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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

May 21, 1991

Mr. Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Dear Mr. Owen:

Re: Permit Renewal, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025,
Folder #3, Emery County, Utah

Enclosed please find two copies of the renewed permit for the Bear Canyon Mine. Please sign both copies and return one to the Division.

Best regards,

Dianne R. Nielson
Director

jbe

Enclosures

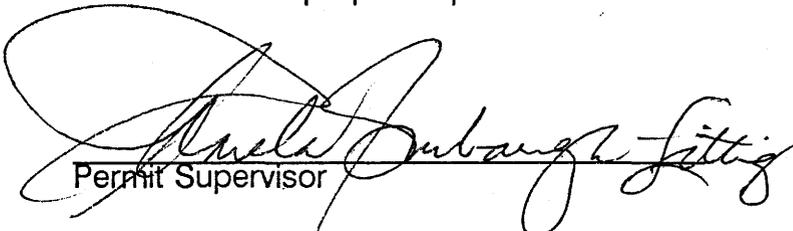
cc: Eldon Kingston
Lowell Braxton
Pamela Grubaugh-Littig

AT015025.06

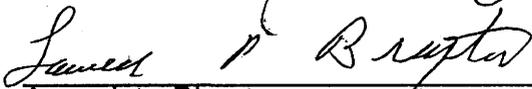
**FINDINGS
FIVE-YEAR RENEWAL**

Co-Op Mining Company
Bear Canyon Mine
ACT/015/025
Emery County, Utah
May 20, 1991

1. The terms and conditions of the existing permit are being satisfactorily met. (R614-303-233.110)
2. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the State Program. (R614-303-233.120)
3. The requested renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas. (R614-303-233.130)
4. The operator has provided evidence of having liability insurance. (R614-303-233.140)
5. 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. (R614-303-233.150)



Permit Supervisor



Associate Director



Director

NON-FEDERAL

Permit Number ACT/015/025

May 20, 1991

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/015/025, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

Co-Op Mining Company
P. O. Box 1245
Huntington, Utah 84528
(801) 381-2450

for the Bear Canyon Mine. A collateral bond (Irrevocable Letter of Credit) is filed with the Division in the amount of \$290,000, payable to the State of Utah, Division of Oil, Gas and Mining. The Division 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 underground coal mining activities on the following described lands within the permit area at the Bear Canyon Mine, situated in the state of Utah, Emery County, and located:

Township 16 South, Range 7 East, SLBM

Section 14: S1/2

Section 23: E1/2, E1/2 NW1/4, E1/2 SW1/4

Section 24: All land West of North-South Trending Bear Canyon Fault

Section 25: All land West of North-South Trending Bear Canyon Fault

Section 26: NE1/4 NE1/4, NW1/4 NE1/4, N1/2 SW1/4 NE1/4 and the access/haul road and topsoil storage area as shown on Plate 2-1 of the Mining and Reclamation Plan

This legal description is for the permit area of the Bear Canyon Mine. The permittee is authorized to conduct underground coal mining activities and related surface 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 May 20, 1991 and expires on November 2, 1995.

Sec. 5 ASSIGNMENT OF PERMIT RIGHTS - The permit rights may not be transferred, assigned or sold without the prior written approval of the Division Director. 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 R614-303-300.

Sec. 6 RIGHT OF ENTRY - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), 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, R614-400-220, 30 CFR 842.13 and R614-400-110;

(b) be accompanied by private persons for the purpose of conducting an inspection in accordance with R614-400-100 and R614-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

Sec. 7 SCOPE OF OPERATIONS - The permittee shall conduct underground coal mining 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 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 the Division 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 EXISTING STRUCTURES - As applicable, the permittee will comply with R614-301 and R614-302 for compliance, modification, or abandonment of existing structures.

Sec. 11 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. 12 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. 13 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. 14 PERMIT RENEWAL - 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. 15 CULTURAL RESOURCES - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by Division within the time frame specified by Division.

Sec. 16 APPEALS - The permittee shall have the right to appeal as provided for under R614-300-200.

Sec. 17 SPECIAL CONDITIONS - There are special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-17) 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 Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division 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 regulations.

THE STATE OF UTAH

By: *Dean R. Nelson*

Date: 5-20-91

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: _____

ATTACHMENT A
Special Conditions

1. Division Order Issued November 27, 1990

Co-Op Mining Company must submit by May 24, 1991 at 5:00 pm, all complete and technically adequate information to comply with the Division Order issued November 27, 1990. Compliance with this Order includes abatement of NOV #N91-20-1-1 issued April 26, 1991 and any additional enforcement actions related to this matter.

