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MLR file
number
12/1/84

UTAH POWER & LIGHT COMPANY

LEGAL OFFICES
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EXECUTIVE VICE PRESIDENT
AND
GENERAL COUNSEL

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SALT LAKE CITY, UTAH 84110

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JODY L. WILLIAMS
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DAVID A. WESTERBY
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THOMAS V. RASMUSSEN
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JUL 12 1984

DIVISION OF OIL
GAS & MINING

ROBERT GORDON
VICE PRESIDENT
585-4258

THOMAS W. FORSGREN
585-4261

SAM F. CHAMBERLAIN
585-4972

RALPH L. JERMAN
585-4253

July 9, 1984

Dianne R. Nielson, Director
Division of Oil, Gas and Mining
4241 State Office Building
Salt Lake City, UT 84114

#2

Re: State Permit ACT/015/019
Wilberg Mine

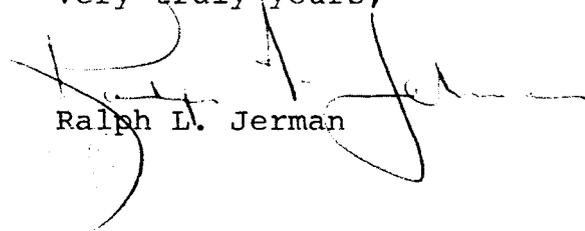
Dear Dr. Nielson:

Mr. Bryner of this company has asked me to respond to your letter of July 6, 1984, which you indicated constitutes the state permit for the Wilberg Mine. He has asked me to thank you for your assistance in obtaining the permit and also to clarify that the company has not, as you indicated in your letter, accepted all of the conditions contained in Federal Permit UT-001.

Prior to signing and returning the permit to O.S.M. we had the understanding with Mr. Klein and Mr. Tiedt, of the Solicitor's office, that the signature constituted only an acknowledgement that Mr. Bryner, as an officer of the company, had read and understood the terms of the permit. It was further understood that such signature would not preclude an appeal from the two special conditions to which the company objected. This was specified in a letter dated June 15, 1984, by which we transmitted the permit and bond back to O.S.M. I sent to you a copy of that letter and I am enclosing another copy for your convenience. I am also enclosing a copy of Mr. Klein's reply and a copy of the appeal which we filed relating to Special Conditions 2 and 9.

If you have any questions regarding the above, please contact me as soon as possible.

Very truly yours,



Ralph L. Jerman

RLJ:p
Enclosures



United States Department of the Interior
OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

RECEIVED

JUL 12 1984

DIVISION OF OIL
GAS & MINING

JUN 25 1984

Mr. Ralph L. Jerman
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Jerman:

By this letter I am confirming your understanding (stated in your June 15, 1984 letter) that neither Mr. Bryner's signing of of the Wilberg permit nor the commencement of mining in the South Cottonwood lease will constitute a waiver of UP&L's right to appeal the requirements under Special Conditions No. 2 and 9 of the permit. Accordingly, there is no impediment to UP&L's initiation of mining in the South Lease on June 20, 1984. However, it is important that the permittee understand that all operations at the Wilberg mine are now to be carried out under the terms of the Wilberg permit, as issued by OSM on June 8, 1984, notwithstanding the fact that UP&L is appealing certain elements of the permit approval.

I also wish to remind you that since the public notice was published in the Emery County Progress on June 19, 1984, you will have until July 19, 1984, to file your request for a hearing on the decision. This is in accordance with the requirements of 30 CFR 775 and UMC 787.11.

Please contact me or Glenn Tiedt at 303-844-2451 if there are any questions.

Sincerely,

for
Allen D. Klein
Administrator
Western Technical Center

cc: Glenn Tiedt
Mary Boucek/DOGM Attorney
Sharon Kliwinski/DOI Attorney

UTAH POWER & LIGHT COMPANY

LEGAL OFFICES

SIDNEY G. BAUCOM
EXECUTIVE VICE PRESIDENT
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SALT LAKE CITY, UTAH 84110

June 15, 1984

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MARK G. WHITLOCK
CLAIMS SPECIALIST
535-4027

RECEIVED

JUL 12 1984

DIVISION OF OIL
GAS & MINING

Allen B. Klein, Administrator
Western Technical Center
Office of Surface Mining
1020 15th Street
Denver, CO 80202

Re: Permit UT-001 Issued to Utah Power &
Light Company for the Wilberg Coal Mine

Dear Mr. Klein:

This will acknowledge receipt of your letter of June 8, 1984, addressed to Mr. D. L. Bryner and enclosing the above-numbered mining permit. This will also confirm several telephone conversations I have had with you, Walter Swain of your office, and Glenn Tiedt of the Solicitor's office.

