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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

Mine file

January 29, 1997

Tim Kirschbaum
Environmental Engineer
Consolidation Coal Company/Illinois West Kentucky Operations
P.O. Box 566
Sesser, Illinois 62884

Dear Mr. Kirschbaum:

Re: Permit Renewal, Consolidation Coal Company, Hidden Valley Mine,
ACT/015/007, Folder #3, Emery County, Utah

Enclosed please find two copies of the permit renewal for the Hidden Valley Mine. Please have both copies signed and return one to the Division.

Very truly yours,

A handwritten signature in cursive script that reads "James W. Carter".

James W. Carter
Director

Enclosures

cc: Ron Singh, OSM-WRCC
Daron Haddock
Pam Grubaugh-Littig
Joe Helfrich
PFO

UTAH DIVISION OF OIL, GAS AND MINING
DECISION DOCUMENT

Consolidation Coal Company
Hidden Valley Mine
Permit Renewal

Emery County, Utah
ACT/015/007
January 29, 1997

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- * Location Map
- * Permitting Chronology
- * Findings
- * Permit
- * Affidavit of Publication
- * AVS Recommendation. Memo to File dated January 27, 1997

ADMINISTRATIVE OVERVIEW

Permit Renewal
Hidden Valley Mine
Consolidation Coal Company
ACT/015/007
Emery County, Utah

January 29, 1997

PROPOSAL

Consolidation Coal Company proposes to renew the reclamation permit for the Hidden Valley Mine.

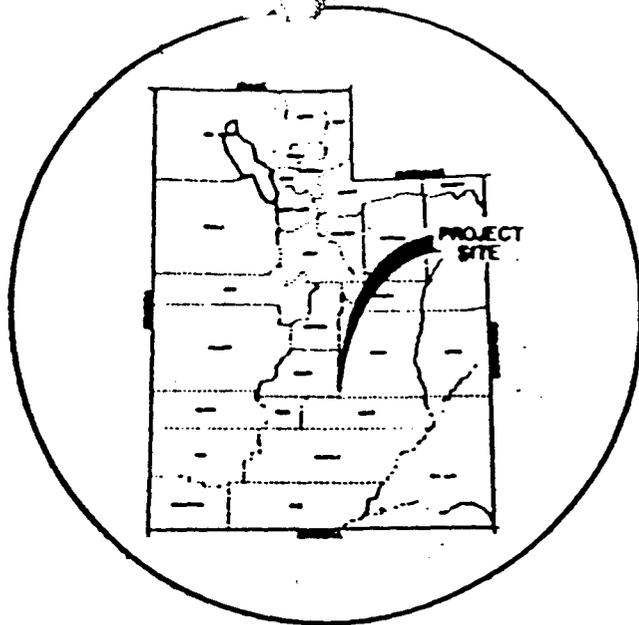
BACKGROUND

The Hidden Valley Mine is located in Emery County about three miles east of Highway 10 in Township 23 South, Range 6 East, SLBM, Sections 17 and 18. This coal mine never operated as a commercial venture. The original reclamation permit was issued January 29, 1987. Reclamation was performed during that year. Phase I bond release was determined effective on June 17, 1988.

A revised postmining landuse was approved April 27, 1991. The first permit renewal was approved on January 30, 1992. The reclamation permit was transferred from Hidden Valley Coal Company to Consolidation Coal Company on November 2, 1995.

