

June 9, 2003

TO: Internal File

FROM: Stephen J. Demczak, Environmental Scientist/Engineering, Team Lead

RE: Boundary Modification (Abatement to N03-39-1-1), Consolidation Coal Company, Emery Deep Mine, C/015/015-03B

SUMMARY:

The Consolidation Coal Company, Emery Deep Mine, has submitted an amendment to abate Notice of Violation 03-39-1-1 for having coal fines leaving the permit area. The permittee has taken several measures to abate this violation. One of which is to modify the permit boundary. This amendment will allow the permittee to extend the surface disturbance and the permit area to an additional 1.45 acres. This and other actions the permittee feels will contain the coal fines within the disturbed area.

Since the permit area and the disturbed area will be within 100 feet of a public road, the permittee has anticipated publishing a legal notice in the newspaper in Emery County. A public hearing may be requested depending on the comments from the public. All comments will be addressed to the Division of Oil, Gas and Mining.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF TERESTS

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

TECHNICAL MEMO

Analysis:

The permittee has updated the ownership and control section in the Mining and Reclamation Plan. This information was checked against the Applicant Violator System (AVS) from The Office of Surface Mining. The names on the AVS system were in the updated officers, and the directors' section of the MRP. However, the permittee has included additional names, which do not appear on the AVS system. The permittee information appears to be more accurate than the AVS information.

Findings

The information provided in this section meets the minimum requirements of the R645 Coal Rules.

VIOLETION FORMATION

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

Analysis:

The permittee has updated the violation information to Chapter 1 on the Mining and Reclamation Plan. The information is from February 9, 2000 to February 9, 2003.

Findings

The information provided in this section meets the minimum requirements of the R645 Coal Rules.

RIGHT OF TRY

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

Analysis:

The permittee has submitted this amendment to add 1.45 acres to the permit area. The 1.45 acres is owned by the permittee. This information is stated in the Mining and Reclamation Plan. Therefore, the permittee has the right of entry.

Findings

The permittee has met the minimum requirements of this section.

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY AIMS

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 legal description of the permit and disturbed area will need to be updated to include the 1.45 additional acres.

The permittee has submitted a map clearly describing the precise location and boundaries of the permit area. This map is Plate I-3.

Findings

The permittee has not met the minimum requirements of this section. The permittee must meet the following R645 Coal Rule.

R645-300-121.141, The permittee will need to update the legal descriptions in Chapter 1. This is for purpose of bonding (R645-301-800).

PERMIT RM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

This amendment will not change the permit terms of the Emery Deep permit.

Findings

The permittee has met the minimum requirements of this section.

TECHNICAL MEMO

PUBLIC NOTICE AND MMENT

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

Analysis:

The permittee has submitted the legal notice for review. The legal notice needs to be more precise on the location of the proposed permit area.

Findings

The permittee has not met the minimum requirements of this section. The permittee must meet the following R645 Coal Rule.

R645-300-121.120, A map, or description, which clearly shows or describes the precise location and boundaries of the proposed permit area and is sufficient to enable local residents to readily identify the proposed permit area. It may include towns, bodies of water, local landmarks, and any other information, which would identify the location. If a map is used, it will indicate the north direction.

FILING FEE

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

Analysis:

This is not a requirement for this amendment.

Findings

The permittee has met the minimum requirements of this section.

PERMIT APPLICATION FORMAT AND CONTENTS

Regulatory Reference: 30 CFR 777.11; R645-301-120.

Analysis:

The permittee has submitted the amendment to fit the existing Mining and Reclamation Plan.

Findings

The permittee has met the minimum requirements of this section.

REPORTING OF TECHNICAL DATA

Regulatory Reference: 30 CFR 777.13; R645-301-130.

Analysis:

The permittee has used consultants for technical reports such as Montgomery Archaeological and Mt. Nebo Scientific. The appropriate Division staff will review these reports.

Findings

The permittee has met the minimum requirements of this section.

MAPS AND PLANS

Regulatory Reference: 30 CFR 777.14; R645-301-140.

Analysis:

Maps in this submittal have been reviewed, and the scale distances on the maps are not smaller than 1:24,000.

Findings

The permittee has met the minimum requirements of this section.

TECHNICAL MEMO

COMPLETENESS

Regulatory Reference: 30 CFR 777.15; R645-301-150.

Analysis:

Completeness determination will not be required for this amendment.

Findings

The permittee has met the minimum requirements of this section.

OPERATION PLAN

AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244, -301-420.

Analysis:

The permittee will need to modify Air Quality Permit since changes have been made, such as adding sprays to the belt transfer points, and installing a stacking tube.

The permittee and the Division had discussions to modify the "Elimination or Reduction of Coal Fines" in Chapter X on Page 5a and 6. These pages will be changed as per discussions with the Division.

Findings

The permittee has not met the minimum requirements of this section. The permittee must meet the following R645 Coal Rule.

R645-301-420, The permittee must update the Air Quality Permit and Pages 5a and 6 in Chapter X as per discussion with the Division.

RECOMMENDATIONS:

This amendment does not meet the minimum requirements for approval. The permittee must address the following R645 Coal Rules:

R645-300-121.120, A map, or description, which clearly shows or describes the precise location and boundaries of the proposed permit area and is sufficient to enable local residents to readily identify the proposed permit area. It may include towns, bodies of water, local landmarks, and any other information, which would identify the location. If a map is used, it will indicate the north direction.

R645-300-121.141, The permittee will need to update the legal descriptions in Chapter 1. This is for bonding purposes (R645-301-800).

R645-301-420, The permittee must update the Air Quality Permit and Pages 5a and 6 in Chapter X as per discussion with the Division.