

Mountain Coal Company
West Elk Mine
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Somerset, Colorado 81434
Telephone 303 929-5015
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September 28, 1993

RECEIVED

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**DIVISION OF
OIL, GAS & MINING**

Pamela Grubaugh-Littig
Permit Supervisor
Utah Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Deletion of Jensen Property
Mountain Coal Company
C.V. Spur Processing/Loadout Facility
ACT/007/022-93A; Folder #2
Carbon County, Utah

Dear Ms. Littig:

In response to your denial letter of 7/20/93, Mountain Coal Company is herein submitting 3 complete copies of a new proposed amendment to delete the Jensen Property from the C.V. Spur Permit.

Included with this submittal are:

- (1) Justification for deleting the property, showing it was included by error and not part of the C.V. Spur operation;
- (2) Berm design and cross-sections;
- (3) Updated maps showing the revised permit boundary (including a Permit Area Map).
- (4) Permit change forms.

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It is our hope this revised amendment will meet with your approval. If you have any questions, or need any further information, please let me know.

Respectfully,

A handwritten signature in cursive script, appearing to read "Dan W. Guy".

Dan W. Guy
for Kathleen G. Welt

cc: Bill Malencik - DOGM
Kathy Welt - MCC
File

Section 4

LAND STATUS, LAND-USE AND POSTMINING LAND-USE

4.1 Scope

This section details surface and mineral ownership as well as leaseholders or easement holders, or other pending options or interests in lands which are contiguous to or within the area to be covered by the permit pursuant to requirements of UMC 782.13.

The existing regional and site specific land use as well as the possible impacts which may occur during an after mining to the land-use and socioeconomy are considered.

4.2 Methodology

All information documenting land status has been acquired from information on file with the Anaconda Minerals Company Land Department, contacts with various governmental agencies, and also through independent land checks completed by consulting land brokers.

4.3 Land Status

4.3.1 Surface Land Status

Tables 4-1 and 4-2 (numerically cross referenced) identify the current ownership, rights-of-way, easements, leases, special use permits, water rights, and surface managing authorities for all property in and contiguous to the permit area. Plate 4-1 shows the location of the subject tracts.

Mining and Reclamation Plan
Castle Valley Spur Coal Processing and Loadout Facility Permit Application

Two tracts of land have been sold at the C.V. Spur facility since the original permit was issued. The first tract was 0.24 acres, sold to Co-Op Mining Company in 1985 (see Figure 4-1). This area has been deleted from the permit.

The second tract of land was 5.42 acres, sold to Kevin and Lois Jensen, also in 1985 (see Figure 4-2). Plate 4-1 was changed at that time; however this area has never been deleted from the mine plan. Mountain Coal Company is now requesting this area be deleted from the C.V. Spur Permit. The following is a justification for this request:

- (1) Mountain Coal Company no longer owns this land, nor does it have any control over activities (including possible pollution) which take place on the property;
- (2) The drainage from the Jensen site was originally included in the C.V. Spur diversion and pond designs, and has continued to drain to our Sediment Pond No. 5;
- (3) As shown on Plate 3-1, this is an area of pre-law disturbance. This area was used as a staging site for Utah Power and Light coal loading operations prior to the acquisition of the property by Mountain Coal Company (Formerly Beaver Creek Coal Company) and prior to the enactment of SMCRA in 1977;
- (4) The area continued to be used as a staging area for the Kevin Jensen Trucking operation. The property was included in our original permit simply because it was part of the land purchase; however, this was an oversight, since this particular tract of land was always used strictly for the contract trucking operation, and was not directly associated with the

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loadout operation. This fact was finally affirmed when the property was sold to the Jensen's in 1985; however, once again due to an oversight, the company did not request deletion of the property from the permit and continued to allow drainage from the Jensen site to enter C.V. Spur via a 12" culvert beneath the railroad.

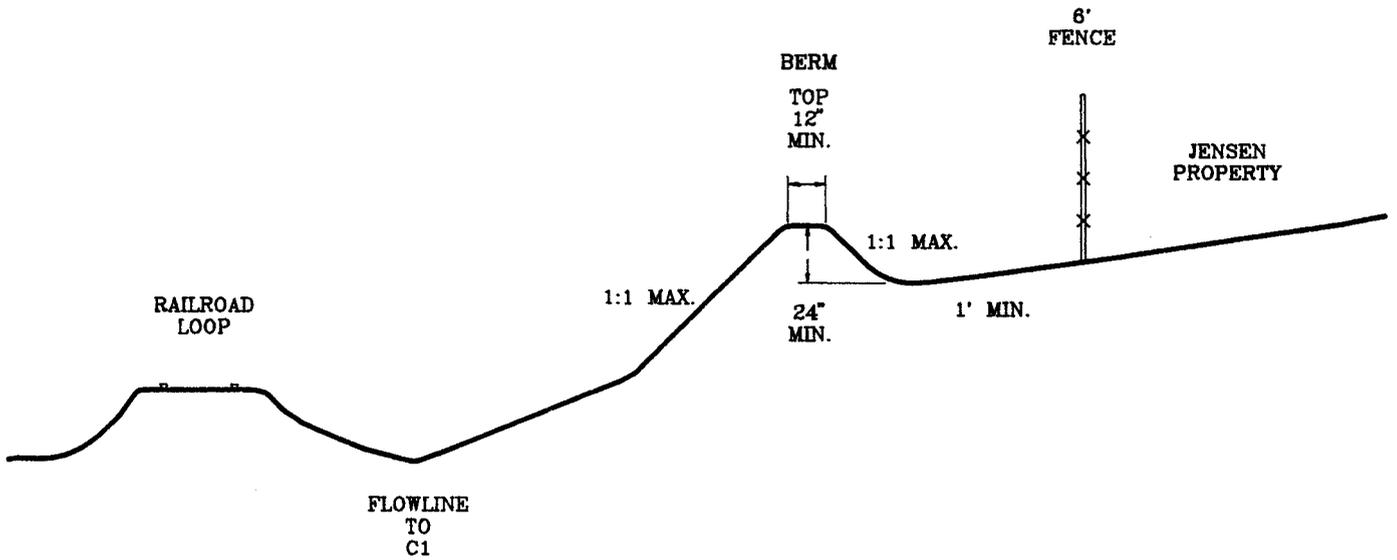
- (5) Mountain Coal Company is now requesting the deletion of this property from its permit. The drainage from the Jensen site can easily be diverted eastward along the railroad by the elimination of the above mentioned culvert and construction of a berm outside the Jensen property fence, as shown on Plate 3-2. The berm would be constructed on Mountain Coal Company property and at our expense. Designs for the berm are provided in Chapter 7 of the Permit.

