

Document Information Form

Mine Number: C/041/002

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Person N/A

Company COASTAL STATES ENERGY COMPANY

Date Sent: N/A

Explanation:

STANDARD STIPULATIONS FOR THE CONVULSION CANYON
MINE.

cc:

File in: C/041/002 Incoming

- Refer to:
- Confidential
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#4

Standard Stipulations
for the Convulsion Canyon Mine
Coastal States Energy Co.
Federal Coal Lease U-28297 and U-062453

The approval to mine at the site(s) described in the referenced mine plan is subject to the following standard and special conditions and stipulations. This approval shall be revocable at the discretion of the Director, Office of Surface Mining, if the operator fails to comply with any condition or stipulation. The term "Regulatory Authority" as used herein means the Federal Office of Surface Mining.

1. The operator agrees to be bound by the provisions of Section 517 of the Surface Mining Control and Reclamation Act of 1977, 30 USC 1267 (P. L. 95-87, hereinafter referred to as "Act"), and agrees to allow the authorized representatives of the Secretary, without advance notice or a search warrant, upon presentation or appropriate credentials, and without delay to:

A. Enter upon or through any surface coal mining and reclamation operations to:

1. Inspect any coal mining and reclamation operation, monitoring equipment, or procedure conducted pursuant to the permit;
2. Collect samples and other relevant information regarding air or water, fish and wildlife, soils, vegetation and other resources protected under the Act, this Chapter and the State program; and,
3. Obtain access to any copy of any records required to be maintained under the terms and conditions of the permit or the regulatory program.

B. Be accompanied by private persons for the purpose of conducting an inspection in accordance with Section 521(a) of the Act.

The "term" authorized representative of the Secretary" as used in Section 517 and this paragraph shall be construed to include, but not be limited to, employees of the United States who are supervised by, or detailed or assigned to the Office of Surface Mining, any person under contract who is acting on behalf of the Secretary or any person employed by the State Regulatory Authority if it is authorized to regulate surface coal mining operations on federal lands; or any other person identified as an authorized representative by a letter signed by the Director, Office of Surface Mining.

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2. The operator shall comply at all times with the provisions of the Surface Mining Control and Reclamation Act of 1977, the Mineral Leasing Act of 1920, as amended, and the rules and regulations promulgated pursuant to said Acts, and such other requirements as the Regulatory Authority shall promulgate by rule.

3. The operator shall for the duration of the approved permit and ensuing liability period conduct surface mining and reclamation operations: 1) only on those lands specifically designated on the map(s) submitted in the approved mining and reclamation plan and 2) utilizing only those processes and techniques described in the approved mining and reclamation plan.

4. The operator shall (a) install, maintain, and use any monitoring equipment required by the Regulatory Authority as a condition of this approval or required subsequent to approval during the life of the mine; (b) establish and maintain appropriate records of such monitoring; (c) evaluate the results in accordance with such methods, at such location, intervals, and in such manner as the Regulatory Authority shall prescribe; (d) make reports of the results of monitoring as required by the Regulatory Authority; and, (e) provide such other information as the Regulatory Authority shall require.

5. The operator shall comply with the Surface Mining Control and Reclamation Act of 1977; the Federal Metal and Nonmetallic Mine Safety Act; the Federal Coal Mine Health and Safety Act of 1969, the Clean Water Act; the Clean Air Act, as amended; the Resource Conservation and Recovery Act, as amended; the Refuse Act of 1899; the Fish and Wildlife Coordination Act of 1934; the Mineral Leasing Act of 1920, as amended; and any regulation, performance standard, effluent limit, emission limit, water quality standard, or ambient air quality standard promulgated or approved thereunder, as well as all applicable state and local laws, ordinances, regulations, standards, and limitations.

6. Compliance with any design criteria, or technology requirement, even where design criteria or the technology has been approved by the Regulatory Authority, shall not relieve the operator of the duty to comply with any applicable effluent limitations, emission limitation, applicable performance standard, water quality standard, ambient air quality standard, or any order issued by the Regulatory Authority under Section 521 of the Surface Mining Control and Reclamation Act.

7. The operator shall file a request with the Regulatory Authority seeking the release of all or part of a performance bond only during those seasonal periods when it is possible for the Regulatory Authority to inspect the area subject to the proposed release and make a determination (a) regarding the completeness of reclamation; (b) the degree of difficulty to complete any remaining reclamation, including success of revegetation; (c) whether pollution of surface or subsurface water is occurring; and (d) the probability and estimated cost of abating such pollution or other applicable reclamation requirements.

8. Each of the mining, reclamation or monitoring procedures, techniques, methods or descriptions contained in the approved mining and reclamation plan or in any requirement, stipulation or condition established by the Regulatory Authority as part of any approval of a mining plan, or revision or modification thereof, or by order of the Regional Director following such approval shall be deemed a "permit condition required by this Act" for the purposes of enforcement under Section 521 of the Act and "a condition of a permit issued pursuant to a Federal Lands Program" for the purposes of Section 518 of the Act.

9. If, during mining operations previously unidentified cultural resources should be discovered, the operator shall insure that the site is not disturbed and shall immediately cease land disturbing activities within the vicinity of the site and notify the regulatory authority. The operator shall ensure that the resource(s) is properly evaluated in terms of the National Register (36 CFR 60.6). Should a resource be determined eligible for listing in the National Register of Historic Place in consultation with the, Regulatory Authority, and the SHPO, the operator shall consult with and obtain the approval of the regulatory authority and the SHPO concerning the development and implementation of mitigation measures as appropriate. Activities shall not resume until these measures have been completed and approved.