

August 14, 2003

CERTIFIED MAIL 7099 3400 0016 8895 6009

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

Re: Extension Granted for Violation N03-39-1-1, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Outgoing File

Dear Mr. Kirschbaum:

The Division received your request for the abatement of violation N03-39-1-1 until August 26, 2003. Your request stated that the time extension was necessary to provide your consultants from Norwest Mining Corporation time to investigate and develop a plan, which will implement Best Technology Currently Available for correcting the coal fine issue at Emery Deep. This plan will be presented at a meeting with the Division on August 26, 2003.

It was emphasized at the July 31, 2003 meeting here at the Division that this proposal must include examples of how the measures to control coal fines will work (such as names and locations of mines and who to contact and why the method being proposed is relevant to solve the coal fine issue at Emery, and any other relevant data showing how these examples compare to Emery Deep by wind speed, process, pile size, etc. and how well proven and effective it will be in a windy area).

At this August 26 meeting, Consolidation Coal Company must convince the Division that the proposed comprehensive coal fine control plan will work and why. If there is not a convincing proposal, the Division will issue an FTA/CO on August 27.

If the proposal is convincing, Consolidation Coal Company will need to request another extension to the violation and prepare the submittal as an amendment to the Emery Deep Mine plan by September 12 with an implementation date of October 15. If there are other implementation dates beyond October 15, there must be a detailed timeline with adequate rationale for extension beyond October 15.

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Your request is hereby granted for the abatement until August 26, 2003. If you have any questions, please call Pamela Grubaugh-Littig at (801) 538-5268.

Sincerely,

Lowell P. Braxton  
Director

an  
cc: Price Field Office  
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### MODIFICATION OF NOTICE OF VIOLATION / CESSATION ORDER

To the following Permittee or Operator:

Name Consolidation Coal Company

Mailing Address P.O. Box 566, Jessor, Illinois, 62884 (P.O. Box 527, Emery, UT 84522)

State Permit No. C/015/015

Utah Coal Mining & Reclamation Act, Section 40-10-1 et seq., Utah Code Annotated (1953):

Notice of Violation No. N 03-39-1-1 dated 1/9/03, 1903

Cessation Order No. C \_\_\_\_\_ dated \_\_\_\_\_, 19\_\_\_\_

Part 1 of 1 is modified as follows: to extend abatement time to August 26, 2003

Reason for modification is to provide time for consultants to develop a plan which will implement BTCA for

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: correcting the coal fine level at the Emery Deep Mine.

Reason for modification is \_\_\_\_\_

Part \_\_\_\_\_ of \_\_\_\_\_ is modified as follows: \_\_\_\_\_

Date of service/mailling 8/14/03 Time of service/mailling 4:00  a.m.  p.m.

Date of inspection \_\_\_\_\_

TIM KIRSCHBAUM  
Permittee/Operator representative  
Signature

ENVIRONMENTAL Specialist  
Title

L.P. Braxton  
Division of Oil, Gas & Mining  
L.P. BRAXTON  
Signature

Director  
Title

**CERTIFIED MAIL # 7099 3400 0016 8895 6009**