As I indicated in those conversations, while we greatly appreciate your efforts in expediting the issuance of the permit, Utah Power & Light Company cannot accept the requirements of Special Condition No. 2 as it is now written. Therefore, it intends to file a timely appeal under the provisions of 30 CFR 775 (or 30 CFR 787), as appropriate, relating to that special condition and Special Condition No. 9. The company is not necessarily opposed to Special Condition No. 9, but will require more information as to the extent of its commitment.

Mr. Bryner has nonetheless signed the certificate appearing at Page 5 of the permit that he has read and understands the requirements thereof. In accordance with my telephone discussions with Mr. Swain and Mr. Tiedt, this has been signed and is being returned with the express understanding that neither that action nor the commencement of mining in the South Cottonwood lease will constitute a waiver of the company's right to appeal the requirements under Special Conditions No. 2 and 9. It is the company's intention to commence such mining on Wednesday, June 20,

Allen B. Klein, Administrator
June 15, 1984
Page Two

1984, unless you advise us prior to that time that the foregoing does not correctly reflect the representations made by your office and Mr. Tiedt. The company also reserves the right, in the event Special Condition No. 2 cannot be rewritten in the manner acceptable to it, to discontinue operations entirely at the Wilberg mine as it is unable to make a commitment to replace water to the extent required by such condition.

We are enclosing herewith a corporate surety bond in the amount of \$1,294,522 as required by terms of the permit.

Very truly yours,

Ralph L. Jerman

RLJ:p

Enclosure

cc: Glenn F. Tiedt, Esq.

. . . replace any water demonstrated to have been lost or adversely affected by mining operations with water from an alternate source in sufficient quantity and quality to maintain the rights of present users and current and post-mining land uses.

It is appellant's position that there is no legal basis in the Surface Mining Control and Reclamation Act or elsewhere authorizing the Office of Surface Mining (or the Utah Division of Oil, Gas and Mining) to impose such a condition. In fact a regulation requiring underground mining operators to replace the water supply of a landowner in the case of contamination, diminishment or interruption has been suspended by a United States district court. A similar Utah regulation was consequently disapproved by the Office of Surface Mining and is not in effect. Appellant believes a requirement that it assure sufficient quantity and quality of water to maintain post-mining land uses would be extremely onerous and burdensome and could serve to deprive appellant of its property without due process of law.

Finally, appellant contends that such requirement is in conflict with state water law which places exclusive authority in the Utah State Engineer to adjudicate water rights between opposing claimants and users. Inasmuch as there is no federal statute pre-empting state water law, in

this regard it should control.

The Office of Surface Mining cites as authority for such condition stipulations contained in three federal coal leases issued to appellant, as well as several regulations contained in Utah regulations pertaining to surface effects of underground coal mining activities. No cited authority, however, supports such requirement. The coal leases referred to are of a much more restrictive nature and provide only that appellant will replace water necessary to meet livestock and wildlife requirements--a condition to which appellant has agreed. Nor do the state regulations cited in the permit support the requirement of water replacement. Thus, UMC 784.14(a) merely requires that the mining plan contain a detailed description of the measures to be taken to protect the rights of present users to surface and ground water. The plan submitted by appellant clearly satisfies that section. Again, UMC 784.20(c) requires only a detailed description of the measures to be taken to mitigate the effects of any material damage or diminution of lands and allows several alternatives to meet that requirement. Appellant's permit application complies with all requirements of said section. Similarly, UMC 817.41 requires that the underground coal mining activities be planned and conducted to minimize changes in the

hydrologic balance so that changes in water quality and quantity shall be minimized. There is nothing in the section which remotely suggests that the applicant be required to guarantee in perpetuity the replacement of water for both present users and post-mining land uses.

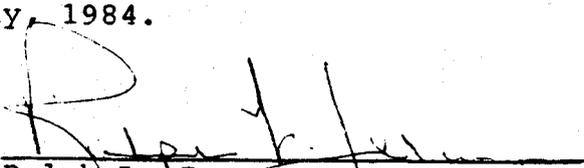
Finally, the permit cites Section 508(a)(13) of the Surface Mining Control and Reclamation Act. This language is basically identical to UMC 784.14(a) and pertains to the requirements of the reclamation plan. It does not require replacement of water.

