

### Document Information Form

Mine Number: C/015/004

File Name: Incoming

To: DOGM

From:

Person N/A

Company N/A

Date Sent: N/A

Explanation:

Standard Stipulations

cc:

File in: C/015/004, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date \_\_\_\_\_ For additional information

*File Swiss #4*  
*ACT/015/004*

*Draft 5/11*

Standard Stipulations

Attached to Departmental Approval of Coal Mining and Reclamation Plan  
Huntington Canyon #4 Mine, Emery County, Utah, Federal Coal Leases  
SL064903 and 4-331154eand Coal Loadout Facility, Emery County, Utah

The approval to mine at the site(s) described in the referenced mine plan is subject to the following standard and special conditions and stipulations. This approval shall be revocable at the discretion of the Director, Office of Surface Mining, if the operator fails to comply with any condition or stipulation. The term "Regulatory Authority" as used herein means both the federal Office of Surface Mining and the Utah Division of Oil, Gas, and Mining, unless otherwise specified.

1. The operator agrees to be bound by the provisions of Section 517 of the Surface Mining Control and Reclamation Act of 1977, 30 USC 1267 (P.L. 95-87, hereinafter referred to as "Act"), and agrees to allow the authorized representatives of the Secretary, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to:

(A) Enter upon or through any surface coal mining and reclamation operations to:

- (1) Inspect any coal mining and reclamation operation, monitoring equipment, or procedure conducted pursuant to the permit;
- (2) Collect samples and other relevant information regarding air or water, fish and wildlife, soils, vegetation and other resources protected under the Act, this Chapter and the State program; and,
- (3) Obtain access to any copy of any records required to be maintained under the terms and conditions of the permit or the regulatory program.

(B) Be accompanied by private persons for the purpose of conducting an inspection in accordance with Section 521(a) of the Act.

The term "authorized representative of the Secretary" as used in Section 517 and this paragraph shall be construed to include, but not be limited to, employees of the United States who are supervised by, or detailed or assigned to the Office of Surface Mining, any person under contract who is acting on behalf of the Secretary, or any person employed by the State Regulatory Authority authorized to regulate surface coal mining on public lands; or any other person identified as an authorized representative by a letter signed by the Director,

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2. The operator shall comply at all times with the provisions of the Surface Mining Control and Reclamation Act of 1977, the Federal Coal Leasing Act of 1920, as amended, and the rules and regulations promulgated pursuant to said Acts, and such other requirements as the Regulatory Authority shall promulgate by rule.

*Std. Stipulations*

*Bill Swis #4*  
*ACR/015/001*

*Draft 5/11*

Standard Stipulations

Attached to Departmental Approval of Coal Mining and Reclamation Plan  
Huntington Canyon #4 Mine, Emery County, Utah, Federal Coal Leases  
SL064903 and 4-331154 and Coal Loadout Facility, Emery County, Utah

The approval to mine at the site(s) described in the referenced mine plan is subject to the following standard and special conditions and stipulations. This approval shall be revocable at the discretion of the Director, Office of Surface Mining, if the operator fails to comply with any condition or stipulation. The term "Regulatory Authority" as used herein means both the federal Office of Surface Mining and the Utah Division of Oil, Gas, and Mining, unless otherwise specified.

1. The operator agrees to be bound by the provisions of Section 517 of the Surface Mining Control and Reclamation Act of 1977, 30 USC 1267 (P.L. 95-87, hereinafter referred to as "Act"), and agrees to allow the authorized representatives of the Secretary, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to:

(A) Enter upon or through any surface coal mining and reclamation operations to:

- (1) Inspect any coal mining and reclamation operation, monitoring equipment, or procedure conducted pursuant to the permit;
- (2) Collect samples and other relevant information regarding air or water, fish and wildlife, soils, vegetation and other resources protected under the Act, this Chapter and the State program; and,
- (3) Obtain access to any copy of any records required to be maintained under the terms and conditions of the permit or the regulatory program.

