



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert
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

August 7, 1989

Mr. Richard D. Pick, President
Mountain Coal Operations
Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501

Dear Mr. *Richard D. Pick* Pick:

Re: State Permit and Decision Package, Five-Year Permit
Renewal, Beaver Creek Coal Company, C. V. Spur Coal
Processing and Loadout Facility, ACT/007/022, Folder
#3, Carbon County, Utah

Enclosed are two State Permits and a Decision Package for the C. V. Spur Coal Processing and Loadout Facility Five-Year Permit Renewal. Please read the Stipulations in Attachment A of the State Permit, then sign both State Permits and return one to the Division.

Your staff's cooperation during the permitting process has been appreciated.

Best regards,

Dianne
Dianne R. Nielson
Director

RVS/djh
Enclosure
cc: P. Rutledge, OSM-Denver
R. Hagen, OSMRE-Albq.
AT8/68

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

**FIVE-YEAR PERMIT RENEWAL
C. V. SPUR COAL PROCESSING AND
LOADOUT FACILITY
ACT/007/022**

**Beaver Creek Coal Company
Carbon County, Utah
August 7, 1989**

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- * Affidavits of Publication
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AT95/1

ADMINISTRATIVE OVERVIEW
FIVE-YEAR PERMIT RENEWAL
C. V. SPUR COAL PROCESSING AND
LOADOUT FACILITY
ACT/007/022

Beaver Creek Coal Company
August 7, 1989

BACKGROUND

C. V. Spur Coal Processing and Loadout Facility is owned and operated by Beaver Creek Coal Company, a wholly owned subsidiary of Atlantic Richfield Company. The C. V. Spur Coal Processing and Loadout Facility was purchased in 1977 from Utah Power and Light Company, which used the site for coal loading. Since 1977, both coal loading and processing have occurred at the facility. A permanent program permit was issued on August 6, 1984.

The permit area, comprising 154 acres, is located approximately four miles south-southeast of Price, Utah, and approximately one mile from the Price River floodplain. The site is characterized by gently sloping terrain. Soils are fine textured and saline, supporting a salt desert vegetation community.

Approximately one million tons of coal per year is handled through C. V. Spur Coal Processing and Loadout Facility, although the facility is capable of cleaning 1.5 million tons and loading two million tons per year. Duration of the operation is at least 25 years.

The applicant published notice for the five-year permit renewal for four consecutive weeks ending June 29, 1989. No comments were received.

