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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

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

May 25, 1995

Mike Glasson
Andalex Resources, Inc.
P.O. Box 902
Price, UT 84501

Re: Incidental Bounday Change - Remote Fan Installation, Centennial Mine, Andalex Resources, Inc., ACT/007/019-94G, Folder #3, Carbon County, Utah

Dear Mr. Glasson:

The incidental boundary change to the Centennial Mine mining and reclamation plan to include the remote fan installation is approved with two conditions and a stipulation to the permit.

The two conditions of this approval are:

Condition #1: By July 25, 1995, Andalex Resources, Inc. must resolve the conflict between Sections R645-301-330 and R645-301-731.610 concerning the postmining status of the fan access road, including landowners' comments, and

Condition #2: By July 25, 1995, Andalex Resources, Inc. must consolidate four submittals for ACT/007/019-94G, into one coherent document for inclusion into the Mining and Reclamation Plan and submit ten finalized copies of this permit change by that date to the Division. If necessary, Andalex Resources, Inc. will meet with personnel from the Division before that date if there are questions about the consolidation.

The new permit, that includes the incidental boundary change in the permit area, is being issued with one stipulation:

Stipulation 1: Andalex Resources, Inc. must complete all construction within 100 feet of the stream channel at a time when no running water is present in the channel.

Please sign both copies of the permit and return one to the Division. If you have any questions, please call me. Thank you.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

Enclosure

cc: Daron Haddock (w/o enclosure)
Joe Helfrich (w/o enclosure)

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

This permit, ACT/007/019, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Andalex Resources, Inc.
P. O. Box 902
Price, Utah 84501
(801) 637-5385

for the Centennial Project. Andalex Resources Inc. is the lessee of federal coal leases SL-027304, SL-063058, U-010581, U-05067, U-52341, UTU-66060, U-69600, and the lessee of fee-owned parcels, Zion's fee lease and the Sunedco fee lease. A performance bond is filed with the DOGM in the amount of \$1,080,839.00, 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 within the permit area at the Centennial Mines Complex situated in the state of Utah, Carbon County, and located in:

Township 13 South, Range 11 East, SLBM

Section 4: S1/2,
Section 5: All,
Section 6: All,
Section 7: All,
Section 8: All,
Section 9: All except SE1/4SE1/4,
Section 17: N1/2, NE1/4SE1/4, N1/2NW1/4SE1/4, N1/2NE1/4SW1/4,
NE1/4NW1/4SW1/4, W1/2NW1/4SW1/4, and,
Section 18: N1/2N1/2, SW1/4NE1/4, NW1/4SE1/4NE1/4,
E1/2SE1/4NE1/4, E1/2NE1/4SE1/4 and Lot 2,
NE1/4SW1/4 (a portion containing 1.45 acres, more or less).

Township 13 South, Range 10 East, SLBM
Section 1: Lots 1-8, S1/2N1/2, SW1/4,
Section 12: Lot 1, Lots 2-11, W1/2W1/2, NE1/4SW1/4, and
Section 13: Lot 1 (Portions of BLM ROW UTU-64158).

Township 12 South, Range 11 East, SLBM
Section 31: Lots 3-6 and Lots 13-22.

This legal description is for the permit area of the Centennial Mines Complex. The permittee is authorized to conduct underground coal mining activities connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

- 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 permit expires on January 4, 1997.
- 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.

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** - In addition to the general obligations and/or requirements set out in the leases, the federal mining plan approval, and this permit, the permittee shall comply with the special conditions appended hereto as Attachment A.

The above conditions (Secs. 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: _____

Date: _____

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

ACT/007/019
Permit
May 25, 1995
Page 5

Authorized Representative of
the Permittee

Date _____

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Permit
May 25, 1995
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ATTACHMENT A

STIPULATION
ANDALEX RESOURCES INC.
Centennial Project
ACT/007/019
Carbon County, Utah

May 25, 1995

1. Andalex Resources, Inc. must complete all construction within 100 feet of the stream channel at a time when no running water is present in the channel.

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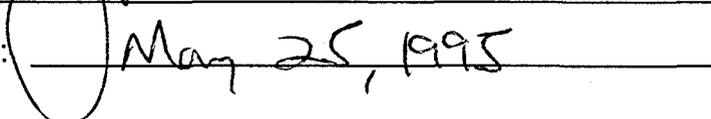
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