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February 3, 1978

Mr. Ron W. Daniels, Coordinator
Division of Oil, Gas & Mining
Mined Land Development
State of Utah
1588 West North Temple
Salt Lake City, Utah 84116

Re: Emery Mine, Consolidation Coal Company, Western Region, Surface Mining Control and Reclamation Act of 1977, Plans for the Reconstruction of Pre-Existing, Non-Conforming Structures and/or Facilities, 30 CFR Section 710.11(d).

Dear Mr. Daniels:

On December 13, 1977, the Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSM) published initial environmental protection regulations applicable to coal mining operations regulated by Utah until Utah has an approved regulatory program or a federal regulatory program for Utah has been established. Part 710, Section 710.11(d) of these regulations provides that where it is physically impossible to bring pre-existing, non-conforming facilities or structures into compliance by May 3, 1978 (the statutory compliance date) the operator may have until November 4, 1978 to complete reconstruction of its non-conforming facilities if: (a) the operator submits a reconstruction plan for the non-conforming facilities and structures to the regulatory authority and that plan is approved, and (b) reconstruction is started and completed as soon as possible. The Solicitor for the Department of Interior has stated in his comments to Section 710.11(d) that the basis for this regulation is the Agency's duty to resolve practical problems on a case-by-case basis. We are advised by the OSM that such plans should be submitted to the appropriate state agency.

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Enclosed with this letter is the initial phase of the reconstruction plans for pre-existing, non-conforming mining facilities of Consolidation Coal Company ("Consol") within Utah. Consol has determined, based on its understanding of the regulations, that it is physically impossible to bring these structures or facilities into compliance by May 3, 1978. These plans consist of an inventory of facilities and/or structures, which may be non-conforming on May 3, 1978. This inventory was prepared by Consol's engineers and maps identifying the facilities and/or structures are enclosed where available. We have found it impossible within the time constraints imposed by Section 710.11(d) to complete more detailed

plans. Consol's Environmental Quality Control Department has conservatively estimated that it will take an average of approximately 190 engineering man hours per mine to complete detailed plans for its non-conforming facilities. In some situations, where substantial construction or reconstruction is required, hundreds of engineering man hours will be required to prepare the detailed plans for a single structure.

Consol intends to submit detailed engineering plans to you if required and/or if necessary as soon as they are completed. Should you have any inquiries concerning our plans, please direct them to me.

OSM regulation 710.11(d)(2)(iv) provides that no plan may be approved unless construction is to begin on or before May 4, 1978, and is to be completed by November 4, 1978. At the present time we are not able to ascertain with precision when construction will begin at any of our non-conforming facilities. It is to be noted that because of weather conditions it is not feasible to begin construction at most facilities before May, 1978. In most cases, we are not able to state the date when construction will begin because it will depend on the availability of persons, equipment etc., some of which is not under Consol's control. Finally, since you and in most cases various other regulatory agencies must approve our plans, we cannot specify the exact date when construction will begin until we obtain such approvals.

It is Consol's intention to reconstruct or bring into compliance its non-conforming facilities as expeditiously as it can however; it will be impossible to bring all facilities into compliance by November 4, 1978.

This filing of plans is not to be considered an assertion by Consol that all of its non-conforming facilities and structures can be in compliance by November 4, 1978. Consol, however, has filed with the OSM a petition to change 710.11(d) with regard, inter alia, to:

- (a) the initiation of construction by May 4, 1978; and
- (b) the completion of construction by November 4, 1978.

Accordingly, Consol requests that you process the within plans as quickly as possible.

Similarly, the filing of these plans is not to be construed as an assertion by Consol that it will be able to comply with all of the applicable regulations. To the contrary, Consol believes that it may be impossible to comply with several of OSM's initial environmental protection regulations and certain provisions of the Surface Mining Control and Reclamation Act of 1977 ("Act").

Accordingly, Consol does not waive and expressly reserves the right to amend the plans submitted herewith to reflect any modifications of the regulations that may result from administrative and legal proceedings initiated by Consol or others and the right to challenge the regulations and the Act.

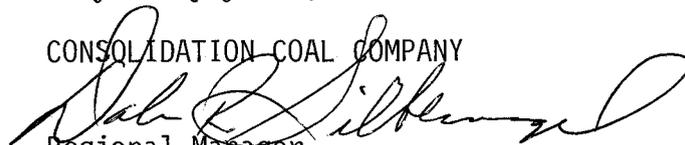
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To the extent you are unable to review these plans or are delayed in acting on this submission, Consol specifically requests an extension of time within which to initiate or complete reconstruction equivalent to the period of such inability or delay.

Unless we hear from you to the contrary within 14 days from the date hereof, we will assume that the initial phase of these reconstruction plans is approved.

Very truly yours,

CONSOLIDATION COAL COMPANY



Regional Manager
Engineering and Environmental Affairs

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ATTACHMENT

Emery Deep Mine
Consolidation Coal Company
Emery, Utah

After a careful review of the initial environmental protection regulations developed from the Surface Mining Control and Reclamation Act of 1977, Consol has determined that the following major items will be extremely difficult or impossible to comply with by May 3, 1978 (the statutory compliance date) at the Emery Deep Mine:

1. Construction of sedimentation ponds as required by Section 717.17(a) Water quality standards and effluent limitations, by Section 717.17(e) Sediment control measures, and by Section 717.17(f) Discharge structures;
2. Construction of diversion structures as required by Section 717.17(c) Diversion and conveyance of overland flow away from disturbed areas, by Section 717.17(e) Sediment control measures, and by Section 717.17(f) Discharge structures;
3. Development of a surface water monitoring program as required by Section 717.17(b) Surface water monitoring;
4. Development of a ground water monitoring program as required by Section 717.17(h) Ground water systems; and
5. Construction of water-control structures for access and haul roads as required by Section 717.17(j) Hydrologic impact of roads.

Detailed engineering designs for the above items are being developed and will be submitted as soon as they are completed.

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