7.2.3.7 Jensen Property Berm

The proposed berm around the Jensen property will provide for diversion of drainage from this area eastward along the railroad loop to the 24" culvert beneath the main line of the railroad at the southeast corner of the property. Cross-Section of the proposed berm is shown on Figure 7-9, and location is shown on Plate 3-2.

The berm is more than adequate to divert the entire runoff from Area 5e shown on Figure 7-5 (p.7-65) and described on table 7-17 (p.7-69), which shows an expected runoff of only 0.318 acre feet with a design peak flow of 0.81 cfs (Culvert C-1, p. 7-88a),. Culvert C-1 will remain in place to divert drainage from the disturbed area remaining between the Jensen Property and the railroad loop.

JENSEN PROPERTY BERM
(TYPICAL CROSS-SECTION)



7.2.4 Effects of Mining on Surface Water

Protection of the hydrologic balance at C.V. Spur is accomplished by control of runoff from disturbed areas, diversion of runoff from undisturbed areas, and diversion, collection, and recirculation of water supply and storm water. There are no subsurface operations at C.V. Spur.

In general, most of the disturbed area runoff, poor quality groundwater, and all plant overflow water is cleaned and recirculated with no discharge from the property. The natural (undisturbed) drainage is allowed to flow into natural channels, bypassing the disturbed areas. Excess french drain water may be released to the Price River. Storm water runoff from disturbed areas may also be released to the Price River once effluent limits have been met. Surface runoff from the site and adjacent area and french drain water are expected to be of higher quality than natural baseline

APPLICATION FOR PERMIT CHANGE

Title of Change: *Deletion of Jensen Property from C.V. Spur Permit.*

Permit Number: *ACT 1 0071022*

Mine: *C. V. SPUR*

Permittee: *Mountain Coal Co.*

Description, include reason for change and timing required to implement:

- Yes No 1. Change in the size of the Permit Area? 5.42 acres increase decrease.
- Yes No 2. Change in the size of the Disturbed Area? 5.42 acres increase decrease.
- Yes No 3. Will permit change include operations outside the Cumulative Hydrologic Impact Area?
- Yes No 4. Will permit change include operations in hydrologic basins other than currently approved?
- Yes No 5. Does permit change result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does permit change require or include public notice publication?
- Yes No 7. Permit change as a result of a Violation? Violation #
- Yes No 8. Permit change as a result of a Division Order? D.O.#
- Yes No 9. Permit change as a result of other laws or regulations? Explain:
- Yes No 10. Does permit change require or include ownership, control, right-of-entry, or compliance information?
- Yes No 11. Does the permit change affect the surface landowner or change the post mining land use?
- Yes No 12. Does permit change require or include collection and reporting of any baseline information?
- Yes No 13. Could the permit change have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 14. Does permit change require or include soil removal, storage or placement?
- Yes No 15. Does permit change require or include vegetation monitoring, removal or revegetation activities?
- Yes No 16. Does permit change require or include construction, modification, or removal of surface facilities?
- Yes No 17. Does permit change require or include water monitoring, sediment or drainage control measures?
- Yes No 18. Does permit change require or include certified designs, maps, or calculations?
- Yes No 19. Does permit change require or include underground design or mine sequence and timing?
- Yes No 20. Does permit change require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided or revised for any change in the reclamation plan?
- Yes No 22. Is permit change within 100 feet of a public road or perennial stream or 500 feet of an occupied dwelling?
- Yes No 23. Is this permit change coal exploration activity inside outside of the permit area?

Attach 3 complete copies of proposed permit change as it would be incorporated into the Mining and Reclamation Plan.

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Don V. Lamy
Signed - Name Position - Date

Kathleen A. Welt
for *September 1993*

Barbara Fausett
Notary Public

My Commission Expires: 1/11, 1997
Attest: STATE OF
COUNTY OF Utah
Carbon

Received by Oil, Gas & Mining