In summary, Special Condition 2 purports to require appellant to make a commitment for the replacement of water which cannot feasibly be made and cannot legally be required. No one can reasonably see the extent or nature of post-mining land uses in the area of the Wilberg Mine and hence it is open-ended both in amount and time.

Special condition 9 provides that applicant shall participate in the USFWS study program relating to "Recovery of Endangered Fishes of the Upper Colorado Basin" if determined necessary by the Endangered Species Office. Appellant does not necessarily object to this requirement if its obligations thereunder are to be reasonable in amount. The way it is written, however, appellant has no way of knowing what its obligations thereunder might be in the

future. It is assumed that participation referred to shall be of a monetary participation, but even this is not defined. At the very least, the type of participation and the amount should be spelled out with a definite and moderate limitation.

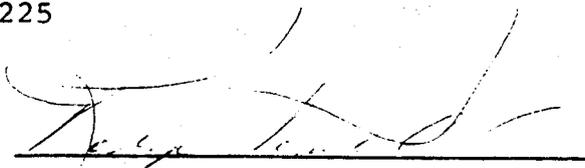
DATED this 7th day of July, 1984.



Ralph L. Jerman
Attorney for Appellant
UTAH POWER & LIGHT COMPANY
1407 West North Temple
Salt Lake City, UT 84116
(801) 535-4253

I certify mailing a true and correct copy of the foregoing Notice of Appeal and Request for Hearing, postage prepaid, this 7th day of July, 1984, to:

Assistant Regional Solicitor
Surface Mining
U. S. Department of the Interior
P. O. Box 25007
Denver Federal Center
Denver, CO 80225



RECEIVED

JUL 12 1984

Permit Number UT-001, 5/84

Page 1 of 8

DIVISION OF OIL
GAS & MINING

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING

This permit, UT-001, which incorporates Utah Permit ACT/015/019, is issued for the United States of America by the Office of Surface Mining (OSM) to

Utah Power & Light Company
1407 West North Temple Street
P. O. Box 899
Salt Lake City, Utah 84110

for the Wilberg Mine. Utah Power & Light Company is the lessee of Federal coal leases SL-064900, U-1358, SL-070645-U-02292, U-084923, U-084924, U-083066, U-040151, U-044025, U-47978. The permit is not valid until a performance bond is filed with the OSM in the amount of \$1,294,522.00, payable to the United States of America and the State of Utah, and the OSM 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 Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq., hereafter referred to as SMCRA, and the Federal coal leases issued pursuant to the Mineral Leasing Act of February 15, 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 September 7, 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 the following described Federal lands (as shown on ownership map) within the permit area at the Wilberg Mine situated in the State of Utah, Emery County, and located:

T. 17 S., R. 6 E., SLM; sec. 1, SE1/4, E1/2SW1/4, S1/2SE1/4NE1/4; sec. 12, E1/2, E1/2W1/2; sec. 13, E1/2, E1/2W1/2; sec. 24, E1/2, E1/2W1/2; sec. 25, NE1/4SE1/4, N1/2NE1/4, SE1/4NE1/4, E1/2SW1/4NE1/4.

T. 17 S., R 7 E., SLM; sec. 6, lots 9, 10, 11, W1/2W1/2SE1/4; sec. 7, lots 1, 2, 3, 4, W1/2NW1/4NE1/4, SW1/4NE1/4, SE1/4; sec. 8, S1/2SW1/4, S1/2NW1/4SW1/4, SW1/4NE1/4SW1/4, S1/2S1/2SE1/4; sec. 9, S1/2S1/2SW1/4, SE1/4SE1/4, S1/2SW1/4SE1/4, NE1/4SW1/4SE1/4, SE1/4NE1/4SE1/4; sec. 10, S1/2SW1/4, S1/2N1/2SW1/4, SW1/4SE1/4, S1/2SE1/4SE1/4; sec. 11, S1/2SW1/4SW1/4; sec. 14, W1/2W1/2NW1/4, W1/2E1/2W1/2NW1/4, W1/2W1/2W1/2SW1/4, All of sections 15, 16, 17, 18, 19, 20, 21, 22; sec. 27, NW1/4, N1/2SW1/4, N1/2NE1/4, SE1/4NE1/4, W1/2W1/2NE1/4SE1/4NE1/4, E1/2E1/2NW1/4SE1/4NE1/4; All of sections 28, 29, 30; sec. 31, E1/2, lot 1; sec. 32 All; sec. 33, N1/2, SW1/4, W1/2SE1/4; sec. 34, S1/2NW1/4, NW1/4NW1/4, E1/2SE1/4NW1/4NE1/4, S1/2SE1/4NE1/4, E1/2NW1/4NE1/4SE1/4, NE1/4NE1/4SE1/4, N1/2SE1/4NE1/4SE1/4; sec. 35, NW1/4SW1/4SW1/4, W1/2NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, W1/2NW1/4NW1/4SW1/4;

and 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 Utah State permit UT/015/019, to be issued May, 1984, including all conditions, and all other applicable conditions, laws and regulations.

