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

Michael O. Leavitt  
Governor

Kathleen Clarke  
Executive Director

Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210

PO Box 145801

Salt Lake City, Utah 84114-5801

801-538-5340

801-359-3940 (Fax)

801-538-7223 (TDD)

January 30, 2002

Tim Kirschbaum, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Re: Permit Renewal, Consolidation Coal Company, Hidden Valley Mine, C/015/007,  
Outgoing File

Dear Mr. Kirschbaum:

The permit renewal for the Hidden Valley Mine is approved, effective January 29, 2002. Enclosed is the State Decision Document for this Permit Renewal, which includes two (2) copies of the renewed permanent program permit for the Hidden Valley Mine. Please read the permit to be sure you understand the requirements of the permit, then have both copies signed by the appropriate Consolidation Coal Company officer and return one to the Division.

If you have any question, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lowell P. Braxton".

for Lowell P. Braxton  
Director

sm

Enclosures

cc: Jim Fulton, OSM-WRCC  
Price Field Office

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**UTAH DIVISION OF OIL, GAS AND MINING  
DECISION DOCUMENT**

Consolidation Coal Company  
Permit Renewal  
**Hidden Valley Mine**  
**C/015/007**  
Emery County, Utah  
January 29, 2002

CONTENTS

- \* Administrative Overview
- \* Location Map
- \* Permitting Chronology
- \* Findings
- \* Permit
- \* Affidavit of Publication
- \* AVS Recommendation. Memo to File dated January 25, 2002

## **ADMINISTRATIVE OVERVIEW**

Consolidation Coal Company  
Permit Renewal  
**Hidden Valley Mine**  
**C/015/007**  
Emery County, Utah  
January 29, 2002

### **PROPOSAL**

Consolidation Coal Company proposes to renew the reclamation permit for the Hidden Valley Mine.