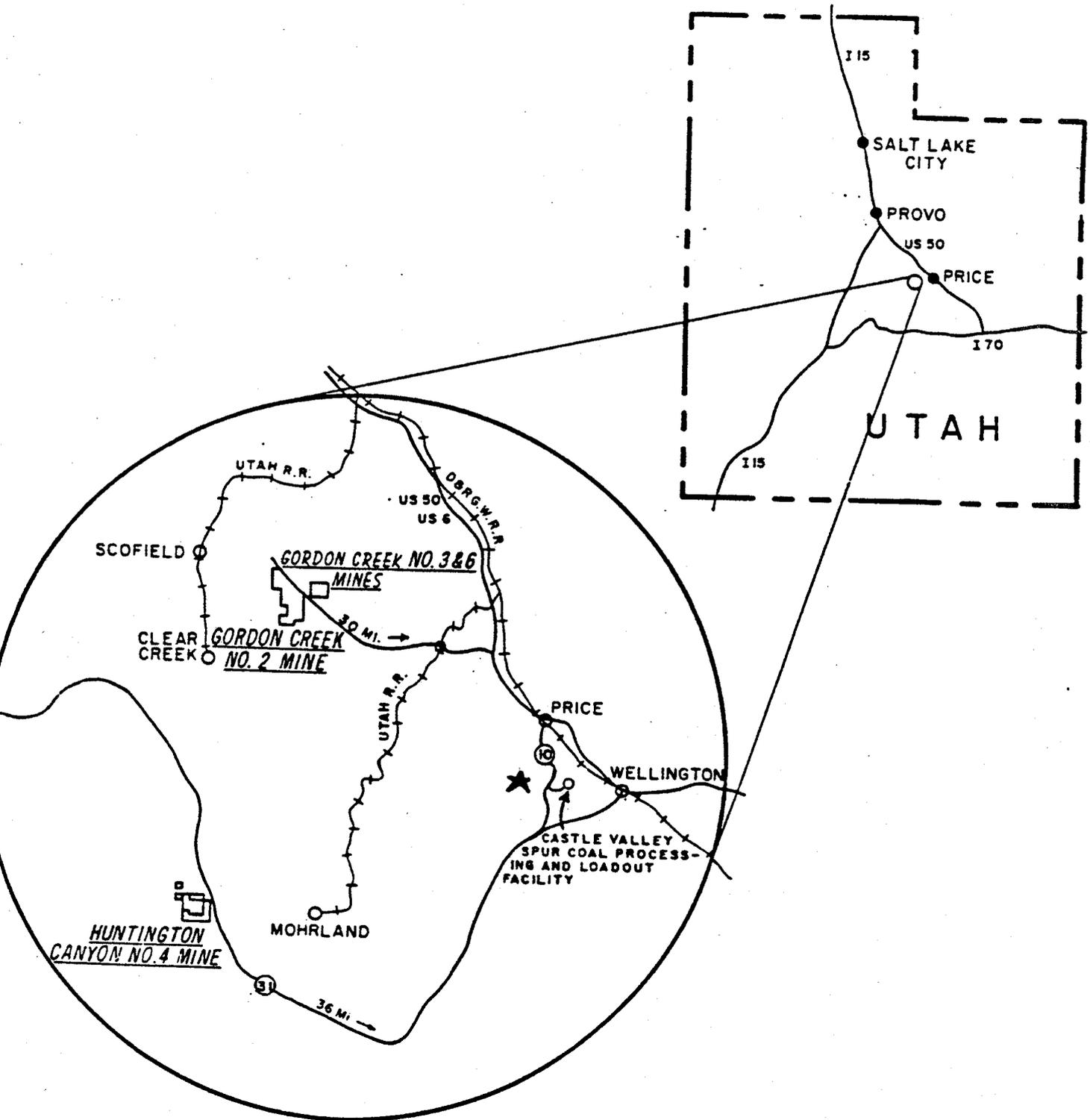
RECOMMENDATION FOR APPROVAL

Approval for the five-year permit renewal is recommended, based on a review of the Permit Application Package (PAP) updated through August 4, 1989, including all permit changes approved to date and conformance with the criteria for the approval of permit renewal applications under UMC 788.14-.16 (see attached Findings). The permit renewal term will not exceed the original permit term of five years and will expire on August 7, 1994.

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BEAVER CREEK COAL COMPANY

AREA OF OPERATIONS



CHRONOLOGY
FIVE-YEAR PERMIT RENEWAL
C. V. SPUR COAL PROCESSING AND
LOADOUT FACILITY
ACT/007/022

Beaver Creek Coal Company
August 7, 1989

April 17, 1989	Division notifies Beaver Creek Coal Company (BCCC) that five-year permit renewal application is due.
April 18, 1989	BCCC makes application for renewal of mining and reclamation permit.
April 24, 1989	Division notifies state and federal agencies of permit renewal. Provides copies of updated text and maps.
May 31, 1989	Division completes Initial Completeness Review (ICR).
June 5, 1989	BCCC submits ICR response.
June 6, 1989	Division makes Determination of Completeness. Provides comment on technical deficiencies.
June 8, 1989	BCCC initiates public notice for four consecutive weeks.
July 19, 1989	BCCC submits materials, addressing technical deficiencies.
August 4, 1989	Public comment period concludes with no adverse comments received.
August 6, 1989	Division completes technical analysis.
August 7, 1989	Division makes necessary findings. Issues permit.

