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January 14, 2004

Mr. Maung Maung, Environmental Scientist
Utah Division of Air Quality
150 North 1950 West
P.O. Box 144820
Salt Lake City, Utah 84114-4820

Dear Mr. Maung:

Re: DOGM Comments Draft Approval Order DAQE-117-95 dated December 11, 2003, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task # 1762, Outgoing File

The following comments are offered on draft Approval Order DAQE-117-95 dated December 11, 2003, for the public record.

- As background, the Air Quality Approval Order (AO) dated August 5, 2002, the Emery Mine 4th East Portal facility includes a screening/crusher building, and a 10,000 ton processed coal stockpile along with associated conveyors. The 4th East Portal has the throughput capacity of approximately 1,300,000 tons of coal per year. In Consol's first year of operation, wind blown coal fines were deposited outside the permit area to depths up to three inches.
- The Division of Oil Gas and Mining (DOGM) issued a Notice of Violation for accumulations of coal fines outside the permit area (N03-39-1-1) on January 7, 2003. Since that time, DOGM has been working with Consol to develop a strategy to reduce coal fine deposition on undisturbed areas adjacent to the 4th East Portal of the Emery Mine.
- The Permittee listed on page 1 should indicate Consolidation Coal Co. The source locations listed on pages 1 and 9 should include the 4th East Portal facility at the intersection of Emery County Roads 915 and 907.
- DOGM has been working with the Permittee to develop a strategy for improved dust control measures such as those described in the proposal and outlined in the Modified Source Plan Review, Section V Recommended Approval Order Conditions, Number 6. Will there be any requirement for ongoing monitoring and maintenance of the

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components of the dust control plan? In their Mining and Reclamation Plan, Consol Energy has committed to a maintenance plan that includes **weekly** monitoring and record keeping of all the components of the dust control plan. Thus, inclusion of monitoring and maintenance record keeping in the Modified Source Plan Review, Section V, should not be a hardship.

- DOGM supports the lower opacity limits described under Section V, Number 10. Previously, the 20% opacity limit did not control the offsite impact of fugitive dust. The new opacity limits of 15% for the crushers, and 10% for the screens and storage piles will set a lower threshold for implementation of dust control strategies at the transfer points and storage pile to limit movement of coal fines onto the haulroad and adjacent property.
- Section V, Number 16, page 12, sets the requirement for maintaining the moisture content of the stockpile at 4% by weight and will provide a clear indication for the trigger of water sprays (“Limitations and Test Procedures” Item 16). Although measurement of water content is a familiar tool, DOGM is not certain of the ASTM method to be used for monitoring the 4% moisture content. Since water content is “usually expressed as the ratio of the mass of water present in a sample to the mass of the sample after it has been dried to constant weight,”¹ and “dry” is a subjective term, the AO should clearly indicate what criteria will be used for deciding when the sample is “dry”.

Thank you for this opportunity to comment on the draft AO. The Memorandum of Understanding (MOU) between DOGM and DEQ, signed September 1, 1999, envisions such cooperation. Please contact Priscilla Burton at (801) 538-5288 or Pamela Grubaugh-Littig (801) 538-5268 for further discussion.

Sincerely,

Mary Ann Wright
Associate Director, Mining

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¹ Soil Science Society of America. 1996. Series No. 5. Methods of Soil Analysis:Chemical Methods. Part 3. D.L. Sparks, Ed. page 493.