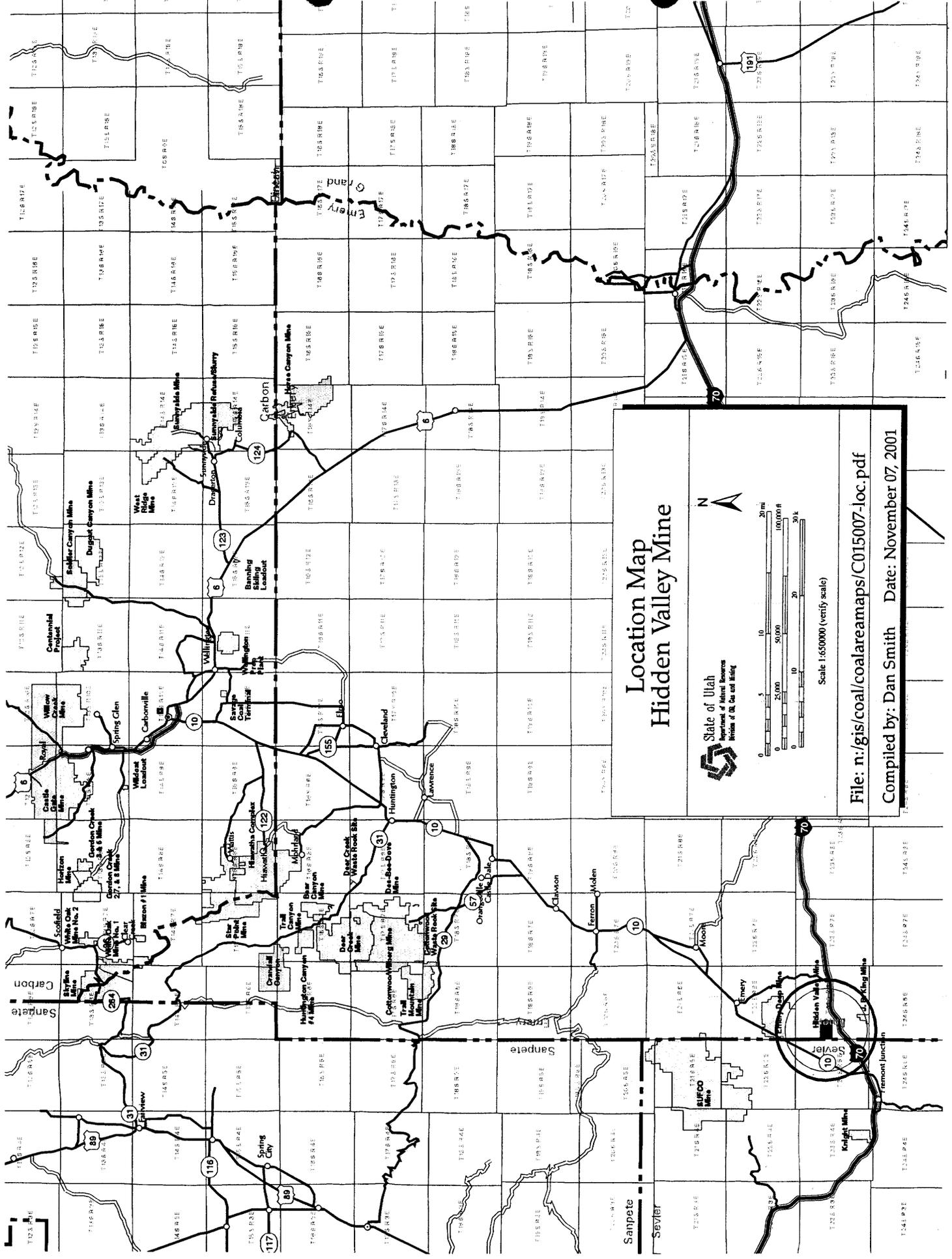
### **BACKGROUND**

The Hidden Valley Mine is located in Emery County about three miles east of Highway 10 in Township 23 South, Range 6 East, SLBM, Sections 17 and 18. This coal mine never operated as a commercial venture. The original reclamation permit was issued January 29, 1987. Reclamation was performed during that year. Phase I bond release was determined effective on June 17, 1988.

A revised postmining landuse was approved April 27, 1991. The first permit renewal was approved on January 30, 1992. The reclamation permit was transferred from Hidden Valley Coal Company to Consolidation Coal Company on November 2, 1995. The permit was successively renewed on January 29, 1997.

### **RECOMMENDATION**

The application for permit renewal has met the Division requirements for approval. The permit renewal was advertised in the Emery County Progress on November 6, 13, 20 and 27, 2001. No comments were received. The reclamation permit should be renewed.



# Location Map Hidden Valley Mine



State of Utah  
Department of Natural Resources  
Bureau of Oil, Gas and Mining

Scale 1:650000 (verify scale)

File: n/gis/coal/coalareamaps/C015007-loc.pdf  
Compiled by: Dan Smith Date: November 07, 2001

## PERMITTING CHRONOLOGY

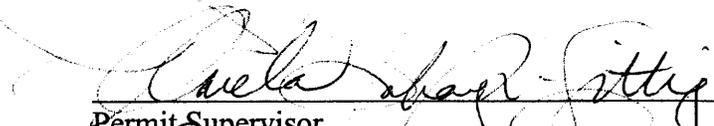
Consolidation Coal Company  
Permit Renewal  
**Hidden Valley Mine**  
**C/015/007**  
Emery County, Utah  
January 29, 2002

October 15, 2001	Permit renewal application received with one permit change.
November 7, 2001	Determination of Administrative Completeness.
November 6, 13, 20, 27, 2001	Publication of permit renewal in <u>Emery County Progress</u> .
November 13, 2001	Permit renewal notification sent to federal, state, and local agencies by Division.
December 27, 2001	No comments received.
January 29, 2002	Permit renewed.

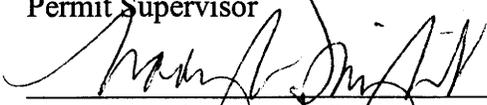
**FINDINGS  
FIVE-YEAR RENEWAL**

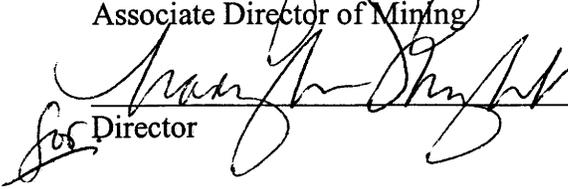
Consolidation Coal Company  
**Hidden Valley Mine**  
**C/015/007**  
Emery County, Utah  
January 29, 2002

1. Application for a permit renewal was submitted on October 15, 2001 (R645-303-232.100).
2. The terms and conditions of the existing permit are being satisfactorily met. (R645-303-233.110)
3. The reclamation operations are in compliance with the environmental protection standards of the State Program. (R645-303-233.120)
4. The requested renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas. (R645-303-233.130)
5. The operator has provided evidence of having liability insurance. (R645-303-233.140) (Lumbermens Mutual Casualty Company/Policy Number 5AA045298-00)
6. 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. (R645-303-233.150) (Surety Bond/Seaboard Surety #331474 in the amount of \$95,501)
7. For the most recent permit term, permit changes ordered by the Division and notices of violation requiring a permit change have been incorporated into the permit.

