

Document Information Form

Mine Number: C/015/004

File Name: Incoming

To: DOGM

From:

Person N/A

Company N/A

Date Sent: May 14, 1979

Explanation:

Special Stipulations

cc:

File in: C/015, 004, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date _____ For additional information

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Special Stipulations

1. This approval is limited to those underground coal mining and reclamation activities proposed in the following Exhibits, by name, submitted by Swisher Coal, subject to additional stipulations attached to this Department approval. All prior approvals are revoked.

Exhibit 3 - "Map of the Surface Facilities"

Exhibit 5 - "Dust Control"

Exhibit 13 - "Certificate of Insurance"

Exhibit 14 - "NPDES permits issued by the EPA"

Exhibit 16 - "Agreement with City of Huntington"

Exhibit 18 - "Special Use Permit for Pumping Facilities"

Exhibit 19 - "Plan for Construction and Maintenance of Sedimentation Ponds and Diversion Structures (Revised)"

Exhibit 20 - "Hydrologic Monitoring Plan"

Exhibit 23 - "Detailed Subsidence Monitoring Plan (Revised)"

Exhibit 24 - "Letter of (Non) Concurrence from Forest Service about Subsidence Monitoring Plan"

Exhibit 25 - "Map of Subsidence Monitoring Control Points"

Exhibit 26 - "Cover Letter, USGS Mine Plan and Reclamation Approval"

Exhibit 30 - "Mining Plan Check List"

Exhibit 31 - "Mine Plan for Huntington Canyon #4 Mine added as supplement from mine plan submitted to USGS."

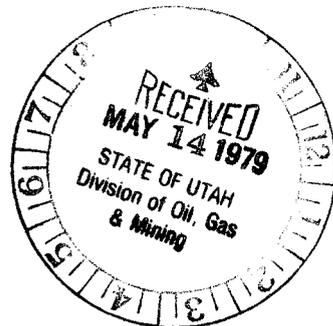
Exhibit 32 - "November 22, 1978 Mining Plans and Typical Illustration for Huntington Canyon #4 Mine," subject to submission and approval of adequate information regarding surface disturbance and subsidence as a result of mining both seams.

Exhibit 33 - "Response to Utah DOGM conditioned approval of Huntington Canyon #4 Mining and Reclamation Plan"

Exhibit 37 - "Maps and Description and/or Disturbance Ant

Exhibit 38 - "Lower Seam Road Detail

Exhibit 42 - "Description and Sketcl



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Refer to Record No. 0020 Date 5-14-79
In C/ 015, 004, Incoming
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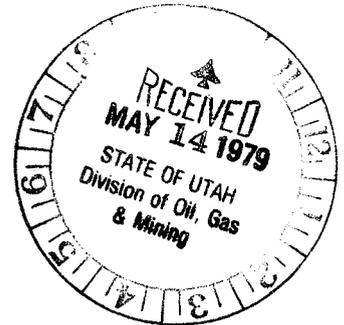
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Exhibit 37 - "Maps and Description of Additional Surface Facilities and/or Disturbance Anticipated Over Life of Mine"

Exhibit 38 - "Lower Seam Road Details"

Exhibit 42 - "Description and Sketch of Sign Design"



DRAFT 5/11

Exhibit 43 - "Land Use," subject to removal of coal mining from a past mining land use.

Exhibit 44 - "Disposal of Spoil and Waste Materials," subject to compliance with applicable regulations regarding disposal of spoil or "gob" in underground mines.

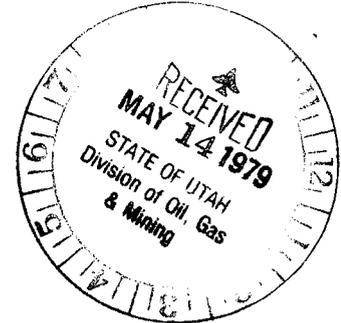
Exhibit 45 - "Letter of Request to DPA to amend NPDES Permit UT 0023116. . ."

Exhibit 46 - "Ground Water System"

Exhibit 47 - "Hydrologic Impact of Roads"

Exhibit 48 - "Soils"

Exhibit 49 - "Vegetation"



2. This approval does not cover the following Exhibits, also submitted to OSM by Swisher Coal Company.

Exhibit 21 - "Road Reconstruction Information"

Exhibit 28 - "Plan for Drainage and Dust Control at C. U. Spur Preparation and Loading Facility," as incomplete (1).

Exhibit 29 - "Map of Proposed Drainage Control at C. U. Spur (1).

Exhibit 39 - "Description of Final Configuration of Surface Areas (2).

Exhibit 41 - "Typical of Reclaimed Pad Areas (2).

Exhibit 50 - "Wildlife" (2).

