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**CONSOL ENERGY.**

**Consolidation Coal Company**  
P.O. Box 566  
Sesser, IL 62884  
Phone: (618) 625-2041  
Fax: (618) 625-6844

*OK*

CERTIFIED MAIL – Return Receipt Requested  
7000 1530 0006 3816 8983

November 21, 2002

Ms. Pamela Grubaugh-Littig, Assessment Officer  
Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114-5801

RE: Assessment for State Violation No. N02-39-2-1  
Consolidation Coal Company, Emery Deep Mine, C/015/015

*Incoming  
11/15/02  
Copy Pam*

Dear Ms. Grubaugh-Littig:

In accordance with the Division's October 31, 2002 letter, I request under R645-401-700 for an Assessment Conference. Stephen Demczak wrote the violation on October 25, 2002 just six (6) days before the assessment was calculated. Therefore, not all written information submitted by Consolidation Coal Company was considered within the fifteen (15) days of receipt of this Notice of Violation.

Pursuant with the Notice of Violation, the remedial actions required were performed within the time frames listed within the notice. Following my notification by Division Inspector, Stephen Demczak, on October 22, 2002 of the violation, I immediately contacted mine management. Mine Superintendent, Jimmy Noyes, directly addressed the situation by having all vehicles removed from the undisturbed area and met with contractors to discuss this matter. On November 8, 2002, an abatement plan for the reclamation of the undisturbed areas was delivered to the Division for approval. The Division granted approval of the abatement plan effective November 15, 2002.

Based on these events, I am asking that good faith points be reviewed in an Assessment Conference. Please contact this me if you have any questions concerning this information.

Sincerely,

Timothy D. Kirschbaum  
Environmental Engineer

**RECEIVED**

**NOV 25 2002**

DIV. OF OIL, GAS & MINING