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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

December 18, 1985

CERTIFIED RETURN RECEIPT REQUESTED*
P-592-429-530

Mr. Nicolaus P. Neumann
Group Leader - Permits
Consolidation Coal Company
Mid-Continent Region
12755 Olive Boulevard
St. Louis, MO 63141

Dear Mr. Neumann:

Re: State Permit, Emery Deep Mine, ACT/015/015, Folder No. 2
and 4, Emery County, Utah

Please find enclosed two copies of the state permit for the Emery Deep Mine. Appended to the permit is a special condition. Please sign both copies of the permit, indicating acceptance of the condition, and return one copy to the Division, Certified Return Receipt Requested, at your earliest convenience. The permit will become effective when the signed copy is recieved.

Thank you for your cooperation throughout the permitting process. Please feel free to contact the Division should you have any questions.

Best regards,

A handwritten signature in cursive script that reads "Dianne R. Nielson".

Dianne R. Nielson
Director

SCL:jvb
cc: R. Holbrook
L. Braxton
S. Linner

0028R-84

FEDERAL
(February 1985)

Permit Number ACT/015/015, UT-0005

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/015/015, which incorporates the Office of Surface Mining (OSM) Permit UT-0005, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOG M) to:

Consolidation Coal Company
Mid-Continent Region
12755 Olive Boulevard
St. Louis, MO 63141

for the Emery Deep Mine. Consolidation Coal Company is the lessee of federal coal lease U-5287, the lessee of state coal leases #25005(2), #19797, and the lessee of certain fee-owned parcels in Sections 29 and 30, Township 22 South, Range 6 East, SLBM. The permit is not valid until a performance bond is filed with the DOGM in the amount of \$828,000.00, 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 Emery Deep Mine situated in the state of Utah, Emery County, and located:

Township 22 South, Range 6 East
Section 19: S1/2 NE1/4, E1/2 SW1/4, and SE1/4
Section 20: S1/2 NE1/4, SE1/4 SW1/4 and S1/2
Section 21: S1/2 N1/2 and S1/2
Section 22: SW1/4 SW1/4
Section 27: W1/2
Section 28: All
Section 29: All

Section 30: All except NW1/4 NW1/4, S1/2 NW1/4 SW1/4 and
SW1/4 SW1/4
Section 31: All
Section 32: All
Section 33: N1/2 and SW1/4

This legal description is for the permit boundary (as shown on the permit area map) of the Emery Deep 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-0005, to be issued December 18, 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 The permittee shall minimize any adverse impact to the environment or public health and safety including but not limited to:
- A. accelerated monitoring 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 in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal 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 and OSM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands 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 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-0005 and this permit, the permittee shall comply with the special conditions of OSM permit UT-0005 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:

12-18-85

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

Authorized Representative of
the Permittee

Date: _____

APPROVED AS TO FORM:

By: *Barbara W Robert*
Assistant Attorney General

Date: *Dec 18, 1985*

Attachment A
Special Condition

Before conducting mining under prime farmland areas designated on plate 8-3 of the permit application package, the permittee's proposed methods of soil reconstruction shall be reviewed by the Secretary of Agriculture, through the Utah State Conservationist of the U. S. Soil Conservation Service, under the requirements of UMC 785.17(c).