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From: Mary Ann Wright
To: russellhardy@consolenergy.com ; Trace V. Bunderson
Date: 3/23/2007 12:18 PM
Subject: Re: 1000 ton Test Authorization

CC: Angela Nance; John Gefferth; Karl Houskeeper; Keli Beard; Pam Grubau...

Trace- Thanks for calling a bit ago to discuss the bond and the test run. Please have your person handling the bond contact Pam Grubaugh-Littig at 801-538-5268 or pamgrubaughlittig@utah.gov

How is 1:30 on Monday or 1030 on the 27th? I will need to check on others schedules and will get back to you.

Russell - This email is to also to confirm the 'okay' to do the test run of 1000 tons from the Consol Emery Deep waste pile. To move beyond the 1000 ton test run, COVOL Headwaters must post the reclamation bond.

>>> "Trace V. Bunderson" <tbunderson@headwaters.com> 03/23/2007 11:43 AM >>>

Mary Ann,
I have attached herewith the letter we sent to Consol back in February and that you will recall we discussed in order to allow us to test 1000 tons of the refuse waste pile. To date we have not removed any material from the waste pile other than a few buckets for laboratory testing. We have trucked about 330 tons of waste coal that was back behind their office building near the old mine portal. I am alright with counting that tonnage toward the 1000 tons even though it did not come from the disposal site. I would like to take another 650 tons from the waste coal site to do some further testing pending getting the bond in place. I have confirmed that we are working on the bond and other requirements of the permit as outlined in your letter this past week. I would like to set up a time for myself and Mike Edwards our environmental manager to meet and discuss those requirements. We are available as early as Monday or Tuesday next week, March 26 or 27 if you have any time so set aside for us.

Russell Hardy has requested an email or something in writing from you stating it is OK for us to take up to 1000 tons for testing. Russell's email address is russellhardy@consolenergy.com if you don't already have it. I would appreciate anything you can do in this regard, and please let me know when you can meet with us.

Best regards,

Trace Bunderson