

0010

*Outgoing*  
*C/007/0045*

**From:** Dana Dean  
**To:** grau@headwaters.com; JohnGefferth@consolenergy.com  
**CC:** Daron Haddock; Jim Smith; John Baza; Karl Houskeeper; Steve Alder; ...  
**Date:** 7/25/2008 6:00 PM  
**Subject:** Test Burn  
**Attachments:** Testburn.pdf; testburn.pdf

Please see the attached.

I would appreciate it if you could keep Karl Houskeeper (435.613.3730, [karlhouskeeper@utah.gov](mailto:karlhouskeeper@utah.gov)) updated on the coal removal activities, and Steve Demczak (435.613.3732, [stevedemczak@utah.gov](mailto:stevedemczak@utah.gov)) updated on activities at COVOL.

Thank you very much.

Dana Dean, P.E.  
Associate Director - Mining  
Utah Division of Oil, Gas, and Mining  
(801) 538-5320  
[danadean@utah.gov](mailto:danadean@utah.gov)



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

## Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

July 25, 2008

Gina Rau, Environmental Manager  
Headwaters, Incorporated  
10653 South Rivert Front Parkway, Suite 300  
South Jordan, Utah 84095

Subject: 2000 ton Test Burn, Headwaters, Inc., COVOL Processing Facility, C/007/0045

Dear Ms. Rau:

The Division received your request to run a 2000-ton test burn of material from the Emery Deep Mine's large refuse pile. You state this additional test is needed because it is from a different pile than previously tested, and you need a more representative sample. You wish to begin removing coal from the mine site on July 28.

On March 13, 2007 Ms. Mary Ann Wright authorized the COVOL Facility to "process coal waste from existing permitted sites while COVOL completes the permitting process," if Headwaters posted bond and submitted an administratively complete permit application. Both conditions have been met. The Division does not wish to change the arrangement at this time, and appreciates COVOL's cooperation and willingness to comply with our regulatory requirements. Therefore, you may go forward with the removal of the 2000 tons and the test burn.

Because the Emery Deep Mine is a permitted facility, they must dispose of any refuse material in an approved manner under the Utah Coal Rules. As a result, the Division may require COVOL to be fully permitted before allowing Consol to ship more than the 2000 tons to your facility. The Division is willing to meet with you at your convenience to discuss the deficiency document we recently sent you, and to do our part in timely reviewing the additional information we asked you to provide.

If you have any questions, please call me at (801) 538-5320.

Sincerely,  
  
Dana Dean, P.E.  
Associate Director - Mining

cc: John Gefferth, Consolidation Coal Company  
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## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
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### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

July 25, 2008

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: 2000 ton Test Burn, Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division received a request from Headwaters, Inc. to remove 2000-tons of material from your large refuse pile for an additional test burn. They state this additional test is needed because it is from a different pile than previously tested, and will be a more representative sample. They wish to begin removing coal from the mine site on July 28.

We also received a permit amendment from you, explaining the removal of the material and describing its destination. You may go ahead with the removal of the 2000 tons for the test burn, but because the Emery Deep Mine is a permitted facility, you must dispose of any refuse material in an approved manner under the Utah Coal Rules. As a result, the Division may require COVOL to be fully permitted, and/or you may need to provide the Division with additional information before you can ship more than the 2000 tons.

If you have any questions, please call me at (801) 538-5320.

Sincerely,

Dana Dean, P.E.  
Associate Director - Mining

cc: Gina Rau, Headwaters, Inc.  
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