. The sage-grass-juniper reference area is recommended. If this area is used, diversity indexes should use life form composition as the basis for determining revegetation success rather than species composition. The seed mix must include desirable salt-tolerant species, such as fourwing saltbush and black sage. Soldier Creek must commit to establishing and monitoring a test plot on the refuse disposal pile.

R645-301-342.

Reclamation Plan: Fish and Wildlife

1. The Applicant must consult with DWR to determine if there are wildlife enhancement measures that can be used during the reclamation and postmining phase of operation, and, if

there are none that can or need to be used, the application must contain a statement why enhancement is not practicable.

R645-301-356. Revegetation: Standards for Success

1. Appendix 3F must be included in the plan.
2. The sections referring to crop production must be elaborated or, if they do not apply, eliminated. If crop production is one of the proposed postmining land uses, this must be discussed in Chapter 4, 'Land Use and Air Quality'.

R645-301-357. Revegetation: Extended Responsibility Period

1. Any selective husbandry practice that might be considered normal conservation practice within the region must first be approved as part of the Utah Coal Regulatory Program. Augmented seeding or fertilization are not permitted under the current rules, and this section of the application must be modified accordingly.

R645-301-358. Protection of Fish, Wildlife and Related Environmental Values

1. The application must include methods to be used to monitor, avoid, and mitigate impacts to raptors, particularly golden eagles.

R645-301-411. Environmental Description

1. The description of the areas surveyed in 1990 for cultural resources by the Neilson Consulting Group must be

corrected.

R645-301-412. Reclamation Plan
R645-301-413. Performance Standards

1. The statement on page 4-1 concerning industrial use in the mine and adjacent areas should be clarified to show that a postmining land use will not be industrial. If an industrial postmining land use is proposed for the permit area, it must be clearly discussed in the plan.
2. The application must include a copy of comments concerning the proposed postmining land uses by the legal or equitable owners of record of the surface of the proposed permit area and Utah and local government agencies which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

R645-301-500. ENGINEERING
R645-301-521 General.

2. The Operator shall correct the contour information and elevations as necessary on Map 760a to provide an accurate depiction of the final reclamation contours. In the event that correction of the contour information on the drawing reflects changes in the mass balance calculations, all respective portions of the reclamation plan and the cost estimate for reclamation should be made.

R645-301-522. Coal Recovery.

1. The Applicant must submit copies of the Resource Recovery and Protection Plans (R2P2's) for all BLM lease areas. These documents shall be referenced in the text of the plan regarding coal recovery, and, shall be included as an appendix to the Mining and Reclamation Plan.

R645-301-525. Subsidence.

1. The Operator shall revise the mining sequence in this area to accommodate the buffer zone indicated for Soldier Creek, County Road 53 and Questar's pipeline, or submit a detailed analysis and present engineering evidence that these changes will not adversely impact those renewable resource areas.
2. The Operator must incorporate into the permit area, all areas impacted by subsidence or areas which potentially could be impacted by subsidence in accordance with the mine design and the angle of draw.
3. The Operator must further detail the subsidence buffer zone which has been projected to the north in Soldier Canyon. Changes to this buffer zone which are different than the design angle of draw projection must be explained and detailed adequately to allow the proposed buffer zone location.

R645-301-526. Mine Facilities.

1. Figures 5.26-1 and 5.26-2 must be certified and resubmitted.

R645-301-534. Roads.

1. The Operator must provide a certification statement for incorporation into the Mining and Reclamation Plan which states that the primary roads, as described in this plan, meet the requirements of R645-301-534.200 and R645-301-742.420.

R645-301-542. Narratives, Maps and Plans.

1. The Operator must rephrase Section 5.42.50 to indicate that

sediment ponds will remain until such time as effluent limitations and vegetative requirements are met, and that upon satisfying those criteria, the sediment ponds will be removed and the associated areas reclaimed.

R645-301-700. HYDROLOGY
R645-301-713. Inspection.

1. Yearly and quarterly requirements must be clarified in text to meet the requirements of R645-301-514.300.

R645-301-722. Cross-Sections and Maps.
R645-301-731.

1. The Operator must include location of water right use and intake points.
2. The Operator must show current pertinent information on maps to prevent confusion. Specifically Figure 21 requires information to be updated.
3. The Operator will identify all baseline wells, as well as monitored wells including SC-11G through SC-13 Exhibit 7.21-1.
4. The Operator will include Plate 1, which is referenced in the Supplemental Report in the MRP.
5. The Operator will submit a map clearly indicating the locations of past and present in-mine monitoring points.
6. The depth of the wells drilled in the area must be indicated on a map, and should be included on Exhibit 2.5-1.
7. Topographic contours will be defined for the complete area on all maps where contours are pertinent to the presented information. Specifically Drawing E030 and Exhibit 2.5-1.