- Sec. 3 This permit is issued for a term of 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 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, 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-.19.
- Sec. 5 The permittee shall allow the authorized representatives of the Secretary, including, but not limited to, inspectors, fee compliance officers, and the Utah Division of Oil, Gas, and 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 30 CFR 842 and 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 noncompliance with any term or condition of this permit, 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 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 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 Utah Division of Oil, Gas, and Mining 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 U.S.C. 1151 et seq.) and the Clean Air Act (42 U.S.C. 7401 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 OSM. The operator shall ensure that the resource(s) is properly evaluated in terms of National Register Eligibility Criteria (36 CFR 60.6). Should a resource be found eligible for listing in consultation with the OSM, the land managing agency (if the site is located on Federal Lands), and the State Historic Preservation Officer (SHPO), the operator shall confer with and obtain the approval of these agencies concerning the development and implementation of mitigation measures.
- 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.
- Sec. 15 SPECIAL CONDITIONS - In addition to the general obligations and of performance set out in the leases, Utah State permit ACT/015/019 and this permit, the permittee shall comply with the special conditions of Utah State permit ACT/015/019 and 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. 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 UNITED STATES OF AMERICA

By:

Allen D Klein

Date

6/8/84

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

[Signature]
Authorized Representative of
the Permittee

6-15-84

Date

ATTACHMENT A

Special Conditions

Utah Power & Light Company
Wilberg Mine
Emery County, Utah

1. Within 30 days of permit approval, the permittee shall provide, for regulatory authority approval, a statement of criteria that will ensure riprap stability and adequate energy dissipation in accordance with the requirements of UMC 817.44(b). In addition, the following filter gradation must be incorporated into the filter design for the riprap channel lining:

<u>U.S. Standard Sieve Size</u>	<u>Percent Passing By Weight</u>
3"	90-100
3/4"	20-90
#4	0-20
#200	0-3

2. The permittee shall replace any water demonstrated to have been lost or adversely affected by mining operations with water from an alternate source in sufficient quantity and quality to maintain the rights of present users and current and postmining land uses. The permittee shall describe the measures that will be taken to minimize changes to the prevailing hydrologic balance in all perennial streams within the permit area in the event that subsidence effects reduce the baseflow to these streams. This description must be presented to the regulatory authority for approval within 30 days of permit approval.

[Ref:BLM lease conditions 15 and 19, U-47978; condition 14, U-044025; conditions 14 and 18, U-083066; conditions 14 and 18, U-040151; and in accordance with UMC 784.14(a)(2) and (3), UMC 784.20(c), UMC 817.41(a) and (b); and P.L. 95-87 Sec. 508(a)(13)].

3. The permittee shall conduct portal closure activities for the Newberry Canyon breakout during the period from July 1 to January 31.
4. Within 90 days of permit approval, the permittee shall place sufficient clean backfill material on the horizontal portion of each of the benches above Cottonwood portal so as to effectively cover the exposed rider coal seams.

5. Within 30 days of permit approval, the permittee shall provide, for regulatory authority approval, a map and/or plan for the location of the primary grid system for the subsidence monitoring plan over the permit area. This grid system must be adequate to ensure that the foot-vertical accuracy will be maintained and that sufficient points are established for adequately measuring horizontal displacement. A map showing the location of the primary grid system used in the 1980 aerial survey must be provided within 30 days of permit approval along with a copy of the baseline data. Each succeeding year, an updated copy of the map must be provided showing the location of any additional primary grid points established and the baseline survey data. This information must be included in the annual monitoring report which must be submitted within six months of data collection. This monitoring report must also identify appropriate mitigation measures to be taken if significant subsidence impacts occur.

