

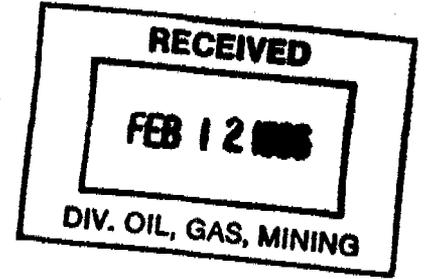
0012



United States Department of the Interior
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
219 CENTRAL AVENUE, NW
ALBUQUERQUE, NEW MEXICO 87102

*Orig mine file
cc K May,
J Helfrich*

FEB 10 1986



Dr. Dianne Nielson, Director
Division of Oil, Gas, and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: DOGM response to Ten-Day Notice #86-2-116-1

Dear Dr. Nielson:

The Albuquerque Field Office of the Office of Surface Mining Reclamation and Enforcement (OSMRE) acknowledges receipt of the Division's response to the above-noted TDN.

OSMRE agrees with the enforcement action taken by the Division, i.e. issuance of Notice of Violation N 86-9-1-1, to abate the violation cited in TDN #86-2-116-1.

No further action is necessary regarding this Ten-Day Notice.

Sincerely,

Robert H. Hagen
Robert H. Hagen, Director
Albuquerque Field Office

INA/015/007

FILE COPY

NON-FEDERAL
(February 1985)

Permit Number INA/015/007, 12/85

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, INA/015/007, 12/86, is issued for the State of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

California Portland Cement Company
Hidden Valley Coal Company
P. O. Box 2950
Los Angeles, California 90051

for the Hidden Valley Mine. Hidden Valley Coal Company is the lessee/owner of certain fee-owned parcels. The permit is not valid until a performance bond is filed with the Division of Oil, Gas and Mining in the amount of \$171,515.00, payable to the state of Utah, Division of Oil, Gas and Mining, and the DOGM has received 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 UCMRA.

Sec. 2 The permittee is authorized to conduct surface coal mining and reclamation operations on the following described lands (as shown on ownership map) within the permit area at the Hidden Valley Mine situated in the state of Utah, Emery County, and located:

Township 23 South, Range 6 East (SLBM)
Section 18 and West 1/2 Section 17.

This legal description is for the permit boundary (as shown on the permit area map) of the Hidden Valley Mine. The permittee is authorized to conduct surface and reclamation operations connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 This permit is issued for a term of five (5) years commencing on the date the permit is signed by the permittee, except that this permit will terminate if the permittee has not begun the surface coal mining and reclamation operations covered herein within three (3) years of the date of issuance.
- Sec. 4 The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Request for transfer, assignment or sale of permit rights must be done in accordance with applicable regulations including but not limited to UMC 788.17-.19.
- Sec. 5 The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, 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 UMC 840.12, and UMC 842.13; and
 - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with UMC 842.12, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 6 The permittee shall conduct surface coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the mining plan and permit application and approved for the term of the permit and which are subject to the performance bond.

- Sec. 7 The permittee shall minimize any adverse impact to the environment or public health and safety resulting from non-compliance, including but not limited to:
- A. accelerated monitoring to determine the nature and extent of non-compliance and the results of the non-compliance;
 - B. immediate implementation of measures necessary to comply; and
 - C. warning, as soon as possible after learning of such non-compliance, any person whose health and safety is in imminent danger due to the non-compliance.
- Sec. 8 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 which prevents violation of any applicable State law.
- Sec. 9 The lessee 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 and the approved Utah State Program.
- Sec. 10 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 The permittee shall comply with the provisions of UCA 26-11-1 et seq (Water Pollution Control) and UCA 26-13-1 et seq (Clean Air).
- Sec. 12 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.

- Sec. 13 If during the course of mining operations, previously unidentified cultural resources are discovered, the applicant shall ensure that the site(s) is (are) not disturbed and shall notify the State Regulatory Authority (RA). The state RA shall inform the operator of necessary actions required.
- Sec. 14 APPEALS - The lessee shall have the right to appeal Division actions as provided under UMC 787.
- Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and of performance set out in the leases, and this permit, 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 the grantor and the permittee at any time to adjust to changed conditions or to correct an oversight. The grantor 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: Danue R. Nelson

Date: December 12, 1956

I certify that I have read and understand the requirements of this permit and any special conditions attached (see Attachment A).

Authorized Representative of
the Permittee

Date: _____

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NON-FEDERAL

APPROVED AS TO FORM:

BY: Barbara W Roberts
Assistant Attorney General

Date: December 11, 1986

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ATTACHMENT "A"

Stipulation 817.13-15 (1)-JW

Within 30 days of permit approval, the applicant must commit to plug and abandon the drill holes #1, 2, 3 and 7, according to the procedures described in the Utah Division of Water Rights' Administrative Rules for Water Well Drillers upon abandonment of the wells unless these holes are transferred according to the requirements of UMC 817.53.

Stipulation 817.101-(1)-PGL

The sideslopes of the sediment pond shall be reduced to at least a 3h:1v slope during final reclamation and recontouring of the pond area.