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

Michael O. Leavitt  
Governor  
Kathleen Clarke  
Executive Director  
Lowell P. Braxton  
Division Director

1594 West North Temple, Suite 1210  
PO Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

January 10, 2001

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

Re: Five-Year Permit Renewal, Consolidation Coal Company, Emery Deep Mine,  
015015-RN00, Out

Dear Mr. Kirschbaum:

The permit renewal for the Emery Deep Mine is approved, effective January 8, 2001. Enclosed is the State Decision Document for Permit Renewal which includes two (2) copies of the renewed permanent program permit for the Emery Deep Mine. Please read the permit to be sure you understand the requirements of the permit, then have both copies signed by the appropriate Consolidation Coal Company representative and return one to the Division.

If you have any questions, please call me.

Sincerely,

Handwritten signature of Lowell P. Braxton.  
Lowell P. Braxton  
Director

pgl/sm

Enclosures:

cc: James Fulton, OSM  
Price Field Office

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UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT  
For  
PERMIT RENEWAL

Consolidation Coal Company  
Emery Deep Mine  
C/015/015 Emery County, Utah  
January 5, 2001

**Contents**

- \* Administrative Overview
- \* Permitting Chronology
- \* Permit Renewal Findings
- \* Permit
- \* Publication Notice
- \* AVS Recommendation, memo dated January 4, 2000

## **ADMINISTRATIVE OVERVIEW**

Consolidation Coal Company  
Emery Deep Mine  
C/015/015 Emery County, Utah  
January 5, 2001

### **Background**

Consolidation Coal Company operates the Emery Deep Mine located in Emery County at the confluence of the Quitchupah Creek and Christiansen Wash, approximately four miles south of the town of Emery, Utah.

The mine is located near the workings of the old Browning Mine which was started in 1937. 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, for approximately 5,180 acres. The current renewal application maintains the same permit boundary as approved in the 1986 permit and renewed in 1991 and 1996.

Due to economic conditions, the Emery Deep Mine has been in temporary cessation since 1990. Prior to stopping production, the mine was producing approximately 700,000 tons per year. Planned production could 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. A preparation plant has also been proposed for the site but has not been built.

### **Permit Renewal**

Consolidation Coal Company made application to the Division of Oil Gas and Mining for a five year permit renewal for the Emery Deep Mine on September 18, 2000. This renewal encompasses the same permit area and disturbance as currently approved in the permit.

The renewal application was determined administratively complete October 10, 2000. Public notice for this permit renewal was published in the Emery County Progress on September 19 and 26, 2000 and October 3 and 10, 2000.

### **Analysis**

Requisite information for the permit renewal application was made and all notices were published as required. No public comments were received. A condition is being added to the permit about the submittal of water quality data electronically. This permit is effective on January 8, 2000.

The bond amount was found adequate in 1999 and does not need adjustment at this time.

### **Recommendation**

Approval for this permit renewal is recommended.

## PERMITTING CHRONOLOGY

Consolidation Coal Company  
Emery Deep Mine  
C/015/015 Emery County, Utah  
January 5, 2001

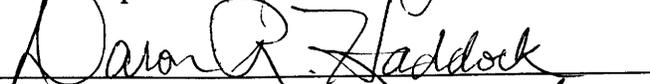
September 18, 2000	Consolidation Coal Company submits permit renewal application.
October 10, 2000	Division issues Determination of Completeness.
October 10, 2000	Permit renewal completeness determination sent to applicable state, federal, and county agencies with a note that comments must be received by December 10, 2000.
September 19 and 26 October 3 and 10, 2000	Public notice for permit renewal for the Emery Deep Mine published in the <u>Emery County Progress</u> .
November 10, 2000	End of public comment period. No comments were received.
December 11, 2000	Letter from State Office of Planning and Budget with comment from Division of Air Quality that mining activities are subject to Utah Air Conservation Rules. Consolidation Coal Company was notified of this information.
January 5, 2000	Permit is renewed effective, January 8, 2001.

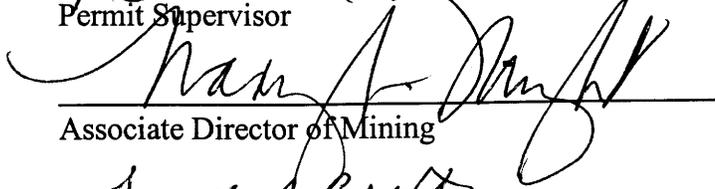
**PERMIT RENEWAL FINDINGS**

Consolidation Coal Company  
Emery Deep Mine  
C/015/015 Emery County, Utah  
January 5, 2001

1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The operator has provided evidence of maintaining liability insurance in full effect (Lumbermens Mutual Casualty Co., Policy 5AA 045 298-00)(R645-303-233.140).
6. The operator has a reclamation surety on file with the Division and has provided evidence that the surety will remain in full effect. (Surety Performance Bond # 188617 issued by Seaboard Surety Company in the amount of \$3,454,443) (R645-303-233.150).
7. To date, the operator has submitted updated information as required by the Division through this permit term. (R645-233.160).

