

April 1, 2003

CERTIFIED MAIL  
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Tim Kirschbaum, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Re: Division Order Requiring Updated Probable Hydrologic Consequence (PHC), Consolidation Coal Company, Emery Deep Mine, C/015/015-DO03A, Outgoing File

Dear Mr. Kirschbaum:

The reactivation of the Emery Deep Mine requires an update of the PHC for this facility. A Division Order is attached requiring you to respond to this deficiency within 60 days.

If you have any questions, please call Daron Haddock at (801) 538-5325 or David Darby (801) 538-5341.

Sincerely,

Lowell P. Braxton  
Director

Enclosures:  
cc: Price Field Office  
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**STATE OF UTAH  
DIVISION OF OIL, GAS AND MINING**

<p>PERMITTEE</p> <p>Consolidation Coal Company P.O. Box 566 Sesser, IL 62884</p> <p>PERMIT NUMBER <u>C/015/015</u> DIVISION NUMBER <u>DO03A</u></p>	<p>ORDER &amp; FINDINGS OF PERMIT DEFICIENCY</p>
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PURSUANT to R645-303-212, the DIVISION ORDERS the PERMITTEE, Consolidation Coal Company, to make the requisite permit changes enumerated in the findings of Permit Deficiency in order to be in compliance with the State Coal Program. These findings are to be remedied in accordance with R645-303-220.

**FINDINGS OF PERMIT DEFICIENCY**

A review of the current Mining and Reclamation Plan (MRP) and field investigations have revealed that certain activities associated with the mine are not adequately addressed.

The Emery Deep mine went into temporary cessation in 1990. It has been closed for at least 12 years. The current PHC does not accurately describe the probable hydrologic impacts from past mining or during the interim of closure. Hydrologic conditions at the mine may have changed as a result of mine dewatering and ground water interception. Consolidation Coal Company shall update the PHC to identify changes in hydrologic conditions sustained as a result of subsidence, drawdown of aquifers or recharge sources, and increased concentrations of stream flows and chemical constituents to receiving stream channels, within and adjacent to Emery Deep Mine.

Relocation of mining activities at the Consolidation Coal Company's, Emery Deep Mine (4<sup>th</sup> East Portal amendment), initiated a review of the current Mining and Reclamation Plan (MRP) and revealed that hydrologic conditions may have changed during the extended period of inactivity at the mine.

**Information Required to Be Submitted by Regulation Cited:**

Consolidation Coal Company is required to update the Probable Hydrologic Consequences section of the MRP in accordance with R645-301-728. All updates to the PHC determination should be supported with maps and cross-sections as outlined under R645-301-720 et. seq.

R645-301-720- Environmental Description

Each permit will include a description of the existing, premining hydrologic resources within the proposed and adjacent areas that may be affected or impacted by the proposed coal mining and reclamation operation.

R645-301-728- Probable Hydrologic Consequences Determination

The permit application will contain a determination of the PHC of the proposed coal mining and reclamation operation upon the quality and quantity of surface and ground water under seasonal flow conditions for the proposed permit and adjacent areas.

**ORDER**

Consolidation Coal Company, is hereby ordered to make the requisite permit changes in accordance with R645-303-220 and to submit a complete, adequate application for permit change to address the findings of permit deficiency within 60 days of the date of receipt of this order.

Ordered this 1st day of April, 2003, by the Division of Oil, Gas and Mining.



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Lowell Braxton, Director  
Division of Oil, Gas and Mining