

\*\*\*\*\*

7-34

\*\* TRANSMIT CONFIRMATION REPORT \*\*

0001 Journal No. : 001  
 Receiver : 505 7662609  
 Transmitter : DIV OIL GAS & MINING  
 Date : Dec 21,94 8:40  
 Document : 09 pages  
 Time : 04'14"  
 Mode : G3 NORMAL  
 Result : OK

\*\*\*\*\*

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 9
To Tom Ehmett	From Jim Carter	
Co. AFO-OSIN	Co. UTAH-DOGIM	
Dept.	Phone # (801) 538-5340	
Fax # (505) 766-2609	Fax # (801) 359-3940	



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)

*Mine Sale*

December 20, 1994

Thomas E. Ehmett, Acting Director  
Office of Surface Mining  
Reclamation and Enforcement  
505 Marquette N.W., Ste. 1200  
Albuquerque, NM 87102

Re: Response to November 21, 1994 Letter, Banning Loadout, Soldier Creek Coal Company, ACT/007/034, Folder #2, Carbon County, Utah

Dear Mr. Ehmett:

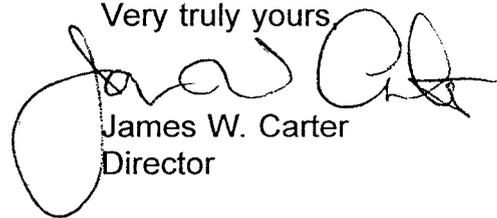
In response to your November 21, 1994 letter regarding the permit for the Banning Loadout, the Division has implemented remedial measures in compliance with 30 CFR 773.20 and 773.21 and our State program equivalents.

- 1) By entering permit information for the Banning Loadout into the AVS system with Soldier Creek Coal Company as the applicant along with all of the OFT (organizational family tree),
- 2) By requesting an OSMRE recommendation for the relevant permit. A "conditional" issue was the result of this request. The attached 510 (c) memo from Pamela Grubaugh-Littig, dated December 20, 1994, explains this information, and .
- 3) By issuing a revised permit for the Banning Loadout containing the condition, see attached, on December 20, 1994.



Response to November 21, 1994 Letter  
Banning Loadout  
ACT/007/034  
Page 2

The Division believes these actions satisfy the request contained in your letter.  
However, if you have any questions, please call me.

Very truly yours  
  
James W. Carter  
Director

Enclosure

cc: Keith Harrison, OSM-AVSO  
Lowell Braxton  
Pamela Grubaugh-Littig  
Daron Haddock  
Joe Helfrich



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)

December 20, 1994

TO: File

FROM: Pamela Grubaugh-Littig, Permit Coordinator 

RE: Compliance Review for Section 510 (c) Findings, Banning Loadout, Soldier Creek Coal Company, ACT/007/034, Folder #3 and #5, Carbon County, Utah

As of the writing of this memo, there is a "conditional issue" recommendation from the Applicant Violator System for ACT/007/034. The condition refers to compliance with the settlement agreements between Coastal States Energy Company and the state regulatory authorities in Kentucky, West Virginia, and Virginia. A condition was added to the permit that states: "Soldier Creek Coal Company must provide written documentation of the resolution to the Division within fourteen (14) days of the resolutions of the settlement agreements".

There are no finalized civil penalties which are outstanding and overdue in the name of Soldier Creek Coal Company. Soldier Creek Coal Company does not have a demonstrated pattern of wilful violations, nor have they been the subject of any bond forfeitures for any operations in the state of Utah.



State : UT Permit No : ACT007034	Appl No : ACT007034
Permittee : 089070 ( SOLDIER CREEK COAL CO )	Seqno : 0
Applicant : 089070 ( SOLDIER CREEK COAL CO )	

SYSTEM : D (DENY)	Date : 12/20/94	Mode : VIEW
Reason : 1 AML, 0 AUD, 0 CMIS, 10 FORF, 19 STATE VIOLATION(S)		

OSMRE : C (COND ISSUE)	Date : 12/19/94	Mode : VIEW
Reason : on compliance w/ WV, KY & VA settlement agmts. aml & nrsp pd		

FO :	Date :	Mode : VIEW
Reason :		

SRA :	Date : 12/20/94	Mode : UPDATE
Reason :		

SAVE (F5)      DELETE (F8)  
PRV\_SCR (F3)    QUIT (F4)    CHOICES (F10)

■ avsdg

FEDERAL

PERMIT  
ACT/007/034

December 20, 1994

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/007/034, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

**Soldier Creek Coal Company**  
P. O. Box 1029  
Wellington, Utah 84542  
(801) 637-6360

for the Banning Loadout. Soldier Creek Coal Company is the lessee of federal, state and fee-owned property. A performance bond is filed with the DOGM in the amount of \$211,000.00, payable to the state of Utah, Division of Oil, Gas and Mining and the Office of Surface Mining Reclamation and Enforcement (OSM). 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 coal mining activities associated with a preparation plant on the following described lands within the permit area at the Banning Loadout situated in the state of Utah, Carbon County, and located:

**Township 15 South, Range 12, East, SLBM**

**Portions of Sections 15, 16, and 22**

This legal description is for the permit area of the Banning Loadout. The permittee is authorized to conduct underground coal mining activities connected with a preparation plant on the foregoing described property subject to the conditions of the leases, 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 October 25, 1998.
- 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 OSM, 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 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.

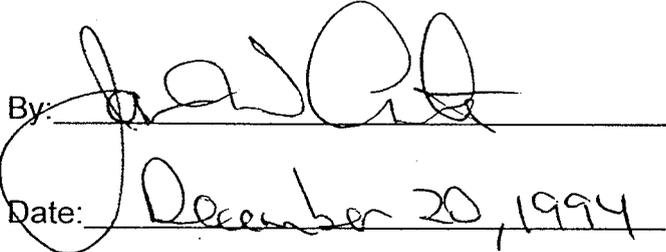
- Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of 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 the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by the Division.

**Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.

**Sec. 18 SPECIAL CONDITIONS** - In addition to the general obligations and/or requirements, there are special conditions associated with this permitting action, as described in 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 the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: 

Date: December 20, 1994

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

PERMITTEE

\_\_\_\_\_  
Authorized Representative of the Permittee

\_\_\_\_\_  
Date