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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Michael O. Leavitt
Governor

Lowell P. Braxton
Division Director

September 17, 1998

Tim Kirschbaum, Environmental Engineer
Consolidation Coal Company
P. O. Box 566
Sesser, Illinois 62884

Re: Midterm Permit Review Requirements, Consolidation Coal Company, Emery Deep Mine, ACT/015/015, File #3, Emery County, Utah

Dear Mr. Kirschbaum:

The Division has conducted the Midterm Review for the Emery Deep Mine as outlined in our June 4, 1998 letter. Following are the results of the review. 1) A check of ownership and control information was completed and an OSM Applicant Violator System (AVS) recommendation of "conditional issue" was obtained. 2) Your reclamation cost estimate was reviewed and we have determined that your cost estimate is currently inadequate and additional information will need to be submitted. 3) There are no outstanding violations or orders at the Emery Mine. 4) The Mining and Reclamation plan contains some discrepancies which need to be corrected. These deal primarily with information that is labeled confidential and probably should not be, and using appropriate descriptions of best technology currently available (BTCA).

The following analysis and findings should help you in understanding the deficiencies. Please review it carefully and respond as necessary. Your response should be submitted no later than October 16, 1998.

TECHNICAL ANALYSIS:

MAPS, PLANS, CROSS SECTIONS OF MINING OPERATIONS

Regulatory Reference: R645-301-525

R645-301-525.270. Within a schedule approved by the Division, the operator will submit a detailed plan of the underground workings. The detailed plan will include maps and descriptions, as appropriate, of significant features of the underground mine, including the size, configuration, and approximate location of pillars and entries, extraction ratios, measure taken to prevent or minimize subsidence and related damage, areas of full extraction, and other information required by the Division. Upon request of the operator, information submitted with the detailed plan may be held as confidential, in accordance with the requirements of R645-300-124.

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Analysis:

The applicant submitted Plates V-17 to V-26 which identify the parameters of the coal seams. Only physical properties of the coal seams are shown, no information is portrayed on the Plates related to the chemistry or physical properties of the coal.

Mining Facilities Maps

Rule 645-301-525.270 require detailed plans and provides the means of holding information confidential, in accordance with R645-300-124.

Rule R645-300-124 requires that confidential information contain chemical or physical properties of the coal seam.

R645-300-124.300. Confidentiality. The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure, to ensure confidentiality of qualified confidential information, which will be clearly identified by the applicant and submitted separately from the remainder of the application. Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

Information provided in the proposed amendment is not considered adequate to meet the requirement for confidentiality.

Findings:

The confidential label stamped on Plates V-17 through V-26 should be crossed out and the Plates displayed as normal public information in the Mining and Reclamation Plan.

DESIGN CRITERIA AND PLANS

Regulatory Reference: R645-301-740

R645-301-742.312.3 Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow outside the permit area.

Analysis:

Disturbed areas on the minesite include the mine pad and ancillary areas in the vicinity of the mine portals, a coal storage pad, access roads to sediment ponds and monitoring wells.

The applicant is required to minimize impacts by controlling erosion and prevent sediment loading to receiving streams.

The applicant describes strategies and techniques in Chapter II, IV and VI for protecting wildlife and habitat and controlling sediment to receiving streams. The applicant uses the term best practical management in establishing sediment control structures such as diversion (Appendix VI-6), mine water settling ponds and sediment control ponds (Appendix VI-7). Alternate sediment control areas are discussed in Appendix VI-8 which consist of catch basins, berms and silt fences.

The applicant has established a monitoring plan and schedule in Chapter VI to test and evaluate levels of sediment loading.

Findings:

The applicant has established the required means for best technology currently available, however, the applicant should check and update the text to incorporate the definition to describe best technology currently available to minimize disturbances and adverse impacts to fish and wildlife and related environmental values during coal mining and reclamation operations.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: R645-301-800, et seq.

During the midterm review of the Emery Deep mine, the Division reviewed the reclamation costs estimates and found them inadequate. The deficiencies in the reclamation cost estimates are:

- The demolition costs do not include the demolition of foundations, footings and floors.
- The demolition costs do not include the disposal cost for debris.
- The Permittee used generic cost estimates for earthwork calculations. The Permittee must give the Division detailed cost estimates that include the volume of material to be moved, the distance and grade, and the equipment type.

The Division is standardizing the reclamation cost estimates. Those estimates are based on the procedures outlined in the OSM reclamation handbook. If the Permittee has any question about how the reclamation bond should be prepared, they should contact the Division or the OSM reclamation handbook.

Findings:

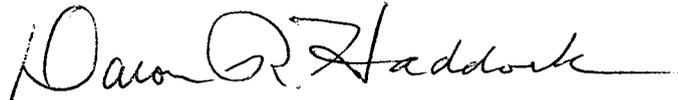
The information provided in the MRP is not considered adequate to meet the requirements of this section. The Permittee must provide the following in accordance with:

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R645-301-830.400, the Permittee must supply the Division with detailed reclamation cost estimates. Those estimates must include the costs of demolishing floors, footings and foundations, and the debris disposal costs. The earthwork costs must be based on the volume of material to be moved, the distances and grades involved and the type of equipment.

Thank you for your help in completing this review. If you have any questions regarding these requirements or the Midterm Review please don't hesitate to call.

Sincerely,



Daron R. Haddock
Permit Supervisor

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cc: Dave Darby
Joe Helfrich
Price Field Office

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