6. Within 30 days of permit approval, the permittee shall provide, for regulatory authority approval, a plan for continuance of subsidence monitoring in the U. S. Bureau of Mines (USBM) study area in the event that the USBM discontinues this study. Using conventional methods, the permittee shall collect data that will be compatible with USBM collected data for future analysis. In addition, the permittee shall evaluate the USBM data within six months of its collection by USBM, analyze this information with respect to subsidence impacts, and evaluate any mitigation measures that may be required. Plans must be provided showing that the permittee will conduct a ground survey of the site this year and will submit results of the survey by September 1984. Plans for comparison of the conventional survey information with the photogrammetry studies must be made. This information is needed to show compliance with UMC 817.121.

7. In accordance with the Manti-LaSal National Forest's May 7, 1984 letter, the permittee is required to comply with the following conditions:
 - a. Several deficiencies have been noted on Map 2-19 which specifies land uses. The map needs to be updated to include livestock grazing, raptor nests, raptor nesting habitat, deer and elk summer/winter ranges, and commercial timber.
 - b. Prior to Utah Power and Light moving construction equipment on the Forest in Cottonwood Canyon, the jurisdiction of the access road must be determined. A Road Use Permit may be needed.
 - c. Burying any waste, toxic or natural, is prohibited on National Forest System lands.
 - d. Section XVII in the appendices deals with structures that could be affected by subsidence. The following items need to be included in the appendices: fences, roads, stockpounds and associated earth dams, and water troughs.
8. At such time that OSM, in consultation with the Division of Oil, Gas and Mining and the SHPO, determines that subsidence within the permit area may adversely affect known or unrecorded cultural sites, additional cultural resource studies may be required. This determination will be based on new subsidence or cultural resource information and clear justification will be presented to the permittee.
9. If determined necessary by the Endangered Species Office of the U. S. Fish & Wildlife Service, the permittee shall participate in the USFWS study program "Recovery of Endangered Fishes of the Upper Colorado River Basin".



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dianne R. Nielson, Ph.D., Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

July 6, 1984

Mr. D. L. Bryner, Vice-President
Utah Power & Light Company
P. O. Box 899
Salt Lake City, Utah 84110

Dear Mr. Bryner:

RE: State Permit Approval, Utah Power & Light Company, Wilberg Mine, ACT/015/019, #2, #4, #6, Emery County, Utah

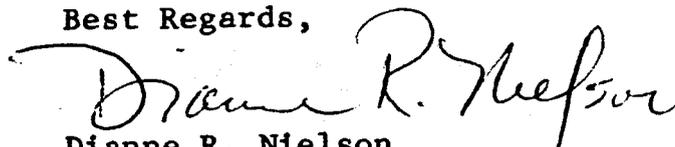
The Division has received a signed copy of the Office of Surface Mining's permit with conditions for the above referenced mine, thereby indicating that Utah Power & Light Company accepts and will comply with all conditions and time frames set forth in the permit. A signed and executed bond in the amount of \$1,244,522.00 and payable to both the State of Utah and the United States of America has also been received.

Therefore, the State of Utah hereby issues Final Permit Approval for the Wilberg Mine at this time. Consider this letter to be the Permanent Coal Regulatory Program Permit for the above referenced mine. This permit is issued in conjunction with the special conditions contained in Appendix A of the Federal Permit UT-001, 5/84 and the additional permit conditions required by the Utah Coal Mining and Reclamation Permanent Program, Chapter I (UCA 40-10-1 et seq.), Section UMC 786.29 (appended to this letter). Please assure that all conditions with time deadlines for completion are fulfilled utilizing the June 15, 1984 as the permit approval date.

Page Two
Mr. D. L. Bryner, Vice-President
July 6, 1984

The Division greatly appreciates the cooperation and enthusiasm your staff has shown in working with us during the permitting process, and we look forward to dealing with your company in the future.

Best Regards,



Dianne R. Nielson
Director

DRN/jw:btb

cc: Robert Hagen, OSM, Denver
Allen Klein, OSM, Denver
Steve Manger, OSM, Denver
Ron Daniels, DOGM
Jim Smith, DOGM
Mary Boucek, DOGM
Joe Helfrich, DOGM
John Whitehead, DOGM

92940-3 & 4

UMC 786.29 Conditions Of Permits: Environment, Public Health, And Safety

Each permit issued by the Division shall ensure and contain specific conditions requiring that the-

(a) Permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from non-compliance with any term or conditions of the permit, including, but not limited to:

(1) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;

(2) Immediate implementation of measures necessary to comply; and

(3) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the non-compliance.

(b) 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.

(c) The permittee shall conduct its operations-

(1) 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,

(2) 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.