3. This approval indirectly includes the following Exhibits which are considered as background information applicable to an approved mine plan.

Exhibit 1 - "Property Regs"

Exhibit 2 - "Articles of Incorporation"

Exhibit 4 - "Lease Assignments"

(1) These Exhibits are not approved because the requirements of 30 CFR 211.10(c) and 30 CFR 211.40(b) are not satisfied in that the material submitted does not give adequate evidence of satisfying the applicable environmental performance standards.

(2) Requires further analysis by applicant and revision to comply with regulation.

Draft 5/4

Exhibit 5 - "Report on the Hydrologic Impact. . .USGS"

Exhibit 6 - "Hydrologic Report"

Exhibit 7 - "Environmental Analysis Report"

Exhibit 8 - "Topographic Map showing Property Boundaries"

Exhibit 9 - "Cross-Section of Surface Showing Overburden....."

Exhibit 10 - "Drill Hole Reg's"

Exhibit 11 - "Drill Hole Logs, Analysis Sheets"

Exhibit 12 - "Reclamation Plan as Approved by Utah DOGM"

Exhibit 15 - "Certificate of Water Shares"

Exhibit 17 - "Approved Change in Point of Diversion"

Exhibit 22 - "Notice of Hearing on Road Reconstruction"

Exhibit 27 - "Cover Letter, Utah DOGM of Approval, 1977"

Exhibit 34 - "Vicinity Map"

Exhibit 35 - "Regional Features and Description"

Exhibit 36 - "Wilderness Study Area"

Exhibit 40 - "Typical of Reclaimed Roads"

Draft 5/4

4. The lower access road tentatively proposed to gain access to the Hiawatha seam via the "Lower Seam Portal Yard" (Exhibits 37 and 38) are approved in concept only. Construction shall not be initiated on either this road or on the Portal Yard until the applicant has submitted plans, cross-sections, profiles, and typical details adequate to show compliance with applicable environmental protection performance standards and has received approval from the regulatory authorities.

5. The vegetation seed mix identified in the plan (Exhibit 49) will be used on all disturbed areas and on topsoil stockpiles at a rate of 2 lbs. per acre, raked into the prepared surface, and lightly tamped. The same seed mix will be applied to unconsolidated materials disturbed along the route of diversion ditches and along roads. Where slopes in unconsolidated disturbed materials exceed _____ percent (___ v: ___ h), a mulch of burlap, jute, or equivalent will be correctly applied to enhance revegetation.

No later than December 31, 1979, the operator will submit to the regulatory authorities a proposed seed mix of native grasses _____, and shrubs for use on permanently reclaimed areas. This seed (and seedling) mix shall be designed to support the approved past mining land use. The mix shall be based on actual vegetation measurements made in similar areas which have either not been subject to fire or have recovered after fires. Disturbed areas, in the judgement of the regulatory authorities, not satisfactorily stabilized by vegetation will be reseeded, planted, and, if appropriate, provided supplemental irrigation for short periods of time.

6. The operator shall limit truck speeds to 20 miles per hour on unpaved roads, and shall cover loaded trucks in a manner that prevents wind spillage, unless sufficient freeboard is demonstrated, to the satisfaction of the regulatory authorities, to exist to prevent spillage, and shall submit to the regulatory authorities within one month of receipt of this approval, a series of 7 1/2 minute topographic maps, or maps with more detail, showing the entire coal haul route from the mine to the C. V. Spur loadout facility. These maps shall be accompanied by appropriate descriptions of the effect of coal haulage on all roads located off the mine site and evidence of general acceptance by the appropriate highway authorities of the proposed truck haul activity.

No later than December 31, 1979, the operator shall identify fugitive dust control measures taken at the coal stock pile at the mine site, and the criteria and equipment used to water roads. The operator is encouraged to review and make use of available means of chemical dust suppressants.

7. Buffer zone signs shall be installed between the access road and the Mill Fork in the immediate vicinity of the sedimentation ponds. The signs shall be located as far away from the Mill Fork as is possible and the proposed locations shall be submitted for approval to the regulatory authority within one month of receipt of this approval.

Draft 5/11

8. Ground water monitoring shall be expanded if significant ground water is encountered during mining or if mining of areas in the judgement of the regulatory authorities adversely affect springs.

9. Prior to construction of the sedimentation ponds, and within one month of approval of this plan the operator shall determine the thicknesses of soils and unconsolidated materials to be removed, shall accurately establish the area of topsoil storage and the protection measures proposed for the stockpiled materials, shall submit this information to the regulatory authorities, and shall obtain approval of the regulatory authorities. The disturbed material remaining around the sedimentation ponds after construction shall be similarly identified, its suitability for revegetation assessed, the necessary amendments identified, and a stabilization plan submitted to the regulatory authority prior to construction.