RECOMMENDATION

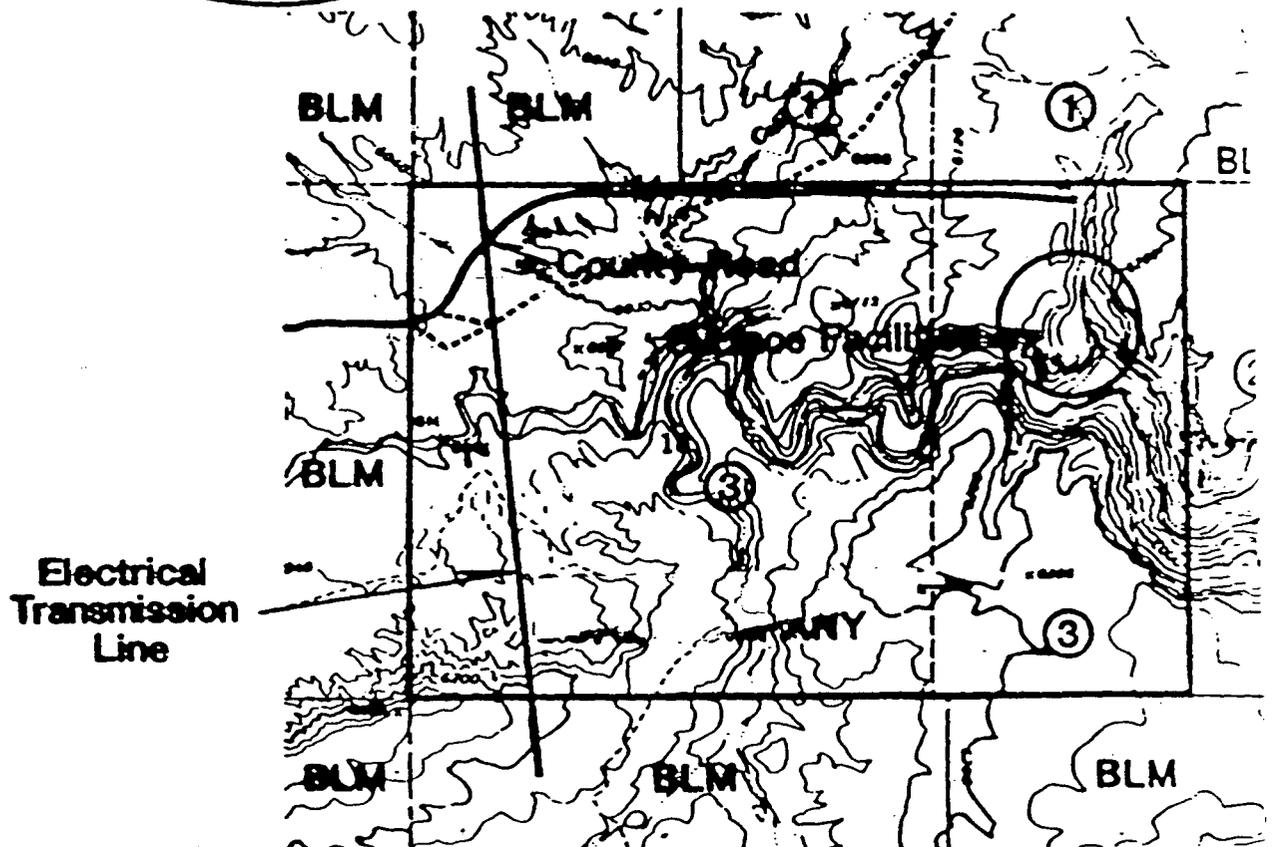
The application for permit renewal has met the Division requirements for approval. The permit renewal was advertised in the Emery County Progress on October 8, 15, 22, and 29, 1996. No comments were received. The reclamation permit should be renewed.



HIDDEN VALLEY MINE SITE

Township 23 South, Range 6 East
Salt Lake Base and Meridian

Section 18 & the West 1/2 of Section



HIDDEN VALLEY MINE

HIDDEN VALLEY MINE

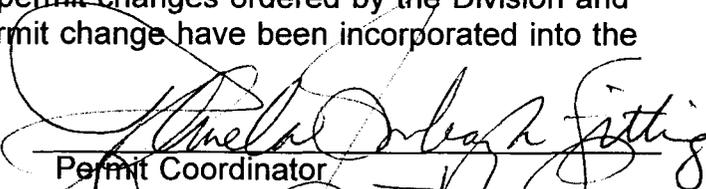
PERMITTING CHRONOLOGY
Permit Renewal
Hidden Valley Mine
Consolidation Coal Company
ACT/015/007

January 29, 1997

September 19, 1996	Permit renewal application received with one permit change.
October 8, 15, 22, and 29, 1996	Publication of permit renewal in <u>Emery County Progress</u> .
November 6, 1996	Notification to permittee that maps need to be certified.
November 25, 1996	Permit renewal notification sent to agencies by Division.
January 3, 1997	Notification to increase bond from \$90,758 to \$95,501. Permit changes approved.
January 8, 1997	Bond rideder to \$95,501 and accepted by Division.
January 29, 1997	No comments received. Permit renewed.