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Associate Director of Mining

  
\_\_\_\_\_  
Director

NON-FEDERAL

Permit Number  
C/015/007

January 29, 2002

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801  
(801) 538-5340

This permit, C/015/007, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (DOGM) to:

Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884  
(618) 625-6844

for the Hidden Valley Mine. A Surety Bond is filed with the Division in the amount of \$95,501, payable to the State of Utah, Division of Oil, Gas and Mining. DOGM 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 reclamation activities on the following described lands within the permit area at the Hidden Valley Mine, situated in the state of Utah, Emery County, and located:

**Township 23 South, Range 6 East, SLBM**

Section 17: W1/2  
Section 18: All

This legal description is for the permit area of the Hidden Valley Mine. The permittee is authorized to conduct reclamation 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 January 29, 2002 and expires on January 30, 2007.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the prior written approval of the Director, DOGM. 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 R645-303-300.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the OSMRE, 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, R645-400-110, 30 CFR 842.13 and R645-400-220; and,
  - (b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-210 and 30 CFR 842, when the inspection is in response to an alleged violation reported by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct reclamation 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 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the court of treatment or control of waters or

emissions to the air in the manner required by the approved Utah State Program which prevents violation of any applicable state or federal law.

- Sec. 10 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 DOGM in approving alternative methods of compliance with the performance standards of the Act and the approved Utah State Program.
- Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.
- Sec. 12 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. 13 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. 14 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. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act and the approved Utah State Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of reclamation operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.

**Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-18) 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 DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM 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 new regulations.

**THE STATE OF UTAH**

By: \_\_\_\_\_

Date: \_\_\_\_\_

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. Consolidation Coal Company must continue to comply with the KY, WV, and OSM settlement agreements and notify the Division when these settlement agreements are resolved.
2. Consolidation Coal Company must submit water quality data for the Hidden Valley Mine in an electronic format through the Electronic Data Input web site, <http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi>.

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AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Emery,)

I, Kevin Ashby, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 6th day of November, 2001 and that the last publication of such notice was in the issue of such newspaper dated the 27th day of November 2001.

*Kevin Ashby*

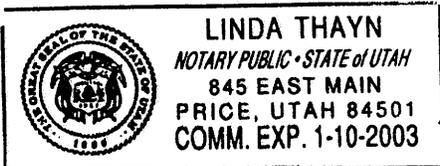
Kevin Ashby - Publisher

Subscribed and sworn to before me this 27th day of November, 2001.

