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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Scott M. Matheson, Governor
Temple A. Reynolds, Executive Director
Dr. G. A. (Jim) Shirazi, Division Director

4241 State Office Building • Salt Lake City, UT 84114 • 801-533-5771

November 7, 1983

Mr. Richard Holbrook
Consolidation Coal Company
2 Inverness Drive East
Englewood, Colorado 80112

RE: Emery Deep Mine
ACT/015/015, Folder No. 2
Emery County, Utah

Dear Mr. Holbrook:

The following is the assignment of the compliance schedule for processing the permanent program permit applications for the Emery Deep Mine, ACT/015/015.

On June 13, 1983, we notified you that the Office of Surface Mining (OSM) and the Utah Division of Oil, Gas, and Mining (DOGM) had adopted a joint review process and provided you with a schedule for review of your application for a mining and reclamation permit under the Utah State program, and for a mining plan under the authority of the Secretary of the Interior. Since that date, both agencies have experienced serious problems in obtaining the necessary information in a timely manner to meet the schedule. Therefore, we have developed a more detailed schedule which is enclosed.

In order to complete the administrative review and decision process by the deadline, OSM and DOGM have established a more detailed compliance schedule (see enclosure). This schedule recognizes that since December 11, 1981 all existing mines in Utah have continued to operate under the administrative delay provision of UMC 771.13(b), which provides for continued mining under an existing permit while DOGM and OSM process each permit application. Because the right to operate under administrative delay is not intended to continue indefinitely, the assigned compliance schedule for the Emery Deep Mine provides that by December 23, 1983, OSM and DOGM will proceed to render an initial decision under the Utah State program based upon the information available at that time.

The permit application materials that have been submitted as of this date must be augmented. A public notice pursuant to UMC 786.11(a) must be published after submittal of the additional material. Therefore, this permit application review schedule is already in jeopardy.

The compliance schedule assumes that all Findings of Compliance (UMC 786.19) will be based upon a complete and accurate permit application. It is your responsibility to assure that your application meets these requirements. Because the deadline indicated in the attached schedule is rapidly approaching, there is only limited time for you to demonstrate compliance with applicable regulations. Compliance is necessary to enable OSM and DOGM to make the required findings prior to the issuance of any permit. If, on the date established in the compliance schedule, your application is determined not to be adequate to meet the program requirements, you will have failed to satisfy the requirements of UMC 771.13(b)(1), 786.19(a) and your compliance schedule and, therefore, your application will be disapproved. The authority to operate under administrative delay pursuant to UMC 771.13(b) is available only until DOGM and OSM issue its initial administrative decision. Therefore, upon notification of a disapproval based on not meeting the program requirements, your authority to continue operations under administrative delay will terminate. The authority to conduct surface coal mining operations subsequently will be dependent upon the approval of a complete and accurate permit application under OSM's Federal Land Program and the Utah State program when all information has been provided to OSM and DOGM.

If the information submitted satisfies your compliance schedule, you will be notified to begin public notice of filing of the application. DOGM and OSM will evaluate your application to determine if it complies substantively with the permitting requirements and will then prepare its written Findings of Compliance with the permitting regulations. In addition, OSM will determine whether other appropriate Federal statutes and regulations have been satisfied and will prepare NEPA compliance documents in order to recommend approval or disapproval of the mining plan. If, at any point in the technical review DOGM and OSM determine that the requirements for one or more Findings of Compliance have not been met and any required information cannot be obtained from the applicant under the compliance schedule, a decision to disapprove the permit application will be made without further supplementing or processing of the application.

The attached schedule shows the minimum time required to complete the review process. DOGM and OSM will not be able to consider any changes or submittals that would delay this schedule.

Upon receipt of this letter, please contact Dianne R. Nielson (801) 533-5771, or Allen Klein (303) 837-5421 to discuss this matter further.

Sincerely

Dianne R. Nielson

Dianne R. Nielson
Director
Utah Division of Oil,
Gas and Mining

Allen D. Klein
Administrator
Western Technical Center

DRN/jvb

Enclosure

cc: Scott M. Matheson, Governor, Utah
James R. Harris, OSM
Allen D. Klein, OSM
Robert Hagen, OSM

COMPLIANCE SCHEDULE

Consolidation Coal Company
Emery Deep Mine
ACT/015/015

	REVIEW ACTION	COMPLETION DATE
1.	Determination of permit application completeness.	10-27-83
2.	Draft Findings of Compliance/Technical Analysis.	12-23-83
3.	Final Findings of Compliance/Technical Analysis.	3-2-84
4.	Final State/OSM Decision.	4-6-84