(B) Be accompanied by private persons for the purpose of conducting an inspection in accordance with Section 521(a) of the Act.

The term "authorized representative of the Secretary" as used in Section 517 and this paragraph shall be construed to include, but not be limited to, employees of the United States who are supervised by, or detailed or assigned to the Office of Surface Mining, any person under contract who is acting on behalf of the Secretary or any person employed by the State Regulatory Authority if it is authorized to regulate surface coal mining operations on federal lands; or any other person identified as an authorized representative by a letter signed by the Director, Office of Surface Mining.

2. The operator shall comply at all times with the provisions of the Surface Mining Control and Reclamation Act of 1977, the Mineral Leasing Act of 1920, as amended, and the rules and regulations promulgated pursuant to said Acts, and such other requirements as the Regulatory Authority shall promulgate by rule.

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3. The operator shall conduct surface mining and reclamation operations only on those lands specifically designated on the map(s) submitted and approved for the term of the permit, and only in the manner or with the processes and techniques described in the approved mining and reclamation plan.
4. The operator shall (a) install, maintain, and use any monitoring equipment required by the Regulatory Authority as a condition of this approval or required subsequent to approval during the life of the mine; (b) establish and maintain appropriate records of such monitoring; (c) evaluate the results in accordance with such methods, at such location, intervals, and in such manner as the Regulatory Authority shall prescribe; (d) make monthly reports of the results of monitoring to the Office of Surface Mining; and (e) provide such other information as the Regulatory Authority shall require.
5. The operator shall comply with the Surface Mining Control and Reclamation Act of 1977; the Federal Metal and Nonmetallic Mine Safety Act; the Federal Coal Mine Health and Safety Act of 1969; the Federal Water Pollution Control Act, as amended; the Clean Air Act, as amended; the Resource Conservation and Recycling Act, as amended; the Refuse Act of 1899; the Fish and Wildlife Coordination Act of 1934; the Mineral Leasing Act of 1920, as amended; and any regulation, performance standard, effluent limit, emission limit, water quality standard, or ambient air quality standard promulgated or approved thereunder, as well as all applicable state and local laws, ordinances, regulations, standards, and limitations.
6. Compliance with any design criteria, or technology requirement, even where design criteria or the technology has been approved by the Regulatory Authority, shall not relieve the operator of the duty to comply with any applicable effluent limitations, emission limitation, applicable performance standard, water quality standard, ambient air quality standard, or any order issued by the Regulatory Authority under Section 521 of the Surface Mining Control and Reclamation Act.
7. The operator shall file a request with the Regulatory Authority seeking the release of all or part of a performance bond only during those seasonal periods when it is possible for the Regulatory Authority to inspect the area subject to the proposed release and make a determination (a) regarding the completeness of reclamation; (b) the degree of difficulty to complete any remaining reclamation, including success of revegetation; (c) whether pollution of surface or subsurface water is occurring; and (d) the probability and estimated cost of abating such pollution or other applicable reclamation requirements.
8. Each of the mining, reclamation or monitoring procedures, techniques, methods or descriptions contained in the approved mining and reclamation plan or in any requirement, stipulation or condition established by the Regulatory Authority as part of any approval of a mining plan, or revision or modification thereof, or by order of the

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Regional Director following such approval shall be deemed a "permit condition required by this Act" for the purposes of enforcement under Section 521 of the Act and "a condition of a permit issued pursuant to a Federal Lands Program" for the purposes of Section 518 of the Act.

9. The approval of this permit shall terminate six months following the date on which a completed permit application is required to be filed pursuant to the Federal Lands Program unless the requirement to obtain a new permit is deferred beyond such date in accordance with said Federal Lands Program. This approval shall not be construed as estopping the Federal Regulatory Authority from denying the permit application in accordance with the requirements of the Federal Lands Program then in effect.
10. Special Stipulations follow on additional pages (7 pages, 21 stipulations).