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Permit Supervisor

  
\_\_\_\_\_  
Associate Director of Mining

  
\_\_\_\_\_  
Director

FEDERAL

PERMIT  
C/015/015

January 8, 2001

STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801  
(801) 538-5340

This permit, C/015/015, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

Consolidation Coal Company  
1800 Washington Road  
Pittsburgh, Pennsylvania 15241  
(412) 831-4000

for the Emery Deep Mine. A surety performance bond in the amount of \$3,454,443 payable to the State of Utah, Division of Oil, Gas and Mining and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement is filed with the Division. Consolidation Coal Company is the lessee of federal coal lease U-5287 and the lessee of certain fee-owned parcels in Sections 29 and 30, Township 22 South, Range 6 East, SLBM. The Division must receive a copy of this permit signed and dated by the permittee.

**Sec. 1 STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

**Sec. 2 PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations on the following described lands within the permit area at the Emery Deep Mine, situated in the state of Utah, Emery County, and located:

**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;  
Section 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; and  
Section 33: N1/2 and SW1/4.

This legal description is for the permit area of the Emery Deep Mine. The permittee is authorized to conduct coal mining and reclamation operations connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit expires on January 8, 2006.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13 {e} and R645-303.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) Have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220;
  - (b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-210 and 30 CFR 842, when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- (a) Any accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
  - (b) Immediate implementation of measures necessary to comply; and

- (c) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

**Sec. 9 DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

**Sec. 10 CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

- (a) In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
- (b) Utilizing methods specified as conditions of the permit by DOGM in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 11 EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

**Sec. 12 RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

**Sec. 13 AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

**Sec. 14 COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq), and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

**Sec. 15 PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

**Sec. 16 CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division. The Division, after coordination with OSMRE, shall inform the permittee of necessary actions required. The permittee

shall implement the mitigation measures required by the Division within the time frame specified by the Division.

**Sec. 17 APPEALS** - The permittee shall have the right to appeal as provided for under R645-300.

**Sec. 18 SPECIAL CONDITIONS** - There are special conditions associated with this permitting action, as described in Attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them. These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

**THE STATE OF UTAH**

By: Lawrence P. Brantley

Date: 1/12/01

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

\_\_\_\_\_  
Authorized Representative of the Permittee

Date: \_\_\_\_\_

**ATTACHMENT A**  
**Special Conditions**

1. Consolidation Coal Company will submit water quality data for the Emery Deep Mine beginning with data for the first quarter of 2001 in an electronic format through the Electronic Data Input web site, <http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi>.

**AFFIDAVIT OF PUBLICATION**

STATE OF UTAH)

ss.

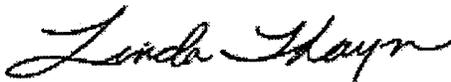
County of Emery,)

I, Kevin Ashby, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 19th day of September, 2000 and that the last publication of such notice was in the issue of such newspaper dated the 10th day of October, 2000.

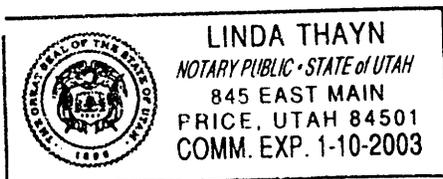


Kevin Ashby - Publisher

Subscribed and sworn to before me this 10th day of October, 2000.



Notary Public My commission expires January 10, 2003 Residing at Price, Utah  
Publication fee, \$ 395.20