*Linda Thayne*

Notary Public My commission expires January 10, 2003 Residing at Price, Utah

Publication fee, \$ 414.96



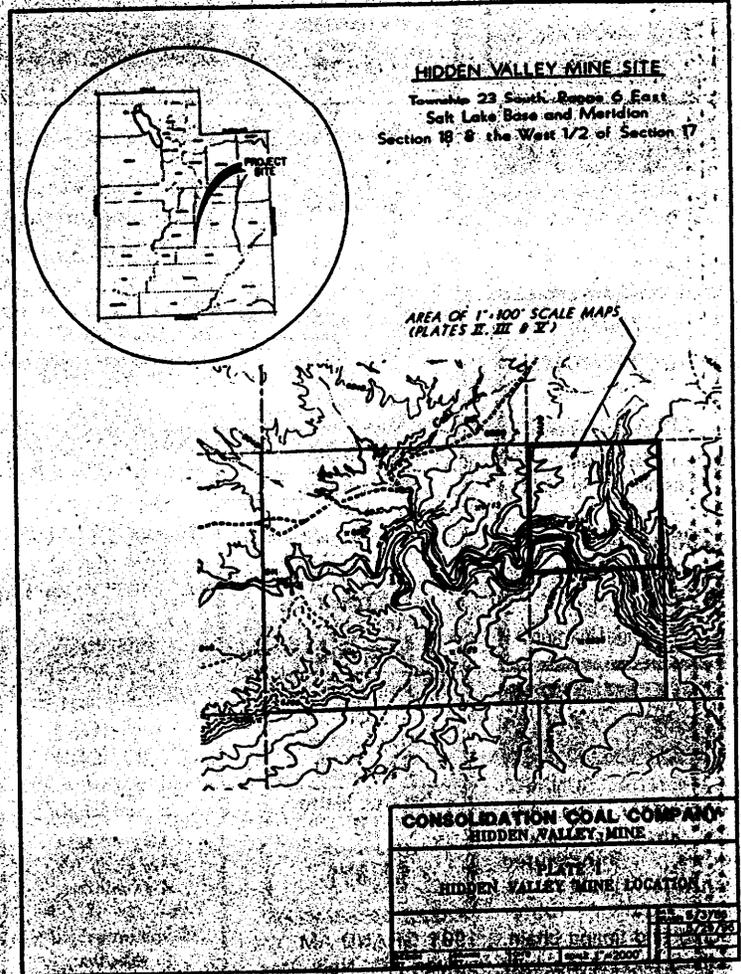
**NOTICE**

Notice is hereby given that Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed an application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/007 to operate the Hidden Valley Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The Permit area is located in Emery County, Utah and is described as follows:

Township 23 South, Range 6 East, SLBM

Section 17: W1/2  
Section 18: All



The application for renewal has been filed for public inspection at the Emery County Courthouse located at 95 East Main, Castle Dale, Utah and State of Utah, Division of Oil, Gas and Mining located at 1594 West North Temple, Suite 1210, Salt Lake City, UT.

Written comments on the application should be submitted to the State of Utah, Division of Oil, Gas and Mining at the address below. Such comments should be filed within thirty (30) days from the date of the last publication of this notice.

State of Utah, Department of Natural Resources,  
Division of Oil, Gas and Mining

1594 West North Temple, Suite 1210

PO Box 14500

Salt Lake City, Utah 84111-5000

Published in the Emery County Progress on November 6, 13, 20, and 27, 2001.



State of Utah  
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Salt Lake City, Utah 84114-5801

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801-359-3940 (Fax)

801-538-7223 (TDD)

January 25, 2002

TO: Compliance File

FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

RE: AVS Recommendation, Hidden Valley Mine, Consolidation Coal Company, C/015/007-RN01

As of the writing of this memo, there are no outstanding violations or cessation orders for the Hidden Valley Mine nor delinquent civil penalties or bond forfeitures. Neither the applicant, nor any person who owns or controls the applicant, nor any person owned or controlled by the applicant is currently in violation of any laws, rules or regulations referred to in R645-300-132. Consolidation Coal Company does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The Applicant Violator System did have three settlement agreements noted in their report dated January 24, 2002 (attached) and are: The state violation written against KY permit 8670405 under a settlement agreement, the WV permits are under a payment plan, and the remaining violations are under the Island Creek Settlement. The permit has been conditioned to continue compliance with KY, WV and OSM settlement agreements.

sm

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State : UT Permit No : A 015007 Appl No : T015007  
 Permittee : 107373( CONSOLIDATION COAL CO ) Seqno : 1  
 Applicant : 107373( CONSOLIDATION COAL CO )

OSMRE: Comments/Analysis: Date : 23-Jan-2002 Mode : UPDATE  
The state violation written against KY permit 8670405 is coded 'C',  
indicating a settlement, payment plan, or pending challenge, linking  
entity is Consol Energy, etc. The audit debt written against WV  
permits 0014783 and 0016483 is under a payment plan with OSM. The  
remaining violations are under Island Creek settlement. be

SRA: Comments/Analysis: Date : Mode : VIEW

SAVE(F5) DELETE(F8)  
 PRV\_SCR(F3) QUIT(F4) CHOICES(F10)



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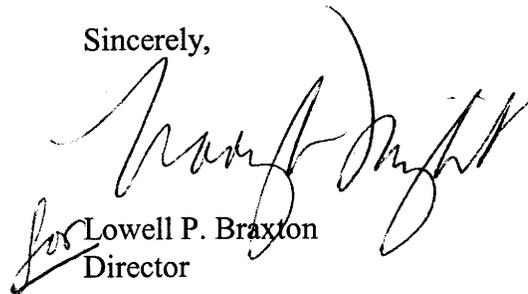
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If you have any question, please call me.