FINDINGS
FIVE-YEAR RENEWAL
Consolidation Coal Company
Hidden Valley Mine
ACT/015/007
Emery County, Utah
January 29, 1997

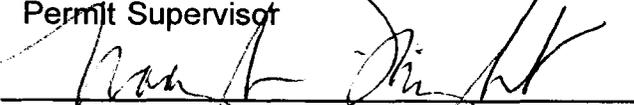
1. Application for a permit renewal was submitted on September 19, 1996 (R645-303-232.100).
2. The terms and conditions of the existing permit are being satisfactorily met. (R645-303-233.110)
3. The reclamation operations are in compliance with the environmental protection standards of the State Program. (R645-303-233.120)
4. The requested renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas. (R645-303-233.130)
5. The operator has provided evidence of having liability insurance. (R645-303-233.140) (Lumbermens Mutual Casualty Company/Policy Number 5YL 945 444-01)
6. The operator has provided evidence that a performance bond is in effect for the operation and will continue in full force and effect for the proposed period of renewal. (R645-303-233.150) (Surety Bond/Seaboard Surety #331474 in the amount of \$95,501)
7. For the most recent permit term, permit changes ordered by the Division and notices of violation requiring a permit change have been incorporated into the permit.



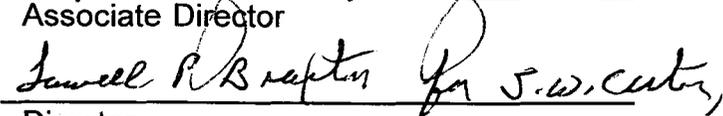
Permit Coordinator



Permit Supervisor



Associate Director



Director

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
(801) 538-5340

This permit, ACT/015/007, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGGM) to:

**Consolidation Coal Company
Illinois West Kentucky Operations
P.O. Box 566
Sesser, Illinois 62884
(618) 625-6844**

for the Hidden Valley Mine. A Surety Bond is filed with the Division in the amount of \$95,501, payable to the State of Utah, Division of Oil, Gas and Mining. 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 reclamation activities on the following described lands 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 17: W1/2

Section 18: All

This legal description is for the permit area of the Hidden Valley Mine. The permittee is authorized to conduct reclamation activities on the foregoing described property subject to the conditions of all 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 becomes effective on January 29, 1997 and expires on January 30, 2002.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written 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 R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the 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, 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 R645-400-210 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 reclamation activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:
- (a) Any accelerated or additional monitoring necessary 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 court 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 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 and the approved Utah State 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 and the approved Utah State Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of reclamation 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. 17 APPEALS - The permittee shall have the right to appeal as provided for under R645-300.

Sec. 18 SPECIAL CONDITIONS - 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 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 federal or state statutes and any new regulations.

THE STATE OF UTAH

By: Jamell P. Breyton for J.V. Carter

Date: 1/29/97

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

Authorized Representative of the Permittee

Date: _____

ACT/015/007
Non-Federal
January 29, 1997
Page 5

Attachment A
Special Conditions

- #1 Consolidation Coal Company must comply with the KY, WV, and OSM settlement agreements and the past coal injunction against their permits being blocked.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery.)

I, Kevin Ashby, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 8th day of October, 1996 and that the last publication of such notice was in the issue of such newspaper dated the 29th day of October, 1996.

Kevin Ashby

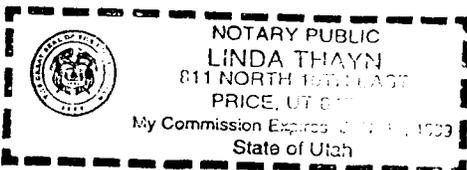
Kevin Ashby - Publisher

Subscribed and sworn to before me this 29th day of October, 1996.

