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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter  
Governor  
Dee C. Hansen  
Executive Director  
Dianne R. Nielson, Ph.D.  
Division Director

355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
801-538-5340

January 10, 1991

Newspaper Agency Corporation  
Legal Advertising  
143 South Main - Mezzanine Floor  
Salt Lake City, Utah 84110

Ladies and Gentlemen:

Re: Notice of Permit Renewal, Consolidation Coal Company,  
Emery Deep Mine, ACT/015/015, Folder #3, Emery County, Utah

Enclosed is a Notice of Permit Renewal rendered by the  
Division of Oil, Gas and Mining, Department of Natural  
Resources, State of Utah.

It is requested that this notice be published ONCE ONLY,  
as soon as possible.

Upon completion of this request, please send proof of  
publication and statement of cost to the Division of Oil, Gas  
and Mining, 3 Triad Center, Suite 350, 355 West North Temple,  
Salt Lake City, Utah 84180-1203.

Sincerely,

A handwritten signature in cursive script that reads "Lowell P. Braxton".

Lowell P. Braxton  
Associate Director, Mining

Enclosure  
cc: D. Haddock  
BT68/81

LETTER ALSO SENT TO: Emery County Progress  
20 South 100 East  
Castle Dale, Utah 84513

NOTICE OF PERMIT RENEWAL

To Whom It May Concern:

Pursuant to the Utah Coal Mining and Reclamation Act (Utah Code Annotated 1953, Section 40-10-1 et seq), and the "Regulations Pertaining to Surface Effects of Underground Coal Mining Activities" (Final Rules of the Utah Board of Oil, Gas and Mining), the Utah Division of Oil, Gas and Mining has issued a permanent program mining permit to Consolidation Coal Company for its permit application No. ACT/015/015. The Company will conduct underground mining activities in accordance with the approved Mining and Reclamation Plan for the Emery Deep Mine associated with the following lands:

Township 22 South, Range 6 East, SLBM

Section 19: S1/2 NE1/4, E1/2 SW1/4, and SE1/4  
Section 20: S1/2 NE1/4, SE1/4 NW1/4 and S1/2  
Sections 21: S1/2 N1/2 and S1/2  
Section 22: SW1/4 SW1/4  
Section 27: W1/2  
Sections 28, 29, 31, 32: All  
Section 30: All except NW1/4 NW1/4, S1/2 NW1/4 SW1/4  
and SW1/4 SW1/4  
Section 33: N1/2 and SW1/4

The permit was issued by the Utah Division of Oil, Gas and Mining on January 8, 1991. A copy of the permit, and Decision Document is on file at the following location:

Division of Oil, Gas and Mining  
3 Triad Center, Suite 350  
355 West North Temple  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

Anyone having comments pertaining to the Emery Deep Mine should contact Dr. Dianne R. Nielson, Director, Utah Division of Oil, Gas and Mining, at the address referenced above.

BT68/82



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801-538-5340

*FILE FOLDER #3*

January 9, 1991

TO: Daron Haddock, Permit Supervisor *DH*  
FROM: Joseph C. Helfrich, Regulatory Program Coordinator *JCH*  
RE: Five Year Permit Renewal, Consolidation Coal Company, Incorporated,  
Emery Deep Mine, ACT/015/015, Folder #5, Emery County, Utah

As of the writing of this letter, there are no NOV's or CO's which are not corrected or in the process of being corrected. Any NOV's or CO's that are outstanding are in the process of administrative or judicial review. Consolidation Coal Company, Incorporated, has appealed finalized penalties for the federal cessation order #C89-11-17-1. This appeal revealed a conditional issue recommendation from the A.V.S. system.

Finally, they do 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.

jbe  
A:\5-YPR

JT01.3

TO: Joe Halfrich, AVS Representative, UT  
FROM: AVS Office  
SUBJECT: OSM Recommendation  
DATE: January 3, 1991

Pending Application Number ACT015015, CONSOLIDATION COAL CO has been researched, and the OSM recommendation is ISSUE - CONDITIONED upon the outcome of pending hearing on Citation Number C89-11-17-1.

[PC ID 20:DOI370025:23693]

152E for 152G22 12:02 MST 03-Jan-91 Message 812-1029 [56]

Action?:  
End for Attention, Home to Switch : Capture Off : Numeric



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DIVISION OF OIL, GAS AND MINING

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801-538-5340

January 8, 1991

Mr. Kevin L. Cheeks  
Consolidation Coal Company  
12755 Olive Blvd.  
St. Louis, MO 63141

Dear Mr. Cheeks

Re: Five-Year Permit Renewal, Consolidation Coal Company, Emery  
Deep Mine, ACT/015/015, Folder #3, Emery County, Utah

Enclosed is a renewed permanent program mining permit for the Emery Deep Mine. The expiration date for this permit is January 7, 1996, five years from the expiration date of the original permit. Also, enclosed is a copy of the State's Decision Document for the permit renewal.

Please note that two copies of the permit are included. Please read the permit to be sure you understand the requirements and conditions, then have both copies signed and return one to the Division.

Thank you for your cooperation during the permitting process.

