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CONSOLENERGY™

Consolidation Coal Company
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November 26, 2003

Mr. Lowell Braxton, Director
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Re: Emery Deep Mine Permit C/015/015
Mid Term Review Technical Analysis responses

Dear Mr. Braxton:

Please consider these responses to your departments mid term review. The deficiencies and responses are listed below.

R645-301-112.320, THE PERMITTEE MUST UPDATE THE NARRATIVE ON PAGE 6 OF CHAPTER I OF THE MRP TO REFLECT THE INFORMATION FOUND IN THE NEW APPENDIX I-1.

Page 6 of Chapter I was updated in the amendment submitted to your office on September 12,2003.

R645-400.324-325, THE PERMITTEE MUST ABATE N03-39-1-1 WITHIN THE TIME-FRAME SET BY THE DIVISION. THE DIVISION RECENTLY GRANTED THE PERMITTEE AN EXTENSION TO ABATE THE VIOLATION UNTIL OCTOBER 31, 2003.

N03-39-1-1 was abated by your office on November 5, 2003.

R645-301-322;-333, THE PERMITTEE MUST PROVIDE ALL EQUATIONS AND JUSTIFICATIONS WITH SUPPORTING DOCUMENTATION LEADING TO THE OVERALL SUM OF WATER DEPLETIONS/ADDITIONS FOR ALL MINING OPERATIONS AND EXPLORATIONS.

The Emery mine pumped approximately 137,000,000 gallons of water from the mine in 2002.

Mining consumption: Zero water is consumed in the mining process.

Ventilation consumption: Zero water is consumed by the ventilation system

Coal producing consumption: Zero water is consumed in the Coal producing operation

Ventilation evaporation: There is no data currently available to calculate the loss due to ventilation. With the fan returning approximately 218,000 CFM, this could evaporate approximately 25 ac-ft per year. This amount will vary based on the volume of air returned from the mine, the barometric conditions of the mine air and the barometric conditions of the outside air, as well as temperature of both.

Sediment pond evaporation: Water entering the sediment ponds is stored long enough to allow the accumulated sediment to drop out. The water is allowed to discharge into the receiving stream. This would not be considered a consumptive mechanism.

Springs and seep effects from subsidence: There have been no reports of seeps from subsidence.

Alluvial aquifer abstractions into mines: There are no water infiltrations from alluvial systems into the mine.

Alluvial well pumpage: There is zero pumpage from alluvial wells.

Deep aquifer pumpage: There is zero pumpage from deep aquifer wells.

Post mining inflow to old workings: There is zero post mining inflow to the old workings

Coal moisture loss: The inherent moisture in the Emery coal is approximately 4 %. The as received moisture of the coal is approximately 6 %. The Emery Mine produced 243,153 tons of coal in 2003. Using these values, the consumption was approximately 3.6 ac-ft in 2002.

Direct diversion: There are no direct diversions at the Emery mine therefore zero consumption.

Adding the two approximate losses together equals 26.6 ac-ft. The mine pumps and discharges approximately 137,000,000 million gallons (420 ac-ft) of water per year. Doing the math, you arrive at a 394 ac.ft. per year enhancement to the Colorado River Basin. Water consumption by the Emery mine will not jeopardize the existence of or adversely modify the critical habitat of the Colorado River endangered fish species.

R645-301-830.110, R645-301-542.800 AND R645-301-521.190, THE PERMITTEE MUST INCLUDE A COPY OF THE DIVISION'S BOND CALCULATION IN THE MRP. THE DIVISION WILL GIVE THE PERMITTEE A COPY OF THE RECLAMATION COST ESTIMATES. ONE WAY TO INCORPORATE THE RECLAMATION COST ESTIMATE INTO THE MRP IS FOR THE PERMITTEE TO SUBMIT THE CALCULATIONS AS AN AMENDMENT.

An amendment to the MRP was submitted to your office on November 21,2003. The amendment contains all revised reclamation cost estimates.

If you have any questions please contact me at (618) 625-6850.

Sincerely,

John Gefferth

John Gefferth
Permit Coordinator

CC: James Byars- Emery Mine
Jonathan Pachter- Consol Plaza
Dan Baker- C & P Coal

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