

FEDERAL  
(February 1985)

Permit Number ACT/015/009, Feb. 19, 1985

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/015/009, which incorporates the Office of Surface Mining (OSM) Permit UT-0017, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Trail Mountain Coal Company  
P. O. Box 370  
Orangeville, Utah 84537

for the Trail Mountain Mine. Trail Mountain Coal Company is the lessee of federal coal lease U-082996, the lessee of state coal leases ML-22603, and/or the lessee/owner of certain fee-owned parcels, 53 acres. The permit is not valid until a performance bond is filed with the DOGM in the amount of \$463,711.00 (filed October 29, 1984), payable to the state of Utah, Division of Oil, Gas and Mining and OSM, 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 Trail Mountain Mine situated in the state of Utah, Emery County, and located:

Township 17 South, Range 6 East, Salt Lake Base and Meridian

Sec. 25: Begin at point of SW Corner of NW1/4 SE1/4, thence North 160 Rods, thence East 44 Rods to center Cottonwood Creek, Southward along creek to a point 76 Rods east of the beginning, thence West 76 Rods to the Point of Beginning.

Sec. 25: SW1/4 SE1/4, E1/2 E1/2 SW1/4

Sec. 36: All

This legal description is for the permit boundary (as shown on the permit area map) of the Trail Mountain 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, and OSM permit UT-0017, to be issued February 1985, 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 30 CFR 740.13(e) and UMC 788.17-.19.
- Sec. 5 The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the Office of Surface Mining, 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, UMC 840.12, 30 CFR 842.13 and UMC 842.13; and,
  - B. be accompanied by private persons for the purpose of conducting an inspection in accordance with UMC 842.12 and 30 CFR 842, 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 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 conditions 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. 8 The permittee shall dispose of solids, sludge, filter backwash, or pollutants removed in the course of treatment or control of waters or emissions to the air in the manner required by Subchapter K of this Chapter, the regulatory program and which prevents violation of any other applicable state or federal law.
- Sec. 9 The permittee shall conduct its operations-
- A. In accordance with any measures specified in the permit as necessary to prevent significant, imminent environmental harm to the health or safety of the public; and,
  - B. Utilizing any methods specified in the permit by the Division in approving alternative methods of compliance with the performance standards of the Act and the regulatory program, in accordance with the provisions of the Act, UMC 786.19(m), and Subchapter K.
- 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 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. 12 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. 13 If during the course of mining operations, previously unidentified cultural resources are discovered, the applicant shall ensure that the site(s) is not disturbed and shall notify the state Regulatory Authority (RA). The state RA, after coordination with OSM, shall inform the operator of necessary actions required.
- Sec. 14 APPEALS - The lessee shall have the right to appeal: (a) under 30 CFR 775 from actions or decisions of any official of OSM; (b) under 43 CFR 3000.4 from an action or decision of any official of the Bureau of Land Management; (c) under 30 CFR 290 from an action, order or decision of any official of the Minerals Management Service; or (d) under applicable regulations from any action or decision of any other official of the Department of the Interior arising in connection with this permit. In addition, the lessee shall have the right to appeal as provided for under UMC 787.
- Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and of performance set out in the leases, OSM permit UT-0017 and this permit, the permittee shall comply with the special conditions of OSM permit UT-0017 and the 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: Dianne R. Nielson

Date: February 19, 1985

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

Joe Fielder  
Authorized Representative of  
the Permittee

Date: 2/21/85

APPROVED AS TO FORM:

By: Robert W. Roberts  
Assistant Attorney General

Date: 2-19-85

ATTACHMENT A

SPECIAL CONDITIONS

Diamond Shamrock Coal Unit  
Trail Mountain Mine  
ACT/015/009, Emery County, Utah

February 19, 1985

Stipulation 771.23-(1)-MB

1. Within 30 days of permit approval, the applicant will submit two current, complete and comprehensive copies of the Mining and Reclamation Plan for the Trail Mountain Mine to the Division.

Stipulation 817.41-(1)-RS

1. Within 30 days of permit approval, the operator shall provide, for Division approval, a plan for acquiring site-specific borehole data to delineate the occurrence of subsurface water(s) between the mine workings and Mancos Shale. The operator shall commit to acquiring and submitting this information by August 31, 1985.

If drilling encounters subsurface water(s), the operator shall provide, by August 31, 1985, a systematic monitoring plan for Division approval. The monitoring plan must include:

- A. The type and frequency of field measurements and sampling.
- B. A listing of water quality parameters to be tested and the frequency of laboratory analysis.
- C. A schedule for submitting water level and quality data.