10. Within 30 days of plan approval Swisher Coal Company must submit a plan to show construction of modification of roads in the permit area to meet the design or performance standards of the Permanent Program. The plan must be fully implemented prior to November 1, 1979. The plan must show how roads will be reclaimed by returning road areas to the approximate original contour, by completely closing access and by revegetation.

11. Approval of this plan does not entitle Swisher to undertake any drilling or blasting on the surface, any road building, any utility, office or shop construction, or construction of coal loading or handling facilities at the mine or processing plant, without further approval of the regulatory authority.

12. The subsidence monitoring program must include; notification of mining, and possible subsidence, to the surface owners shown on Exhibit 1; measurement and recording of horizontal as well as vertical movement of monuments; submission of three copies of a similar monitoring report to OSM; and data, maps, and interpretations in the semi-annual report.

13. Prior to construction of the sedimentation ponds, the applicant shall develop a design for stable channels at the upstream edge of the upper sedimentation pond and along the channel between the two sedimentation ponds that will safely pass the design flows from the 25 yr., 24 hr. precipitation event or 16.8 cfs in a manner that properly controls erosion during periods of critical velocity flow. The overflow channel shall be constantly maintained. Design flows shall be representative of natural event flows. Prior to construction of the sedimentation ponds, the applicant shall submit a plan which either increases the capacity of the ponds to hold the runoff from the 10-year, 24-hour precipitation event plus the sediment from the disturbed area using a sediment yield of 0.1 acre feet per acre or which demonstrates, to the satisfaction of the regulatory authority, that a lesser sediment yield is appropriate to use in the site specific circumstance.

14. Prior to construction of sedimentation ponds, the applicant shall submit a detailed plan showing the proposed location of diversion ditches, the topography of the watershed, the location of roads and associated drainage structures, the location of points of discharge from the diversion structures, the nature of the diversion channel material, and the locations where riprap will be placed. The diversion

Draft 5/11

channel designs as proposed shall be maintained to safely pass the runoff flow from the 10-year, 24-hour precipitation event at a minimum. Flow velocities over durable riprap and freshly exposed durable bedrock will be maintained at less than 5 feet per second. The plan shall provide sufficient detail to permit measurement of slopes and drainage areas, and correlation with soils, vegetation and geology.

15. No new structures, either permanent or temporary, including offices, both house, or storage facilities, shall be constructed or emplaced in the mine plan area shown on Exhibit__ until a complete plan showing these facilities and the measures taken to comply with all applicable regulations is submitted to and approved by the regulatory authority.

16. Within one month of receipt of approval of the mine plan, the operator shall identify all existing and proposed exploratory holes. Shall identify whether existing holes are cased and sealed to prevent water pollution, whether the holes are plugged to ensure the safety of wildlife and the public, or whether the existing holes are protected in another manner. The operator shall not drill any additional exploratory holes until the regulatory authority is provided and approved a complete plan for casing; sealing, or otherwise managing new drill holes.

17. No later than December 31, 1979, the operator shall submit a detailed survey of the soils and unconsolidated materials locted within and adjacent to the surface-disturbed areas at the mine site. The survey shall provide sufficient site-specific information to support a plan to stabilize and revegetate all surface disturbed areas in the manner required by 30 CFR 816.111 through 816.117. They shall be incorporated in and used to develop a specific plan to redistribute soil or other plant growth material after mining in a manner that satisfies the requirements of 30 CFR 817.21 through 816.25.

18. Regarding the leaving of top coal in the mine roof, Swisher Coal Company must submit a mine plan addendum giving the criteria for coal seam thickness, coal face height or other appropriate mining dimensions, mining phase (advance or retreat room, entry or pillar, etc.). Roof rock type, roof support system, mining economics, mine safety factors, and other appropriate factors upon which it will determine when top coal must be left in the mine roof.

19. Within 30 days of plan approval Swisher Coal Company must submit a plan to show construction of modification of roads in the permit area to meet the design or performance standards of the Permanent Program. The plan must be fully implementated prior to November 1, 1979. The plan must show how roads will be reclaimed by returning road areas to the approximate original contour, by completely closing access and by revegetation.

20. Approval of this plan does not entitle Swisher to undertake any drilling or blasting on the surface, any road building, any utility, office or shop construction, or construction of coal loading or handling facilities at the mine or processing plant, without further approval of the regulatory authority.

Draft 5/11

21. The subsidence monitoring program must include; notification of mining, and possible subsidence, to the surface owners shown on Exhibit 1; measurement and recording of horizontal as well as vertical movement of monuments; submission of three copies of a similar monitoring report to OSM; and data, maps, and interpretations in the semi-annual report.

22. MORE STIPULATIONS TO BE WRITTEN.

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.

DRAFT 5/11

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

DRAFT 5/11

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).