**NOTICE**

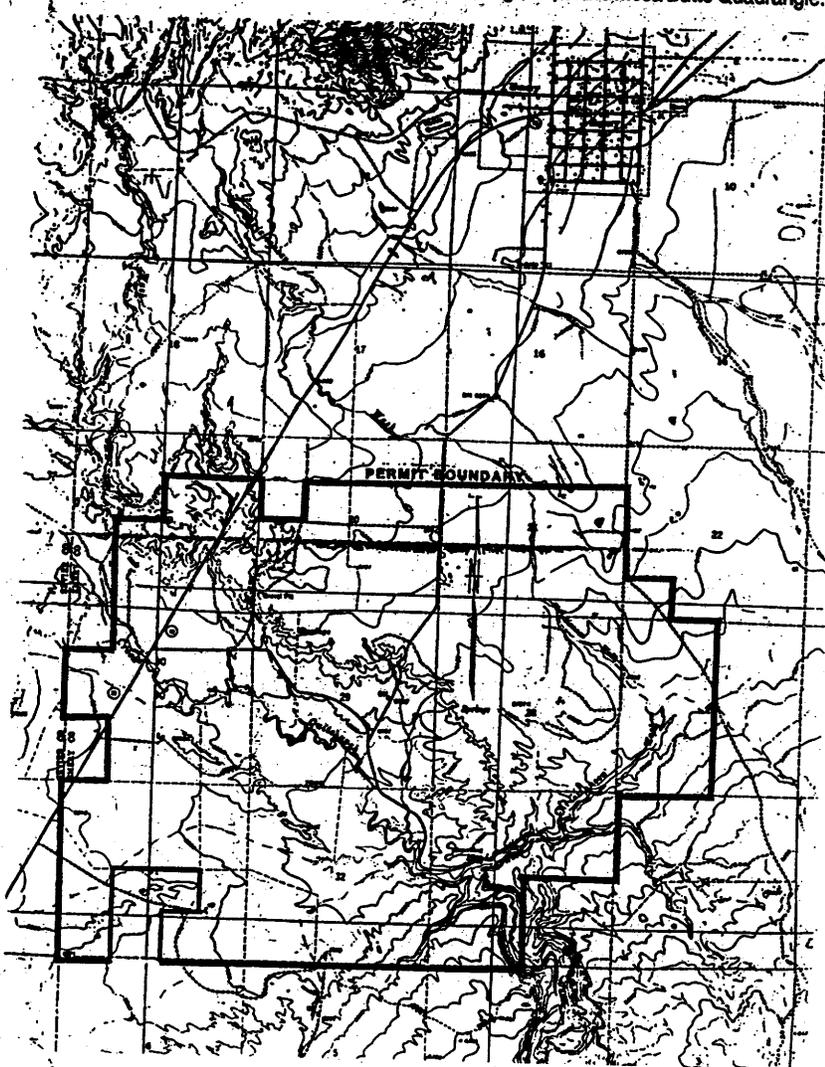
Notice is hereby given that Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed an application with the State of Utah, Department of Natural Resources Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/015 to operate the Emery Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit Area, as shown on the map below, is located on U.S. Geological Survey 7 1/2 minute quadrangle map as follows:

Sections 19, 20, 21, 28, 29 and 30, Township 22S, Range 6E, of the Emery West Quadrangle;

Sections 21, 22, 27 and 28, Township 22S, Range 6E, of the Emery West Quadrangle;

Sections 27, 28 and 33, Township 22S, Range 6E, of the Mesa Butte Quadrangle.



Copies of the application for this permit are available for inspection at:

Emery County Recorder's Office  
Emery County Courthouse  
Castle Dale, Utah 84513

Utah Coal Regulatory Program  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

Written comments on this application should be submitted to the State of Utah, Division of Oil, Gas & Mining at the above address. Such comments should be filed with thirty (30) days from the date of the last publication of this notice.

Published in the Emery County Progress September 19, 26, October 3, and 10, 2000.



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DEPARTMENT OF NATURAL RESOURCES  
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January 4, 2001

TO: Internal File

FROM: Pamela Grubaugh-Littig, Permit Supervisor *pgl*

RE: Compliance Review for Section 510 (c) Findings - Renewal, Emery Deep Mine, Consolidation Coal Company, C/015/015-RN00, Internal File

As of the writing of this memo, there are no NOV's or CO's which are not corrected or in the process of being corrected. There are no finalized Civil Penalties which are outstanding and overdue in the name of Consolidation Coal Company, although Kentucky violations are covered under a settlement agreement with Island Creek and Westmoreland, see attached Applicant Violator System information dated January 3, 2001. Consolidation Coal Company does 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.

sm  
Attachment:  
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| State : UT Permit No : T015015                      Appl No : ACT015015  
 | Permittee : 107373( CONSOLIDATION COAL CO )                      Segno : 1  
 | Applicant : 107373( CONSOLIDATION COAL CO )

| OSMRE: Comments/Analysis: Date : 03-Jan-2001 Mode : UPDATE  
 | All violations are discussed as follows: Kentucky violations are  
 | covered under settlement agreements with Island Creek and  
 | Westmoreland. The violations of Recom (WV 0014783 and 0016483) are  
 | under a payment plan. be  
 | \_\_\_\_\_  
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| SRA: Comments/Analysis:      Date :                      Mode : VIEW  
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SAVE(F5)      DELETE(F8)  
 PRV\_SCR(F3)    QUIT(F4)    CHOICES(F10)