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MINE PLAN INFORMATION

Mine Name C.V. Spur Coal Processing State ID: ACT/007/022
and Loadout Facility
 Operator Beaver Creek Coal Company County: Carbon

Controlled By Beaver Creek Coal Company

Contact Person(s) Dan Guy Position: Manager,
Permitting & Compliance
 Telephone: (801) 637-5050

New/Existing Existing Mining Method n/a

Private Property _____
 Legal Description(s) _____:

Township 15 South, Range 10 East, Section 11, SLBM

W1/2 SW1/4 except 0.24 acres in northwest corner, NE1/4 SW1/4
 except East 100 ft., SE1/4 SW1/2 except East 100 ft.

State Lease No.(s) n/a
 Legal Description(s) _____

Other Leases (identify) _____

Legal Descriptions _____

Ownership Data: For _____

Surface Resources (acres)	Existing Permit Area	Proposed Permit Area	Total Life of Mine Area
Federal	_____	_____	_____
State	_____	_____	_____
Private	_____	160	160
Other	_____	_____	_____
TOTAL	_____	160	160

Coal Ownership (Acres)

Federal	_____	n/a	_____
State	_____	n/a	_____
Private	_____	n/a	_____
Other	_____	n/a	_____
TOTAL	_____	n/a	_____

	<u>*Total Reserves</u>	<u>Total Recoverable Reserves</u>
<u>Coal Resource Data</u>		
Federal	n/a	
State	n/a	
Private	n/a	n/a
Other	n/a	
TOTAL	n/a	

Recoverable
Reserve Data

	<u>*</u>	<u>Name</u>	<u>Thickness</u>	<u>Depth</u>
Seam		n/a	n/a	n/a
Seam				

*Mine Life 30 + years
 Average Annual Production n/a Percent Recovery n/a
 Date Projected Annual Rate Reached n/a
 Date Production Begins n/a Date Production Ended n/a
 Reserves Recoverable by: (1) Surface Mining 0
 (2) Underground Mining n/a
 Reserves Lost Through Management Decision _____
 Coal Market _____

<u>Modifications That Have Been Approved:</u>	<u>Date</u>

FINDINGS
FIVE-YEAR PERMIT RENEWAL
C. V. SPUR COAL PROCESSING AND LOADOUT FACILITY
BEAVER CREEK COAL COMPANY
ACT/007/022

Carbon County, Utah
August 7, 1989

1. The plan and the permit application are accurate and complete and all requirements of the Surface Mining Control and Reclamation Act (the "Act"), and the approved State Program have been met (UMC 786.19[a]).
2. The applicant proposes acceptable practices for the reclamation of disturbed lands. These practices have been shown to be effective in the short term; there are no long-term reclamation records utilizing native species in the western United States. Nevertheless, the Division has determined that reclamation, as required by the Act, can be feasibly accomplished under the Permit Application Package (PAP) (UMC 786.19[b]) (see Technical Analysis [TA] Section UMC 817.111-.117).
3. The assessment of the probable cumulative impacts of all anticipated coal mining and reclamation activities in the general area on the hydrologic balance has been made by the Division. The Operation and Reclamation Plan proposed under the application has been designed to prevent damage to the hydrologic balance in the permit area (UMC 786.19[c] and UCA 40-10-11[2][c]). (See C. V. Spur Coal Processing and Loadout Facility Cumulative Hydrologic Impact Analysis [CHIA]).
4. The proposed lands to be included within the permit area are:
 - (a) not included within an area designated unsuitable for underground coal mining operations;
 - (b) not within an area under study for designated lands unsuitable for underground coal mining operations;
 - (c) not on any lands subject to the prohibitions or limitations of 30 CFR 761.11[a] (national parks, etc.), 761.11[f] (public buildings, etc.) and 761.11[g] (cemeteries);

