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OPTIONAL FORM 89 (7-94)

FAX TRANSMITTAL # of pages **7**

To	PAM GRUBAUGH-LITTLE	From	R. SINGH
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NSN 7540-01-817-758H 5088-101 GENERAL SERVICES ADMINISTRATION

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United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
WASHINGTON, D.C. 20240

OCT 21 1985

Memorandum

To: Assistant Secretary for Land and Minerals Management

From: ^{Acting} Director, Office of Surface Mining

Subject: Recommendation for Approval of the Emery Deep Mine Mining Plan,
Consolidation Coal Company, Emery County, Utah, Federal Lease
U-5287

I recommend your approval of the Emery Deep Mine mining plan pursuant to the Mineral Leasing Act of 1920 (MLA), as amended. The Office of Surface Mining (OSM) has reviewed the permit application package (PAP), and the Administrator of the Western Technical Center has informed me that he is prepared to issue a permit under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) for the Emery Deep Mine subsequent to your approval of the mining plan. My recommendation to approve the Consolidation Coal Company's mining plan is based on: (1) the applicant's complete PAP, (2) OSM's proposed permit conditions, (3) public participation, (4) review of the PAP by OSM, (5) compliance with the National Environmental Policy Act, (6) documentation assuring compliance with applicable requirements of SMCRA and other Federal laws, regulations, and executive orders, and (7) comments and recommendations or concurrences of other Federal agencies including the findings and recommendations of the Bureau of Land Management with respect to the resource recovery and protection plan and other requirements of the lease and the MLA.

The Secretary may approve a mining plan for Federal lands under 30 U.S.C. 207(c) and 1273(c). I find that the proposed operations will be in compliance with all applicable laws and regulations, and I recommend the Emery Deep Mine mining plan updated through August 23, 1984, be approved.

Approval:

I approve this mining plan:


Deputy Assistant Secretary for Land and Minerals
Management

10/22/85
Date

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APR U 4 2007

DIV. OF OIL, GAS & MINING

Permit Number UT-0005, 9/85

Page 1 of 6

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

This permit, UT-0005, is issued for the United States of America by the Office of Surface Mining (OSM) to

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

for the Emery Deep Mine. Consolidation Coal Company is the lessee of Federal coal lease U-5287.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., hereafter referred to as SMCRA, and the Federal coal lease issued pursuant to the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 et seq., the Federal Coal Leasing Amendments Act of 1976, as amended 30 U.S.C. 201 et seq. and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C. 351 et seq. This permit is also subject to all regulations of the Secretary of the Interior including, but not limited to, 30 CFR Chapter VII and 43 CFR Part 3400, and to all regulations of the Secretary of Energy promulgated pursuant to Section 302 of the Department of Energy Organization Act of 1977, 42 U.S.C. 7152, which are now in force or, except as expressly limited herein, hereafter in force, and all such regulations are made a part hereof.

Sec. 2 The permittee is authorized to conduct surface coal mining and reclamation operations on Federal lands, as well as on such other lands affecting or affected by those operations on Federal lands situated in the State of Utah, Emery County, and located within:

Township 22 South, Range 6 East, Salt Lake Baseline and Meridian

Section 19: S1/2 NE1/4, SE1/4, E1/2 SW1/4
Section 20: S1/2 NE1/4, SE1/4 NW1/4, S1/2
Section 21: S1/2 N1/2, S1/2
Section 22: SW1/4 SW1/4
Section 27: W1/2
Section 28: All
Section 29: All
Section 30: E1/2, E1/2 NW1/4, SW1/4 NW1/4,
N1/2 NW1/4 SW1/4, E1/2 SW1/4
Section 31: All
Section 32: All
Section 33: W1/2, NE1/4

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APR U 4 2007

DIV. OF OIL, GAS & MINING

Permit Number UT-0005, 9/85
Page 2 of 6

and shown on the map included in the permit (page 6 of 6); and to conduct surface coal mining and reclamation operations on the foregoing described property subject to the conditions of the lease and the approved mining plan, and all other applicable conditions, laws, and regulations.

- Sec. 3 The term of this permit is 5 years from the date of issuance, except that this permit will terminate if the permittee has not begun the surface coal mining and reclamation operations covered herein within 3 years of the date of permit issuance.
- Sec. 4 The permit rights may not be transferred, assigned, or sold without the approval of the Director, OSM. Request for transfer, assignment, or sale of permit rights must be done in accordance with 30 CFR 740.13(e) and UMC 788.17.
- Sec. 5 The permittee shall allow the authorized representatives of the Secretary, and the Utah Division of Oil, Gas and Mining, including but not limited to inspectors and fee compliance officers, 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 842.13 and UMC 842.13; and,
 - b. Be accompanied by a private person for the purpose of conducting an inspection in accordance with 30 CFR 842.12 and 840.15, 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 being within the permit area on the maps submitted in the 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 noncompliance with any term or condition of this permit including, but not being 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.

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APR U 4 2007

DIV. OF OIL, GAS & MINING

Permit Number UT-0005, 9/85

Page 3 of 6

- 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 the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable State or Federal law.
- Sec. 9 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 the Utah Division of Oil, Gas and Mining and OSM, 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 Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with SMCRA, the approved Utah State Program and the Federal Lands Program.
- Sec. 12 If during the course of mining operations previously unidentified historic properties are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the State Regulatory Authority (RA) and OSM. The State RA, after coordination with OSM shall inform the permittee of necessary actions required.
- Sec. 13 The operator shall pay all reclamation fees required by 30 CFR Chapter VII, Subchapter R for coal produced under this permit.
- Sec. 14 APPEALS - The permittee shall have the right to appeal: (a) under 30 CFR 775 from an action or decision 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. The appeal period commences with the date of publication of the notice of decision in the newspaper.

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DIV. OF OIL, GAS & MINING

Permit Number UT-0005, 9/85
Page 4 of 6

Sec. 15 SPECIAL CONDITIONS - The permittee shall comply with the terms and conditions set out in the lease and this permit. In addition, the permittee shall comply with the conditions appended hereto as Attachment A. These conditions 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. In accordance with 30 CFR Part 774 (1983), 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, by order, require reasonable revisions of this permit to ensure compliance with SMCRA and the regulatory program.

OFFICE OF SURFACE MINING

By: Allen Klein
Administrator, Western Technical Center

12/18/85
Date

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APR U 4 2007
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Permit Number UT-0005, 9/85
Page 5 of 6

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).

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