



State of Utah
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 DIVISION OF OIL, GAS AND MINING

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Memorandum

December 30, 1996

TO: File

From: David Darby, Hydrologist 

RE: Amendment Delay, Consolidated Coal Company, Emery Deep Mine, ACT/015/015, Folder #2, Emery County, Utah

Synopsis

Events have occurred that have delayed completion of Mine Plan Amendment ACT/015/015-95B. The Amendment contains information to address deficiencies identified during the mid-term review of Consolidated Coal Company's (Consol) Emery Deep Plan. Currently, resolution of the amendment requires the Bureau of Land Management's (BLM) approval of the Resource Recovery and Protection Plan (R2P2). The BLM is reluctant to approve the revised R2P2, because new Logical Mining Unit (LMU) rules are being drafted. The status of the Emery Deep Mine Plan could change when the new rules are promulgated. For this reason and because Emery Deep is not operating, the BLM has delayed the review of the updated R2P2.

Analysis

The Emery Deep Mine is currently inactive. An amendment to the Emery Deep Mine Plan was requested by DOGM, because of changes in ownership and the fact that portions of the plan contained designs that were never implemented. Consol submitted the amendment to their mine plan on September 14, 1995.

On November 21, 1995 a copy of the MRP Amendment was sent out to review agencies. DOGM received comments from the BLM on March 6, 1996 identifying that the R2P2 needed to be revised. Deficiencies were sent to Consol on May 14, 1996.

Consolidated Coal Company (Consol) submitted revisions of



the Amendment to DOGM on October 9, 1996, which contained changes to the Legal and Financial Sections and the R2P2. Consol had sent a copy of the R2P2 revision to the BLM in late September as indicated in a letter addressed to Mr. Mark Bailey, showing a date of September 16, 1996.

Tim Kirschbaum called the DOGM office on November 27, 1996 to check the status of the amendment. I told him that the BLM was still reviewing the amendment and had not contacted me or submitted anything. I called the BLM Price Office to check the status of the review. I was not able to contact anyone until December 9, 1996, because they were at training throughout the week. I contacted Mark Bailey on December 3, 1996 to check on the review. He told me I have to talk to George Tetreault, since he was conducting the review.

I contacted George December 10, he stated that the Emery Deep review was on hold, because the BLM, Price Office was waiting for rule changes on Logical Mining Units (LMU), which would likely require changes to Emery Deep's R2P2. He also stated that because the Emery Deep Mine was in suspended operations that there was not a priority in conducting the review. I tried to contact Alan Rabinoff in the Salt Lake Office since December 18, 1996 to get some information on LMU's, and find out when the rule making process would be finalized. Alan was on vacation until January 2, 1997 and could not be contacted. I have called and left messages since the January 2, but have had no response or contact.

Recommendation

These delays have extended this Amendment for well over a year, and it could be delayed longer. George Tetreault explained in a phone conversation that the rules defining the LMU have been delayed over and over, but are suppose to be approved by March 1997. The Price BLM received verbal instructions not to approve LMU's at this time. At this point the BLM does not know what the new LMU regulations will contain.

Considering that the Emery Deep Mine is currently inactive and that their status is not likely to change by March 1997, I suggest that we continue to extend Amendment ACT/015/015. Information about the LMU's should be brought to a higher level in management so the BLM can be informed that DOGM's processes are being effected, especially if any more delays occur.