Sincerely,



Lowell P. Braxton  
Director

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Enclosures

cc: Jim Fulton, OSM-WRCC  
Price Field Office

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**UTAH DIVISION OF OIL, GAS AND MINING  
DECISION DOCUMENT**

Consolidation Coal Company  
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Permit Renewal  
**Hidden Valley Mine**  
**C/015/007**  
Emery County, Utah  
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### **PROPOSAL**

Consolidation Coal Company proposes to renew the reclamation permit for the Hidden Valley Mine.

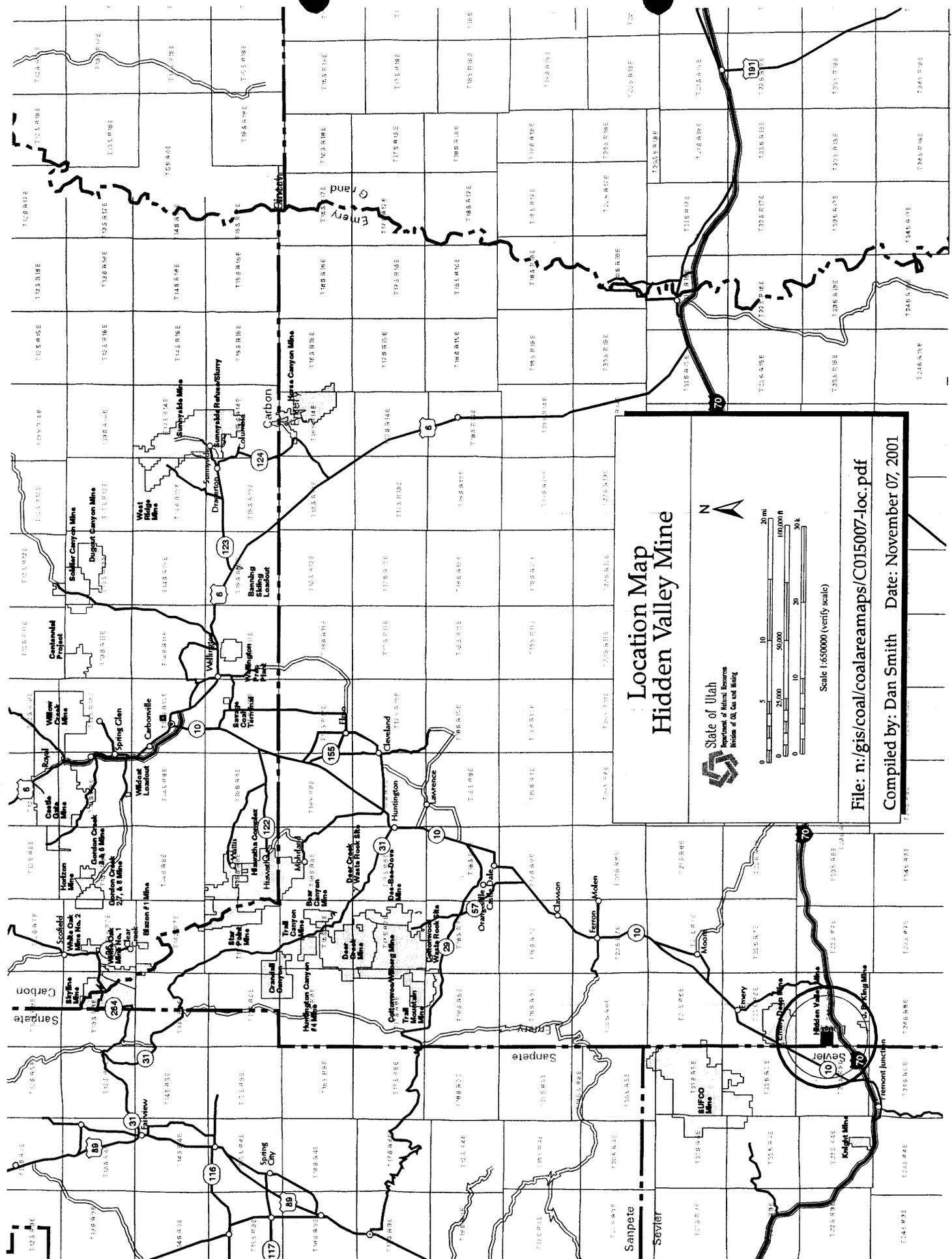
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A revised postmining landuse was approved April 27, 1991. The first permit renewal was approved on January 30, 1992. The reclamation permit was transferred from Hidden Valley Coal Company to Consolidation Coal Company on November 2, 1995. The permit was successively renewed on January 29, 1997.

