0009


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

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)


August 23, 1995

Lee Edmonson
Properties Division
Hidden Valley Coal Company
1801 East University Drive
Phoenix, Arizona 85034

Re: Permit Transfer, Cal Mat Company, Hidden Valley Coal Company, ACT/015/007-95A, Folder #3, Emery County, Utah

Dear Mr. Edmonson:

The Division has completed a review of the application for transfer of the Hidden Valley Mine to Consolidation Coal Company. The Application is not considered complete at this time. The following items must be clarified before the application can be approved.

1. **R645-303-321.300.** The application interchanges the name Consolidation Coal Company and Consol Energy, Inc. as the new permittee/operator throughout the application. The application must state whether the new permittee will be Consolidation Coal Company or Consol Energy, Inc. and then use the name consistently throughout the application.

2. **R645-303-321.300, R645-301-112.350.** The application fails to provide a list of coal mine operations owned or controlled by the applicant with permit application number or permit identifier.

3. **R645-303-321.300, R645-301-113.300.** The application fails to provide a list of any and all violations pertaining to air or water environmental protection in connection with any coal mining and reclamation operation owned or controlled by the applicant.

4. **R645-303-322.** The application must contain an affidavit of publication.

An application to transfer a permit also requires the Division to perform a review of compliance in accordance with R645-300-132. Outstanding compliance matters must also be resolved before a transfer can be approved. At this time there appear to be some compliance items that have not be resolved and which also prevent the Division from approving the transfer application. They are discussed below:

1. The reclamation plan for the Hidden Valley Mine contemplates seeding of all disturbed areas. Portions of the Hidden Valley Mine site have not been seeded. The burden rests with Hidden Valley Coal Company to either seed these areas themselves or to secure a commitment from the transferee, in writing, that the transferee will perform the necessary work to meet the reclamation plan commitment.

2. An outstanding violation exists (N95-26-2-1) which has not been corrected. In accordance with R645-300-132.110 the Division must be "provided proof that the current violation has been or is in the process of being corrected ...".

Once the above items have been adequately addressed, the Division should be able to approve the transfer application. You should also be aware that the actual transfer will not be issued until after a performance bond in an amount sufficient to cover the remaining reclamation obligations is posted by the transferee.

You should respond to the above issues by no later than September 29, 1995. If we have not heard from you by that date your application will be considered to be denied. Please call if you have any questions.

Sincerely,

Daron R. Haddock
Permit Supervisor

cc: D. Dragoo (VanCott)
Ed Settle (Consol)
B. Malencik
S. White
P. Grubaugh-Littig
J. Helfrich

TRANSFER.HID