Best regards,

Dianne R. Nielson  
Director

Attachments

cc: P. Rutledge, OSM  
R. Hagen, OSM  
L. Braxton  
B. Team

BT219/12

# PERMIT RENEWAL AND STATE DECISION DOCUMENT

CONSOLIDATION COAL COMPANY  
EMERY DEEP MINE  
ACT/015/015  
EMERY COUNTY, UTAH

January 8, 1991

## CONTENTS

Administrative Overview  
Permit Chronology  
Location Map  
Permit Renewal Findings  
Letters of Consultation and Other Attachments  
    Division of Wildlife Resources, December 19, 1990  
    510(c) Clearance Memo  
    Certificate of Liability Insurance  
    Publication Notice  
Permit with Stipulations

# ADMINISTRATIVE OVERVIEW

## CONSOLIDATION COAL COMPANY EMERY DEEP MINE ACT/015/015 EMERY COUNTY, UTAH

January 8, 1991

### Background

The Emery Mine is owned jointly by Consolidation Coal Company (Consol) and the Pittsburg & Midway Coal Company (P&M). Consol is the operator of the mine. The mine is located in Emery County at the confluence of Quitchapah Creek and Christiansen Wash, approximately four miles south of the town of Emery.

There is a long history of mining in this area. Prior to August 3, 1977, permitted underground coal mining activity was being conducted in Sections 28, 29, 32, and 33 of T22S, R6E. A permanent program permit was issued January 7, 1986. The current renewal application maintains the same permit boundary as approved in the 1986 permit.

Due to economic conditions the Emery mine is currently in temporary cessation. Prior to stopping production, the mine was producing approximately 700,000 tons per year. Planned production could be as high as 1,700,000 tons per year. A surface mine was at one time proposed for the area but is no longer being considered. All Mining is to be done underground. A preparation plant has also been proposed for the site but has not been built.

### ISSUES

The original Mining and Reclamation Plan was submitted on March 23, 1981. Due to its outdated nature, the Division required a new MRP to be submitted. A new MRP was submitted on September 9, 1990 as part of the renewal process. This new MRP contains a few changes which the Division has not had adequate time to completely review. Therefore, any changes to the previously approved permit are not approved as part of this permit renewal package. As a condition of this permit issuance, any changes to the previously approved permit will need to be reviewed and receive specific approval by the Division.

During the review period, comments were only recieved from the Division of Wildlife Resources. The Division of Wildlife Resources asked that additional species be added to the seed mixes. A stipulation is being attached to the permit which requires the permittee to update the seed mixes in conjunction with DOGM and DWR.

**Recommendation for Approval**

Approval for permit renewal is recommended, based on the updated MRP; a review of the current permit, including all conditions, amendments and revisions approved to date; and conformance with criteria for approval of permit renewal applications (R614-303-230 thru 235)(see attached Permit Renewal Findings document). All issues raised during the review process which are pertinent to the term of renewal have been resolved, or will be attached as conditions to permit approval. No other issues were raised during the public comment period.

**PERMIT CHRONOLOGY  
CONSOLIDATION COAL COMPANY  
ACT/015/015**

September 4, 1990	Consolidation Coal Company submits updated Mining and Reclamation plan.
November 5, 1990	Division determines plan to be administratively complete.
November 14-December 5, 1990	Consol Publishes Notice for Permit renewal in Sun Advocate.
November 19, 1990	Division submits copies of new MRP to other agencies and requests their comments.
January 8, 1991	Division issues renewed permit which will expire January 7, 1996.



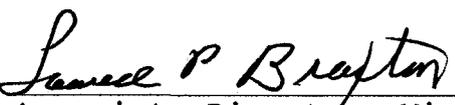
# PERMIT RENEWAL FINDINGS

CONSOLIDATION COAL COMPANY  
EMERY DEEP COMPLEX  
ACT/015/015  
EMERY COUNTY, UTAH

January 8, 1991

1. The permit renewal term will not exceed the original permit term of five years (R614-303-234).
2. The terms and conditions of the existing permit are being satisfactorily met (R614-303-233.110).
3. The present underground coal mining activities are in compliance with the environmental protection standards of the Act and the Utah State Program (R614-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing responsibility to comply with the Act and the Utah State Program (R614-303-233.130).
5. The operator has provided evidence of having liability insurance or self-insurance (R614-303-233.140).
6. The operator has posted a reclamation surety in the required amount and has provided evidence that the surety will remain in full effect for the additional permit period (R614-303-233.150).
7. For land in Sections 28, 29, 32 and 33, the operator obtained a state permit and was mining commercial quantities of coal prior to August 3, 1976 and is, under valid existing rights, exempt from complying with the standards for Alluvial Valley Floors contained in sections 40-10-11(2)(e)(i) and (ii) of the Act. For Sections 19 and 30 which also contain AVF's the operator has provided necessary information for their protection (R614-303-233.300). In accordance with the above, no surface mining is to be conducted. All mining will be done underground.

  
Permit Supervisor

  
Associate Director, Mining

  
Director  
Division of Oil, Gas & Mining