- (d) within 100 feet of a public road; however, the road was used as a coal haul road by the applicant prior to August 3, 1977, and is therefore subject to a valid existing right (UMC 761.11);
 - (e) not within 300 feet of any occupied dwelling (UMC 786.19[d]).
5. The Division's issuance of a permit is in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19[e]).
 6. The applicant has the legal right to enter and complete mining and reclamation activities in the permit area through BLM rights-of-way (UMC 786.19[f]).
 7. A 510[c] report has been run on the Applicant Violator System (AVS), which shows that: prior violations of applicable laws and regulations have been corrected; Beaver Creek Coal Company is not delinquent in payment of fees for the Abandoned Mine Reclamation Fund; and the applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (UMC 786.19[g], [h], [i]; {OSMRE Relatedness Report, re-verified August 1, 1989}).
 8. Coal preparation and reclamation operations to be performed under the permit will not be inconsistent with other operations anticipated to be performed in areas adjacent to the proposed permit area (UMC 786.19[j]).
 9. A detailed analysis of the proposed bond has been made, and the bond estimate is \$2,441,745.00. The Division has made appropriate adjustments to reflect costs which would be incurred by the state if it was required to contract the final reclamation activities for the mine site. The bond was posted on April 22, 1987, and made payable to the Division of Oil, Gas and Mining and Office of Surface Mining, Reclamation and Enforcement (UMC 786.19[k]).

10. The applicant has satisfied the requirements for alluvial valley floors and prime farmlands (UMC 786.19[1]). (See TA Section UMC 785.19 and 828.00).
11. The proposed postmining land use of the permit area has been approved by the Division (UMC 786.19[m]). (See TA Section UMC 817.133).
12. The Division has made all specific approvals required by the Act, the Cooperative Agreement, and the Federal Lands Program (UMC 786.19[n]).
13. Reclamation will not affect the continued existence of any threatened or endangered species or result in the destruction or adverse modification of their critical habitats (UMC 786.19[o]) (See TA UMC 817.97).
14. All procedures for public participation required by the Act, and the approved Utah State Program have been complied with (UMC 786.11-.15).
15. The applicant proposes to use existing structures in connection with the proposed underground coal mining activities. These structures meet the performance standards of the Act and subchapter K and pose no significant harm to the environment or public health or safety (UMC 786.21) (see TA Section UMC 817.181).

Richard V. Smith

Permit Supervisor

James P. Burt

Associate Director, Mining

Thomas P. Nelson

Director

FEDERAL

Permit Number ACT/007/022, August 7, 1989

**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/007/022, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

**Beaver Creek Coal Company
P. O. Box 1378
Price, Utah 84501
(801) 637-5050**

for the C.V. Spur Coal Processing and Loadout Facility. Beaver Creek Coal Company is the owner of certain fee-owned parcels. A performance bond is filed with the DOGM in the amount of \$2,441,745.00, 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 C.V. Spur Coal Processing and Loadout Facility, Attachment B) within the permit area at the C. V. Spur Coal Processing and Loadout Facility, situated in the state of Utah, Carbon County, and located:

Township 15 South, Range 10 East, Section 11, SLBM

W1/2 SW1/4 except 0.24 acres in the northwest corner, NE1/4 SW1/4 except East 100 ft., SE1/4 SW1/4, except East 100 ft.

This legal description is for the permit area (as shown on Attachment B) of the C.V. Spur Coal Processing and Loadout Facility. The permittee is authorized to conduct underground coal mining operations and related surface activities on the foregoing described property subject to the conditions of applicable conditions, laws and regulations.

*Received 8/16/89
RUS*

- Sec. 3 **PERMIT TERM** - This permit becomes effective on August 7, 1989 and expires on August 7, 1994.
- 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 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 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 and 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** - The permittee shall comply with the special 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: *Dianne R. Nielson*
Date: 8-7-89

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

Richard J. Felt
Authorized Representative of
the Permittee
Date: 8/7/89

APPROVED AS TO FORM:

By: *David Hunter*
Assistant Attorney General
Date: 8/7/89

Attachment A

**Utah Division of Oil, Gas and Mining
Five-Year Permit Renewal
C.V. Spur Coal Processing and Loadout Facility
ACT/007/022
August 7, 1989**

Stipulation UMC 817.23-(HS)-(1)

1. Within 30 days of permit approval, the applicant must submit an as-built survey of the soil stockpiles. This survey must include the volume of topsoil stored, maximum and minimum heights, slopes, and all other pertinent dimensions.

ATTACHMENT B

PERMIT AREA

