

Mary Ann
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INCOMING

C/015/0015

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF THE REQUEST	:	NOTICE OF HEARING
FOR AGENCY ACTION OF	:	
CONSOLIDATION COAL COMPANY	:	
INVALIDATING CERTAIN PROVISIONS	:	DOCKET NO. 2004-008
OF THE 4 TH EAST PORTAL	:	CAUSE NO. C/015/0015
AMENDMENT APPROVED BY THE	:	
DIVISION OF OIL, GAS AND MINING	:	
PERMIT NO. C/015/0015.	:	

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THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED MATTER.

Notice is hereby given that the above entitled Petition has been filed with the Board of Oil, Gas and Mining ("Board"), State of Utah.

PURSUANT TO A STIPULATION, Consolidation Coal Company ("Petitioner") and the Division of Oil, Gas, and Mining, will present to the Board on WEDNESDAY, MAY 26, 2004, at 10:00 a.m., or as soon thereafter as possible, in the Board Room of the Department of Natural Resources, 1594 West North Temple, Suite 1050, Salt Lake City, Utah, a STIPULATION FOR RESOLUTION of the matter or, in the alternative, the Board will schedule a further proceeding in this matter.

The proceedings will be conducted as a formal administrative adjudication in accordance with the rules of the Board as set forth in Utah Administrative Code R641 *et seq.* (2002) as provided for by Utah Code Ann. § 40-10-1 *et seq.* (2004) and Utah Code Ann. § 63-46b-1 *et seq.* (2002).

The Petition seeks the following relief:

1. Invalidating provisions of the Amendment to the Emery Deep Mine Mining and Reclamation Plan of the 4th East portal facility located in Section 27, Township 22 South, Range 6 East, SLM, Emery County, Utah, as it relates to air quality control measures on the grounds that the mandated air quality control provisions exceed the authority and jurisdiction of the Division.
2. Confirming the approval of the remaining portions of the Amendment to the Emery Deep Mine Mining and Reclamation Plan as approved by notification letter dated March 18, 2004.

3. Providing for such other relief as may be just and equitable under the circumstances.

Objections to this matter should be filed with the Secretary of the Board at the address listed below no later than the 10th day of the month, or two weeks before the scheduled hearing, whichever is earlier. Objections filed later may be considered by the Board at or before the regularly scheduled hearing for good cause shown. A party who fails to attend or participate in the hearing may be held in default.

Natural persons may appear and represent themselves before the Board. All other representation by parties before the Board will be by attorneys licensed to practice law in the State of Utah, or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts. Attorney representation may be waived by the Board upon petition and good cause shown.

Persons interested in this matter may participate pursuant to the procedural rules of the Board. The Request for Agency Action, and any subsequent pleadings, may be inspected at the office of the undersigned.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Mary Potter at (801) 538-5327, at least three working days prior to the hearing date.

DATED this 4th day of May, 2004.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING
W. Allan Mashburn, Chairman



/s/ Mary E. Potter
Secretary to the Board
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116
(801) 538-5327

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2004-008, Cause No. C/015/0015 to be mailed with postage prepaid, this 5th day of May, 2004, to the following:

CERTIFIED MAIL

7002-3150-003-9842-0215

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