



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 8, 1993

CERTIFIED RETURN RECEIPT
P 074 978 441

Mr. Robert Hagen, Director
Office of Surface Mining
Reclamation and Enforcement
505 Marquette NW, Suite 1200
Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re; TDN #X92-020-370-004 TV1, Consolidation Coal Company, Emery Deep Mine, ACT/015/015, Folder #5, Emery County, Utah

This letter is in response to the above-referenced Ten-Day Notice, received at the Division offices on December 24, 1992. A request for additional time to respond was requested and granted on December 28, 1992. The revised date for response is January 13, 1992.

Number 1 of 1 reads: "Failure to properly design, construct, and certify a sedimentation pond. The sedimentation pond shown as catch basin A on approved map, "Surface Drainage Control Map" Plate VI-10"

Regulations Cited: R645-301-732.200, R645-301-733, and R645-301-743.

Division Response: The Division has reviewed the Consolidation Coal Company Plan and the above-referenced map and agree that the designs for the area labeled catch basin A are inadequate. The Division views this as a defect in the plan that was overlooked in the permitting process. The area in question is a natural depression and does not fit the obvious sediment pond mold. A Division Order was issued to Consolidation Coal Company on January 8, 1992 requiring them to comply with design and certification requirements of the regulations. A copy of the order is enclosed for your information.

Please call if you have any questions.

Sincerely,


Lowell P. Braxton
Acting Director

Attachment

cc: D. Haddock
E. Settle, Consol
PFO

TDNRESP.COM



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January 8, 1993

CERTIFIED RETURN RECEIPT
P 074 978 319

Mr. Edwin Settle
Supervisor - EQC Department
Consolidation Coal Company
12755 Olive Boulevard
St. Louis, Missouri 63141

Dear Mr. Settle:

RE: Division Order #93-A, Consolidation Coal Company, Emery Deep Mine,
ACT/015/015, Folder #3, Emery County, Utah

You should already be aware that on December 18, 1992, the Office of Surface Mining issued a Ten Day Notice at the Emery Deep Mine. This notice was written for failure to properly design, construct and certify a sedimentation pond; the sedimentation pond shown as catch basin A on approved map, "Surface Drainage Control Map" Plate VI-10. The Division did not take any action at that time, but intended to try and get the TDN withdrawn. After further review of the situation it has been determined that the plans and designs for the area in question are inadequate. Enclosed is a Division Order requiring you to correct the problems.

Please call if you have any questions.

Sincerely,

Lowell P. Braxton
Acting Director

Attachment

CC: PFO

D. Haddock

TDNLETT.CON

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

PERMITTEE

Mr. Edwin Settle
Supervisor - EQC Dept.
Consolidation Coal Company
12755 Olive Boulevard
St. Louis, Missouri 63141

ORDER & FINDINGS
of
PERMIT DEFICIENCY

PERMIT NUMBER ACT/015/015
DIVISION ORDER # 93-A

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 designs and certifications for sediment ponds or impoundments. In particular the impoundment shown as catch basin A on the "Surface Drainage and Control Map" Plate VI-10.

Regulation Cited R645-301-514.300
 R645-301-533
 R645-301-732.200
 R645-301-733
 R645-301-743

Requirements

In order to comply with these regulations, the permittee must revise the MRP by removing reference to catch Basin A as an Alternate Sediment Control method. Designs and Certification of the impoundment shown as catch basin A must be submitted to the Division for inclusion to the operators Mining and Reclamation Plan in accordance with the above cited regulations.

ORDER

Consolidation Coal Company 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. Approval by the Division must be obtained within 60 days of date of this Order. All approvals not obtained within 60 days may result in a hindrance violation.

Ordered this 8th day of January, 1993, by the Division of Oil, Gas, and Mining.

Lowell P Braxton

Lowell P. Braxton, Acting Director
Division of Oil, Gas and Mining

P 074 978 441

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PS Form 3800, June 1985

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MBM DOGM ACT/015/015 TDNX92-020-370-004 FLDR #5

MBM DOGM ACT/015/015 TDN X92-020-370-004 TV1 FLDR #5

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**ROBERT HAGEN DIRECTOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
505 MARQUETTE NW SUITE 1200
ALBUQUERQUE NM 87102**

4. Article Number
P 074 978 441

Type of Service:
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Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Address *Robert Hagen*
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 NATURAL RESOURCES
 OIL, GAS, & MINING
 3 TRIAD CENTER, SUITE 350
 SALT LAKE CITY, UTAH 84180-1203

PENALTY FOR PRIVATE USE: \$300

PS Form 3811, Mar 1985, 3 11 1985, 488-010-010-001