



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 5, 2002

TO: Internal Files

THRU: Wayne H. Western, Sr. Reclamation Specialist/Engineering, Team Lead *WHW*

FROM: Stephen J. Demczak, Sr. Reclamation Specialist/Engineering *sgd by an*

RE: Modification to 4th East Portal Facilities, Consolidation Coal Company, Emery Deep Mine, C/015/015-02B

SUMMARY:

The Consolidation Coal Company, Emery Deep Mine has submitted an amendment to change or modify the 4th East Portal facilities. Emery Deep has proposed to add a coal handling facilities, and change the locations and designs of diversions, topsoil storage area, and sediment ponds. The facilities location and total disturbed area bonded (22.5 acres) will not change from the prior permitting action of this area. The original 4th east Portal amendment was approved in the last quarter in the year 1990. The permittee has plans to implement this amendment once the Division has given approval.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The permittee has submitted an updated copy of officers and directors of Consolidation Coal Company. This information can be seen in appendix I-1.

The permittee has submitted in appendix I-3 a list of SMCRA permits which Consolidation Coal has throughout the United States.

Findings:

The permittee has met the minimum requirements of this section.

TECHNICAL MEMO

VIOLATION INFORMATION

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

Analysis:

No information was given and is not a requirement for this amendment.

Findings:

The permittee has met the minimum requirements of this section.

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The Consolidation Coal Company owns the surface property to the 4th East Portals. The Ownership and Leasehold Interest Map (Plate I-1) comparing this information with Plate III-1 of the amendment verifies surface ownership.

The underground coal rights at the 4th East Portal breakout on Plate IV-1 in the MRP shows no Federal Coal Lease. Consolidation Coal Company owns the coal rights as shown on plate I-1 in the MRP.

Findings:

The permittee has met the minimum requirements of this section.

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

Analysis:

The location of the 4th East Portal will not change from the original approved amendment. Comparing Plate III-5 in the Mining and Reclamation Plan and Plate III-1 in this submittal verifies the same location. Therefore, there will be no change in permit and disturbed area.

The disturbed area is located beginning at a point which is 5.0 feet West of the Center of Section 27, Township 22 South, Range 6 East, SML; thence North, 850.0 feet; thence West, 820.0 feet; thence South, 1195.0 feet; thence East, 820.0 feet; thence North, 345.0 to the point of beginning. The permit area is 5,180 acres for Emery Deep Mine, of this only 247 acres are disturbed. This is reflected in the MRP.

Findings:

The permittee has met the minimum requirements of this section.

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

No public notice was given nor was it required for this amendment.

Findings:

The permittee has met the minimum requirements of this section.

FILING FEE

Regulatory Reference: 30 CFR 777.17; R645-301-118.

Analysis:

This is not required for this amendment.

Findings:

The permittee has met the minimum requirements of this section.

RECOMMENDATIONS:

The permittee has met the minimum requirements and this amendment is recommended for approval.