2. Division Order, Informal Hearing, Cause No. ACT/015/025, Dated May 20, 1991

Co-Op Mining Company must comply with all monitoring requirements and restrictions contained within the Division Order, Informal Hearing, Cause No. ACT/015/025, dated May 20, 1991, as these requirements and restrictions apply to the present permit and are made a part of the permit terms at issuance.



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor

Dee C. Hansen
Executive Director

Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

April 30, 1991

Certified Return Receipt
P 074 979 067

Mr. Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Dear Mr. Owen:

Re: Hindrance Violation NOV #N91-20-1-1, Co-Op Mining Company,
Bear Canyon Mine, ACT/015/025, Folder #2 and #5, Emery
County, Utah

Attached is a hindrance violation for failure to respond to the Division Order issued November 27, 1990, in a complete and technically adequate manner. Please note the abatement date of May 24, 1991. Due to the time already consumed in the Division Order, no extensions will be allowed beyond this abatement date.

Sincerely,

Lowell P. Braxton
Associate Director, Mining

jbe
Attachment

cc: Carl Kingston, Co-Op
Eldon Kingston, Co-Op
J. Helfrich, DOGM
P. Grubaugh-Littig, DOGM
T. Munson, DOGM

AT015025.7

NOTICE OF VIOLATION NO. N 91-20-1-1

Violation No. 1 of 1

Nature of violation

Failure to operate in accordance and compliance with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program. Failure to submit all information required by the Division Order issued 11/27/90 (i.e. items identified as #8, #14, #17 and #18) ~~permit~~

Provisions of act, regulations or permit violated

UAC R614-300-143

UAC R614-303-212

Portion of operation to which notice applies

The entire permit area

Remedial action required (including any interim steps)

Submit all complete and technically adequate information (as determined by the Division) to comply with all Division regulations and the Division Order issued 11/27/90

Abatement time (including interim steps)

May 24, 1991 (with no extensions beyond that date).

LPB



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangert
Governor

Dee C. Hansen
Executive Director

Pamela R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

Due 1/27

Dharon

Nov-1/25

File ACT/015/025

#3

DO-90-1

November 27, 1990

Mr. Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Dear Mr. Owen:

Re: Division Order, Co-Op Mining Company, Bear Canyon Mine,
ACT/015/025, Folder #2, Emery County, Utah

Enclosed please find a Division Order & Finding of Permit Deficiency for the Bear Canyon Mine. If in your review of this you have any questions, please call me or Pamela Grubaugh-Littig, Permit Supervisor.

Sincerely,

Lowell P. Braxton
Lowell P. Braxton
Associate Director

jbe

Enclosure

cc: Tom Mitchell
Joe Helfrich
"A" Team

AT015025.9

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE)	
)	
Mr. Wendell Owen)	
Co-Op Mining Company)	ORDER & FINDINGS
Bear Canyon Mine)	of
P.O. Box 1245)	PERMIT DEFICIENCY
Huntington, Utah 84528)	
)	
PERMIT ACT/015/025)	

PURSUANT to R614-303-212, the DIVISION ORDERS the PERMITTEE, Co-Op Mining Company, to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with R614-303-220.

Findings of Permit Deficiency

- 1) The requirements of R614-301-112.600 state that the permit will contain the name and address of each owner of record, all property (surface and subsurface) contiguous to any part of the permit area. The information contained on page 4-2, page 2-2, and elsewhere in the permit, is contradictory and inadequate to assure compliance with the above mentioned regulation. The permittee must clarify surface ownership and correct the appropriate pages and plates in the permit.
- 2) R614-301-114.210 requires the permittee to provide in the permit, a copy of the written consent of the surface owner for the extraction of coal by certain coal mining and reclamation operations. This information is absent in the permit. The permittee must supply a copy of the surface owner consent in compliance with R614-301-114.210.
- 3) The requirements of R614-301-142 state that all maps and plans will clearly show distinctions among those portions of the operations in which coal mining and reclamation operations occurred, prior to and after August 3, 1977. The information required in R614-301-142 is absent from the permit. The permittee must provide the information required in R614-301-142.

