



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

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November 9, 1993

Mr. John A. Gefferth, Group Leader
Consolidation Coal Company
12755 Olive Boulevard
St. Louis, Missouri 63141

Re: Completion of Mid-Term Review, Consolidation Coal Company, Emery Deep Mine, ACT/015/015, Folder #3, Emery County, Utah

Dear Mr. Gefferth:

The Division has completed a Mid-Term Permit Review for the Emery Deep Mine, Permit Number ACT/015/015. Elements of the review include an AVS check, a bond review and a review of permit conditions and orders. In conjunction with the Mid-Term a site visit was also conducted on September 22, 1993 wherein field conditions were observed. At this time, a number of issues have been identified that must be corrected. These include some items that need immediate attention and some items that can be completed over a longer period of time. Items that require immediate attention are identified in the attached Division Order. Please note that you have 30 days to correct these issues.

Other items that can be corrected during the remainder of the permit term include the following.

- 1) Correcting the Mining and Reclamation Plan to show only approved facilities. The proposed Preparation Plant and Course Refuse Disposal Area are not approved for construction and only add confusion to the plan. The plan should reflect actual existing conditions or conditions that are reasonably expected to occur in the near future and not have proposed facilities interspersed with existing facilities. The following maps contain unapproved proposed facilities.

Plate II-1, Plate II-2, Plate III-3, Plate III-4, Plate IV-6, Plate IV-7,
Plate IV-10, Plate IV-11, Plate IV-12, Plate VI-10, Plate VI-13,
Map I, Map II



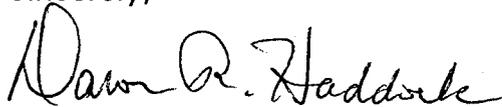
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- 2) Contemporaneous reclamation should occur on any area that has been disturbed but is no longer used or planned to be used. These areas would include any disturbance associated with the proposed prep plant or waste disposal facilities which have never been built. An example would be the waste disposal area diversion ditch and subsoil stockpile. Regulation R645-300-155.100 indicates that operations not begun within 3 years of permit issuance should be reclaimed.

It is anticipated that these remaining items would be completed by the date the application for renewal is due, which is September 7, 1995.

This concludes the Mid-Term Permit Review for the Emery Deep Mine. Thank you for your cooperation during the permitting process. Please call if you have any questions.

Sincerely,



Daron R. Haddock
Permit Supervisor

Enclosures
cc: B-Team
MIDTCONC.EME

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Mr. John Gefferth
Consolidation Coal Company
12755 Olive Boulevard
St. Louis, MO 63141

ORDER & FINDINGS
of
PERMIT DEFICIENCY

MINE: Emery Deep
PERMIT NUMBER ACT/015/015
DIVISION ORDER # 93B

PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Consolidation Coal Company, to make the permit changes enumerated in the findings of permit deficiency in order to be in compliance with the State Coal Program. These findings of permit deficiency are to be remedied in accordance with R645-303-220.

FINDINGS OF PERMIT DEFICIENCY

The Division finds the permit deficient in that: 1) Sections VI.B.2, VI.B.3 and VI.B.4 of the Mining and Reclamation Plan do not adequately describe Sediment Control Measures that are on site; and 2) the Mining and Reclamation Plan is not clear and concise because it is formatted to the defunct SMC/UMC rules rather than the R645 Regulations.

Regulation Cited R645-301-120
 R645-301-742

Requirements

In order to comply with these regulations the following must be done.

- 1) The permittee must update sections VI.B.2 and VI.B.3 to include the changes made when Pond No. 8 was constructed in the location of the Mine Yard Catch Basin.
- 2) The permittee must, on a case-by-case basis, either, demonstrate that no sediment control measures are necessary, or re-classify the small area exemptions as alternative sediment

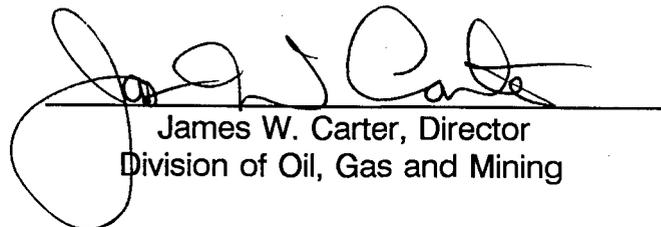
control areas (ASCA) and include explanations and plans for alternative sediment control measures to be used.

- 3) The permittee must include design and plans in the M&RP that incorporate minimum design criteria for all sediment control measures.
- 4) The permittee must provide a cross-reference which will link the Mining and Reclamation Plan to the new R645 rules.

ORDER

Consolidation Coal Company (Permittee) is ordered to make the requisite permit changes in accordance with R645-303-220 and to submit a complete application for permit change to address the findings of permit deficiency within 30 days of date of the Order.

Ordered this 9th day of November, 1993, by the Division of Oil, Gas, and Mining.


James W. Carter, Director
Division of Oil, Gas and Mining