R645-301-724. Baseline Information.

1. Update water rights information to include newly filed rights. Indicate if these rights are approved or in review status, and provide their location as required in R645-301-731.700.
2. Characterize the seasonal quantity of use as well as the seasonal quantity of discharge and flow rates.

R645-301-724.600. Survey of Renewable Resource Lands.

1. The Operator must present specific information on what seams were mined in the indicated full extraction areas. The Operator shall show the area likely to be affected based on the angle of draw.
2. The Operator must include a map survey showing the potential recharge areas in the permit area.

R645-301-724.700. Conducting Coal Mining and Reclamation Operations Within a Stream Location.

1. The Operator must incorporate AVF information from the current MRP that supports the original determination made by the Division.

R645-301-726. Modeling.

1. The Operator shall clarify the text of the application to identify all modeling used and presented in the MRP.

R645-301-728. Probable Hydrologic Consequences (PHC) Determination.

1. Include operational and baseline data analysis showing the current information supports the determination that the impacts identified are not expected to be significant as required by 728.200 of this section. Provide operational data analysis for support of all other pertinent PHC for ground water and surface

water seasonal water quality and quantity.

2. The in-mine consumptive use needs to be updated to project current and proposed conditions. Actual volumes of water discharged from in the mine to Soldier Creek must be quantified and included in analysis of ground water losses due in the mining area.
3. Figures used to arrive at all estimates should be clearly presented in the appendix or text of the MRP.
4. Include Probable Hydrological Consequences based on flooding including the potential for sediment contributions to streamflow.
5. Explain the significant drawdown in the Castle Gate Sandstone well 10-2 (pg.7-27) and the Probable Hydrologic Consequences on the Price River Formation.

R645-301-730. Operation Plan.

1. The Operator will include a copy of their NPDES permit for review by the Division before operations sending industrial wastes to the pond can commence.

R645-301-731.200. Water Monitoring.

1. The Operator must correct "significant" measurable flow to measurable flows, including wet areas in mine that accumulate flow.
2. The Operator must commit to receiving Division approval before discontinuing any monitoring points.
3. The Operator must commit to include a summary showing changes in surface water quantity and quality over time in the annual report, and in summary in the 5 yr permit renewal. The Operator must commit to notify the Division of Water Rights office if it encounters any significant change in quantity or requires development of new water sources.

4. The Operator will reassess proposed well monitoring sites to assure compliance of monitoring potentially impacted aquifers, identified by the PHC and meeting other applicable R645 ground water regulations.

R645-301-731.220. Surface-Water Monitoring.

1. Include analysis for surface water quality according to use in an extended annual parameter list, or demonstrate that the potential for those contaminants do not exist from mining activities.
2. Include monitoring sites G-1 and G-2 in the surface water monitoring program.

R645-301-731.300. Acid- and Toxic-Forming Materials.

1. Provide methods to be used to identify and provide for safe, temporary storage. Identify where temporary storage will be placed, and how protection of hydrologic resources will be achieved.
2. The Operator must provide a design, such as a clay liner, for the pond that ensures leachate and drainage does not degrade surface or underground water (as required in R645-301-528.330). The Operator must include a sampling and pond waste removal plan that will assure proper disposal and handling of the pond waste materials.

R645-301-731.500. Discharges.

1. Clarify the requirement that any approved underground mine discharge must be approved by both the Division and MSHA. Not "and/or".

R645-301-731.611. Applicable Utah or Federal Water Quality Standards

1. The Operator must provide for protection of the stream channel during reclamation operation, specifically in stream construction, including increased monitoring during construction and a commitment to notify downstream users

that may be affected by instream activities.

R645-301-732. Sediment Control Measures. Siltation Structures.

1. Correct Appendix 7-G to eliminate references to the temporary waste rock storage.

R645-301-742.212. Siltation Structures

1. The Operator must show that adequate sediment control measures are in place prior to construction operations.

R645-301-742.300. Diversions.