Linda Thayne

Notary Public My commission expires January 10, 1999 Residing at Price, Utah

Publication fee, \$293.76



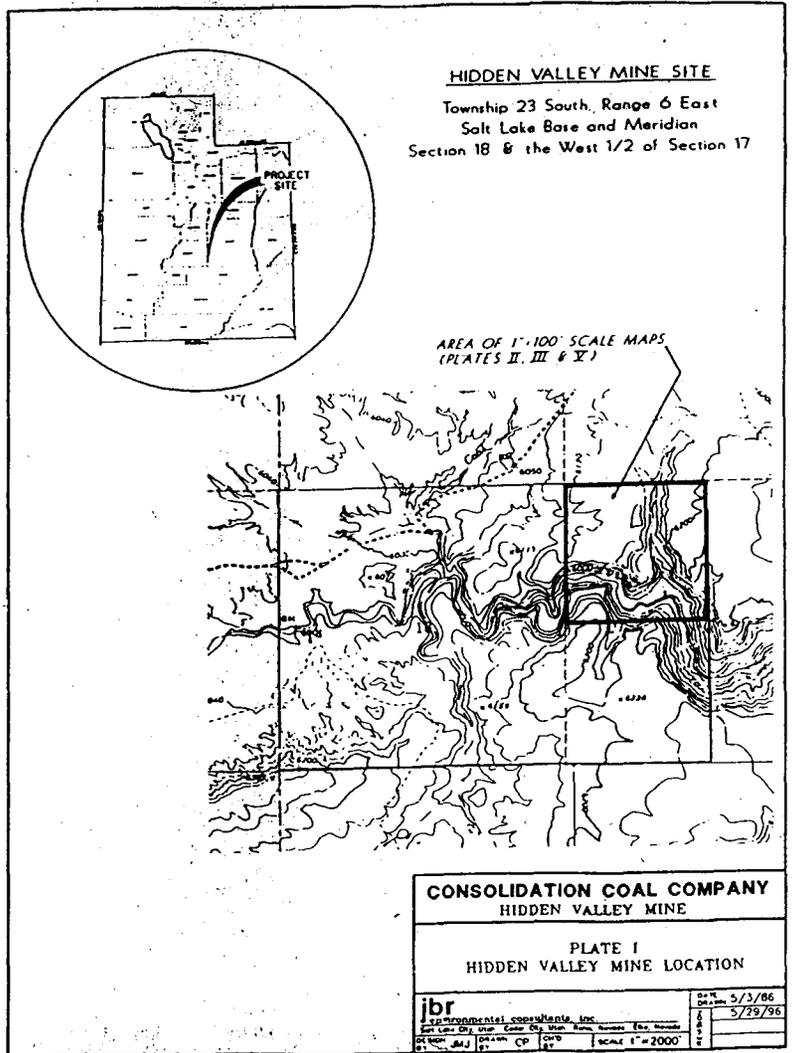
NOTICE

Notice is hereby given that Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed an application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/007 to operate the Hidden Valley Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit area is located in Emery County, Utah and is described as follows:

Township 23 South, Range 6 East, SLBM

Section 17: W $\frac{1}{2}$
Section 18: All



Written comments on this application should be submitted to the State of Utah, Division of Oil, Gas and Mining at the address below. Such comments should be filed within thirty (30) days from the date of the last publication of this notice.

State of Utah, Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Published in the Emery County Progress October 8, 15, 22 and 29, 1996.



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)

January 27, 1997

TO: File

FROM: Pamela Grubaugh-Littig, Permit Coordinator *pgl*

RE: AVS Recommendation, Hidden Valley Mine, Consolidation Coal Company, ACT/015/007, Folder #3, Emery County, Utah

As of the writing of this memo there is a "conditional issue" recommendation for the Hidden Valley Mine in the Applicant Violator System. The Hidden Valley Mine permit has been conditioned: "Consolidation Coal Company must continue compliance with KY, WV and OSM settlement agreements and the past coal injunction against their permits being blocked."

Consolidation Coal Company does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.



State : UT	Permit No : ACT105007	Appl No : ACT105007
Applicant : 107373(CONSOLIDATION COAL CO)		Seqno : 1

SYSTEM RECOMMENDATION IS BASED ON ENTITY OFT		
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SYSTEM RECOMMENDATION	: COND ISSUE	01/27/97
PREVIOUS SYSTEM RECOMMENDATION	: COND ISSUE	01/23/97

Records retrieved : 76

ST	PERMIT	RP ID	SEQ	VTYPE	VIOLNO	VIOLDATE
KY	0365003	032255	0	FORF		02/24/83
KY	0365036	114101	0	FORF		03/08/83
KY	2985329	078176	0	FORF		05/14/87
KY	2985329	078176	0	STCP	053004	03/27/86
KY	2985332	108056	0	FORF		08/19/88

RCM_MNT(F7) PERMIT/APPL(F8) REPORTS(F9)
 PRV_SCR(F3) VIOL(F4) EVOFT(F5) VOFT(F6) CHOICES(F10)

■ avsdg

08:06