- 4) R614-301-221 requires the permittee to include the results of a reconnaissance inspection of the proposed permit area to indicate whether Prime Farmlands exist as given in R614-302-313. The reconnaissance for the lands within T16S, R7E, Section 13, W1/2, SLM, is absent in the permit. The permittee must supply a written verification from the U.S.D.A./Soil Conservation Service regarding Prime Farmlands within the said lands.
- 5) R614-301-222 requires the permittee to provide adequate soil survey information for those portions of the permit area to be affected by surface operations incident to underground coal mining and reclamation activities. The soil survey within the permit is insufficient to fulfill the requirements of this section. The permittee must submit an Order I soil survey for the entire operational area.
- 6) R614-301-232.100 requires that all topsoil will be removed as a separate layer from the area to be disturbed. The permittee states on pages 3-45, 8-24 etc. that soil will be covered during construction of various facilities. This statement is in direct violation of this section and must be deleted or must indicate that soil covering occurred prior to enactment of P.L. 95-87.
- 7) R614-301-234.230 requires that all material removed under R614-301-232.100, R614-301-232.200 and R614-301-232.300 will be protected from wind and water erosion through prompt establishment and maintenance of an effective quick growing vegetative cover or through other measures approved by the Division. The permit does not clearly commit to fulfilling these requirements. Therefore, the permittee must commit to immediate seeding and mulching of all topsoil stockpiles. In addition, the operator must commit to constructing a berm around all topsoil stockpiles.
- 8) R614-301-237.720 requires that the permittee fulfill the requirements of R614-301-233 with regard to the use of substitute soil material unless no available substitute material can be made suitable for achieving the revegetation standards of R614-301-356. The surface disturbance incident to underground coal mining activities must be indicated clearly on maps to determine the exact areas of disturbance which will require topsoil redistribution. Therefore, the operator must accurately represent the extent of surface disturbance and subsequently identify the topsoil needed to fulfill the requirements of this section.

- 9) R614-301-242.120 requires that all redistributed plant growth material be applied and treated in such a manner to prevent excess compaction of said material. The statement regarding compacting topsoil as a means of stabilization is contrary to Best Technology Currently Available (B.T.C.A.) standards and must be removed from the PAP (page 3-44, 3-46, etc.).
- 10) The requirements of R614-301-358.200 state that no coal mining operations will be conducted in a manner which would result in the unlawful taking of a golden eagle nest or any of its eggs. The information provided in the permit is inadequate to assure compliance with this regulation. The Division has consulted with the Utah Division of Wildlife Resources and determined that the permittee must provide the location of each raptor nest (five nests) on a map which is suitable for overlay on the mining sequence map.
- 11) R614-301-412.200 requires that the permit contain a copy of the comments concerning the proposed postmining land use by the legal owner of record of the surface land. The land owner letter on page 4A-2 of the permit, is not sufficient to assure compliance with R614-301-412.200. The permittee must submit a copy of the land owners comments concerning the proposed postmining land use.
- 12) R614-301-514.311 requires that the operator must certify all impoundments on an annual basis. The Division finds that the permit does not commit the permittee to performing the required annual certification of impoundments. The permittee must commit to certifying all impoundments on an annual basis.
- 13) R614-301-535.100 requires that excess spoil be placed in designated disposal areas within the permit area in a controlled manner. The Division finds that, in several places in the permit, the permittee commits to removing "solid waste" from the permit area. The permittee must remove all references to removing "solid waste" from the permit area. Solid waste must be specified as "noncoal waste", "spoil", "coal processing waste", "underground development waste", or "coal mine waste." Only noncoal waste may be disposed of outside of the permit area.

- 14) R614-301-535.100 requires that excess spoil will be placed in designated disposal areas within the permit area in a controlled manner. Fill and appurtenant structures must be designed using current, prudent engineering practices and will meet any design criteria established by the Division. The Division finds that the existing criteria for disposal of excess spoil are not sufficient to enable the Division to render a finding which ensures that the final fill is suitable for reclamation and revegetation compatible with the natural surroundings and the post mining land use. The permittee must submit specific mass balance calculations and cross-sectional representations to demonstrate that there will be adequate volumes of fill and soil material for the projected reclamation and revegetation plans.
- 15) The requirements of R614-301-728.200 requires a PHC determination be based on baseline hydrologic geologic and other information collected for the permit application. The information in the current permit relating to new underground drill hole locations and data changes to mine inflows and discharges is inadequate. The permittee must supply the necessary information to update all in-mine flows and sump areas found on Plates 7-1A and 7-1B. The permittee must also discuss in-mine water occurrence in their PHC document which accurately reflects occurrence. The permittee discusses drilling a new in-mine hole but supplies inadequate data as to when, where, and for what purpose. This information must be submitted to the Division.
- 16) The requirements of R614-301-731.211 requires that ground-water monitoring will identify the quantity and quality parameters to be monitored, sampling frequency and site. The information contained in the permit on Table 7.1-8 has superseded Table 7.1-9 and Table 7.1-8. Therefore, this information is inadequate to characterize current monitoring plans. Plates 7-1A and 7-1B must be updated to reflect any change in monitoring stations or sump areas.
- 17) The requirements of R614-301-743.221.33 require the permittee to design a sediment pond to contain or treat the 10-year, 24-hour precipitation event. The sediment pond design in the permit is inadequate to ensure compliance with R614-301-743.221.33. The permittee must supply accurate maps, plans, and designs to verify the capacity the sediment pond to treat the 10-year, 24-hour precipitation event for all applicable drainage and if necessary modify the pond design.