### **RECOMMENDATION**

The application for permit renewal has met the Division requirements for approval. The permit renewal was advertised in the Emery County Progress on November 6, 13, 20 and 27, 2001. No comments were received. The reclamation permit should be renewed.



## Location Map Hidden Valley Mine


 State of Utah  
 Department of Mineral Resources  
 Office of Oil, Gas and Mining

Scale 1:650000 (verity scale)

File: [n:/gis/coal/coalareamaps/C015007-loc.pdf](http://n:/gis/coal/coalareamaps/C015007-loc.pdf)  
 Compiled by: Dan Smith    Date: November 07, 2001

## PERMITTING CHRONOLOGY

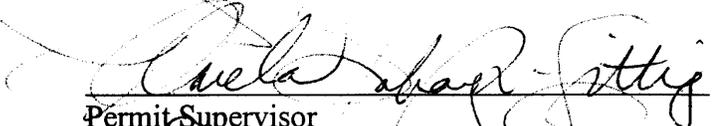
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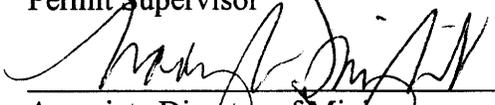
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FIVE-YEAR RENEWAL**

Consolidation Coal Company  
**Hidden Valley Mine**  
**C/015/007**  
Emery County, Utah  
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Permit Supervisor

  
\_\_\_\_\_  
Associate Director of Mining

  
\_\_\_\_\_  
Director

NON-FEDERAL

Permit Number  
C/015/007

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- Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act and the approved Utah State Program.
- Sec. 16 CULTURAL RESOURCES** - If during the course of reclamation operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify DOGM. DOGM, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by DOGM within the time frame specified by DOGM.
- Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.

**Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in Attachment A.

The above conditions (Secs. 1-18) 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 DOGM and the permittee at any time to adjust to changed conditions or to correct an oversight. DOGM 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 new regulations.

**THE STATE OF UTAH**

By: \_\_\_\_\_

Date: \_\_\_\_\_

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. Consolidation Coal Company must continue to comply with the KY, WV, and OSM settlement agreements and notify the Division when these settlement agreements are resolved.
2. Consolidation Coal Company must submit water quality data for the Hidden Valley Mine in an electronic format through the Electronic Data Input web site, <http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi>.

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

SS.

County of Emery,)

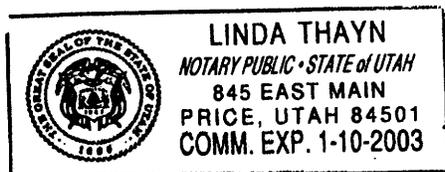
I, Kevin Ashby, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 6th day of November, 2001 and that the last publication of such notice was in the issue of such newspaper dated the 27th day of November 2001.

Kevin Ashby - Publisher

Subscribed and sworn to before me this 27th day of November, 2001.

