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September 18, 2003

Pamela Grubaugh-Littig
 Utah Division of Oil, Gas & Mining
 1594 West North Temple, Suite 1210
 P.O. Box 145801
 Salt Lake City, UT 84114-5801

*Incoming
 C/015/0015
 Task ID#1703*

RE: Application for Permit Transfer, Emery Deep Mine, ACT/015/015

Dear Ms. Grubaugh-Littig:

The enclosed materials are submitted in accordance with Utah Coal Regulatory Program guidance and Utah Administrative Code Rule 645-303 for the application to transfer Emery Deep Mine permit ACT/015/015 from Consolidation Coal Company to C&P Coal Corporation. The transfer is requested as a result of the pending sale of the Emery Deep Mine. This sale is anticipated to close no sooner than November 14, 2003.

This submittal includes the following materials:

- 1) Form DOGM-C1, Application for Coal Permit Processing;
- 2) Form DOGM-C2, Detailed Schedule of Changes to the Mining and Reclamation Plan;
- 3) Identification information for existing permittee;
- 4) Brief description of proposed action requiring approval; and
- 5) Legal, financial, compliance, and related information for the applicant.

Per our discussions with you at the Division office on Thursday, September 11, 2003, this package does not contain the redline-strikeout version of the MRP. It is our understanding that, since these changes will be ownership changes only, C&P Coal will be responsible to update the plan information as requested by the Division, within 30 days of permit transfer.

Sincerely,

Jonathan Pachter
 Manager, Environmental Permitting

cc: John Gefferth – CONSOL Energy

SEP 19 2003

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Consolidation Coal Company

Mine: Emery Deep Mine

Permit Number: ACT/015/015

Title: Permit Transfer - Consolidation Coal to C&P Coal

Description, Include reason for application and timing required to implement:

Proposed sale of mine to C&P Coal Co.; implementation (proposed sale closure) date is Nov. 14, 2003.

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____
- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Jonathan M. Pachter
Print Name

Jonathan M. Pachter 9/15/03
Sign Name, Position, Date
Manager, Environmental Permitting

Subscribed and sworn to before me this 15 day of SEPTEMBER, 2003

Jane M. Young
Notary Public
My commission Expires: JUNE 20, 2005
Attest: State of PENNSYLVANIA } ss:
County of ALLEGHENY

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Jane M. Young, Notary Public
Upper St. Clair Twp., Allegheny County
My Commission Expires June 20, 2005
Member, Pennsylvania Association of Notaries

<p>For Office Use Only:</p>	<p>Assigned Tracking Number:</p>	<p>Received by Oil, Gas & Mining</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">SEP 19 2003</p>
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R645-303-300.

321.100 **Permittee Information**

Existing Permittee: Consolidation Coal Company
CONSOL Plaza
1800 Washington Road
Pittsburgh, PA 15241
(412) 831-4000
Permit Number: ACT/015/015
Mine Site: Emery Deep Mine
State and County: Emery County, Utah

321.200 **Proposed Action**

The proposed action requiring approval is the transfer of the above described permit from Consolidation Coal Company to C&P Coal Corporation with the completed sale of the Emery Deep Mine.

321.300 **Legal, Financial, Compliance, and Related Information for the Applicant** (according to R645-301-100)

o **Identification of Interests (R645-301-112)**

C&P Coal Corporation is a corporation, incorporated under the laws of the State of Utah, September 17, 1991.

o **Permit Applicant**

C&P Coal Corporation
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050

o **Resident Agent**

Brent M. Davies
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050

(801) 272-8045

EIN 87-049-1159

o **Person Who Will Pay Abandoned Mine Land Fee**

Brent M. Davies
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050

(801) 272-8045

- **Each Person who Owns or Controls the Applicant:**

Brent M. Davies
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050

801-272-8045

EIN 87-049-1159

Mr. Brent M. Davies is the 100 percent owner of C&P Coal Corporation. There are no other owned, controlled, or previously owned or controlled (within the past five years) coal mining & reclamation operations in the U.S. owned by Mr. Brent M. Davies.

There are no pending coal mine applications in the U.S. in the name of Mr. Brent M. Davies.

- **Owners of Record - Surface & Subsurface**

Information concerning owners of record for the surface and mineral property to be mined and all contiguous property to the permit area, is contained in the existing MRP. C&P Coal Corporation currently has no interest in lands contiguous to the permit area. Any changes to this information will be provided at a later date.

- **MSHA**

The MSHA identification number for the Emery Deep Mine is 42-00079.

- **Violation Information (R645-301-113)**

There are no known violations or cessation orders against Mr. Brent M. Davies or C&P Coal Corporation. C&P Coal Corporation has no permitted or operating coal mines in the U.S. No Federal or State coal or reclamation permits have been suspended or revoked in the past 5 years. No forfeiture of performance bond has occurred in the past 5 years. No air or water violations have occurred in the last 3 years.

- **Right of Entry Information (R645-301-114)**

Documents containing C&P Coal Corporation's legal right to enter lands in the permit area for mining will be provided at a later date.

- **Status of Unsuitability Claims (R645-301-115)**

The current permit area does not contain any areas listed as unsuitable for mining. C&P Coal Corporation would not propose to mine any areas within 300 feet of any occupied dwelling or 100 feet of a public road. Any changes to this information will be provided at a later date.

- **Permit Term (R645-301-116)**

It is anticipated that the permit term requested will be 5 years. The start or termination date of each phase of mining and reclamation, and acres affected per phase are provided in the existing MRP. Any changes to this information will be provided at a later date.

- **Insurance (R645-301-117)**

The certificate of liability will be provided at a later date.

322. **Advertise the Filing**

This filing will be advertised in the *Emery County Progress* for one day; proof of publication will be provided to the Division. A 30-day public comment period will be provided with written comments submitted to the Division.

323. **Obtain Bond**

Bond and associated bond agreements will be provided at a later date.