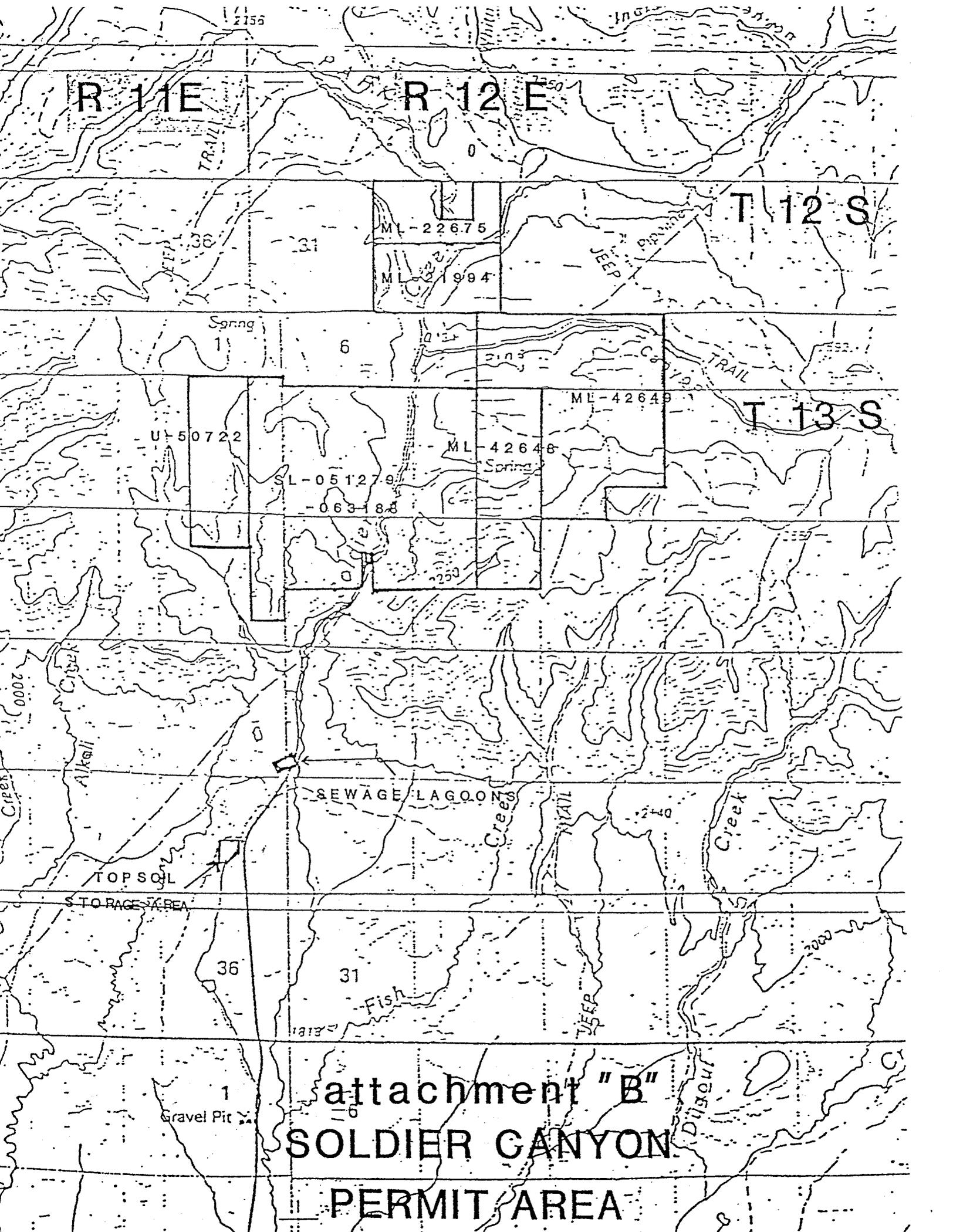
1. The Operator shall provide as-builts for the completed ditches including necessary text changes to update the appendices, to current text references and maps.

**R645-301-760. RECLAMATION.
R645-301-764. Structure Removal. The application will include the timetable and plans to remove each structure, if appropriate.**

1. The Operator must include all pertinent structures and adequate steps in the timetable to determine whether the protection of hydrologic resources is met.

R645-301-765. Permanent Casing and Sealing of Wells.

1. Commit to using follow the requirements of Utah Code Section 73-3-25. rules for water well drillers.



R 11 E

R 12 E

T 12 S

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ML-22675

ML-1994

ML-42649

ML-42648

U-50722

SL-051279

-063188

SEWAGE LAGOON

TOPSOIL

STORAGE AREA

Gravel Pit

attachment "B"
SOLDIER CANYON
PERMIT AREA