Notary Public My commission expires January 10, 2003 Residing at Price, Utah

Publication fee, \$ 414.96



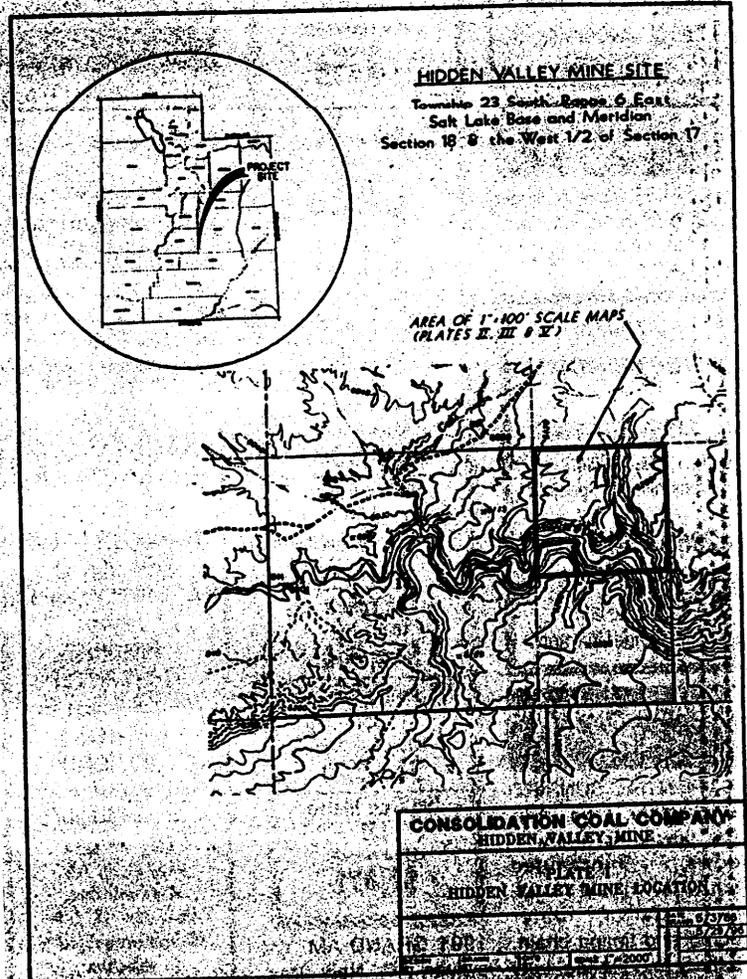
**NOTICE**

Notice is hereby given that Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed an application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/007 to operate the Hidden Valley Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R845 Coal Mining Rules.

The Permit area is located in Emery County, Utah and is described as follows:

Township 23 South, Range 6 East, SLBM

Section 17: W1/2  
Section 18: All



The application for renewal has been filed for public inspection at the Emery County Courthouse located at 95 East Main, Castle Dale, UT and State of Utah, Division of Oil, Gas and Mining located at 1594 West North Temple, Suite 1210, Salt Lake City, UT.

Written comments on the application should be submitted to the State of Utah, Division of Oil, Gas and Mining at the address below. Such comments should be filed within thirty (30) days from the date of the last publication of this notice.

State of Utah, Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210, Salt Lake City, Utah 84116  
Tel: 313-3014500  
Fax: 313-3014501

Published in the Emery County Progress on November 6, 13, 20, and 27, 2001.



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

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

January 25, 2002

TO: Compliance File

FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

RE: AVS Recommendation, Hidden Valley Mine, Consolidation Coal Company, C/015/007-RN01

As of the writing of this memo, there are no outstanding violations or cessation orders for the Hidden Valley Mine nor delinquent civil penalties or bond forfeitures. Neither the applicant, nor any person who owns or controls the applicant, nor any person owned or controlled by the applicant is currently in violation of any laws, rules or regulations referred to in R645-300-132. Consolidation Coal Company does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

The Applicant Violator System did have three settlement agreements noted in their report dated January 24, 2002 (attached) and are: The state violation written against KY permit 8670405 under a settlement agreement, the WV permits are under a payment plan, and the remaining violations are under the Island Creek Settlement. The permit has been conditioned to continue compliance with KY, WV and OSM settlement agreements.

sm

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State : UT Permit No : A 015007                      Appl No : T015007  
 Permittee : 107373( CONSOLIDATION COAL CO )                      Seqno : 1  
 Applicant : 107373( CONSOLIDATION COAL CO )

OSMRE: Comments/Analysis: Date : 23-Jan-2002    Mode : UPDATE  
The state violation written against KY permit 8670405 is coded 'C',  
indicating a settlement, payment plan, or pending challenge, linking  
entity is Consol Energy, etc. The audit debt written against WV  
permits 0014783 and 0016483 is under a payment plan with OSM. The  
remaining violations are under Island Creek settlement. be

SRA: Comments/Analysis:    Date :                      Mode : VIEW

SAVE(F5)            DELETE(F8)  
 PRV\_SCR(F3)    QUIT(F4)    CHOICES(F10)