



0056

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

November 30, 2007

John A. Gefferth, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: Status of Full Extraction Pillar Splitting Conditions for 60-Day Increment Conditional Approval for 15th West and Zero North and Deficiency List for 15th West, 4th East, 6th Est and Zero North Panels, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task #2821, Outgoing File

Dear Mr. Gefferth:

A 60-day-increment conditional approval for the 15th West and Zero North was verbally approved on October 5, 2007 because the mine was facing shutdown if this action was not approved. This letter outlines the status of the four conditions associated with this conditional approval.

1) By October 26, 2007, Consol must submit the summary and analyses for the Probable Hydrologic Consequences. Consol did submit data and calculations relative to water availability issues on August 3, 2007. However, Consol did not adequately identify and summarize the potential impacts of mining on the hydrologic balance on the permit and adjacent area. This summary must be submitted by October 26, 2007 at the close of business. **This information was submitted to the Division on October 26, 2007. This condition has been met.**

2) By April 1, 2008, Consol must submit a comprehensive five-year mining plan (including all of the full extraction areas) with all of the requisite information. Since this conditional approval is the second "emergency" approval granted to the Emery Deep Mine in 2007, this condition is being added to try and avoid another future "emergency" and potential work stoppage in the future. It is also hoped that limited Division resources will be used more efficiently. **This condition must be met by April 1, 2008.**

3) The pre-subsidence survey report contained in Appendix V-5 for the Zero North, 4th East and 6th West panels must be revised. Two sections of irrigation ditches have been identified that may be impacted by fully extracting the 6th West and Zero North panels. They are as follows:

Approximately 600-700 feet of irrigation ditch is identified on Figure 1 of Appendix V-5 on the western edge of the 6th West panel. The irrigation ditch is located on the John and Vickie Byars property. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 as well as described within the text of the report. In addition, the ditch should be surveyed in order to ascertain potential impacts to the ditch channel during full extraction.

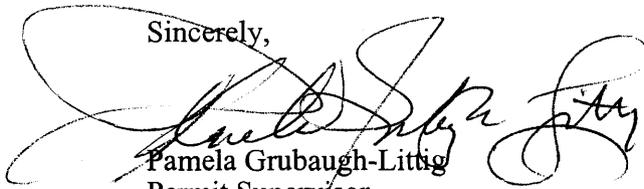
Above the Zero North panel, 800 feet of irrigation ditch has also been identified on Figure 1 extending southwest from the northeast portion of the panel. By October 26, 2007, the irrigation ditch should be numbered and identified on Figure 1 and described within the text of the report. **This information was submitted on October 26, 2007. This condition has been met.**

4) By October 26, 2007 Consol must provide a reference in the MRP to the water rights that will be utilized as an alternative source of water in the event that the Emery backup Wells (#1 and #2) are adversely impacted by mining activity and the surface water supply (Muddy Creek) becomes inadequate. Per conversations with Emery Town representative Darrel Leamaster, the average culinary water usage for the town was 19.21 million gallons/year from 1989 through 2006. The water quality of the replacement water rights will be reviewed. **This water replacement issue associated with the Emery Town Wells has been addressed through discussions with you and Steve Christensen and agreed upon wording in the MRP to be submitted by December 4, 2007. This condition has been met.**

Other additional information, relative to this amendment for the PHC Update and Full Extractions Pillar Splitting for the 15th West, 4th East, 6th East and Zero North Panels, was received on October 3, 2007, October 12, 2007, October 17, 2007 and October 26, 2007 and has been reviewed. The list of deficiencies is attached. For tracking purposes and in order to provide clarification as to what materials should be reviewed, the Division is requiring that these additional materials (including the original submittal) as well as the most recent revisions to various text pages, maps and reports, be submitted in response to this technical analysis. Please submit the response to these deficiencies by December 4, 2007.

If you have any questions, please call me at (801) 538-5268 or Steve Christensen at (801) 538-5350.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

Deficiency List

Task ID #2821

PHC Update and Full Extraction Pillar Splitting – 15th West, 4th East, 6th East and Zero North Panels

The members of the review team include the following individuals:

Priscilla Burton (PWB)
Steve Christensen (SKC)
Joe Helfrich (JCH)
Wayne Western (WHW)

R645-301-724- The Permittee must provide a pre-subsidence survey of the 4th East, 6th West and Zero North Panels prior to full extraction. (SKC)

R645-301-728- The Permittee should provide further discussion as to the potential for groundwater availability impacts as a result of the proposed mining activity. The information presented in the PHC section of the application, Appendix VI-14's mass balance estimates as well as the MODFLO discussion in Appendix VI-15, provide thorough explanations as to the calculations and assumptions utilized in determining the inflow and discharge rates at the mine.

The Permittee should provide a *written* narrative/summary within the text of the MRP (beginning on page VI-16) as to what probable hydrologic consequences may or may not occur as a result of the continuation and increase in mine-water discharge as well as its cumulative effect on the groundwater resources located within and adjacent to the permit area. The discussion should be specific and detailed in addressing: the potential for the Emery Town wells to be impacted (and if impacted, estimates for recovery to pre-mining conditions), potential impacts to springs and seeps, the potential for further impacts to all three of the Ferron Sandstone layers (including estimates for their recovery to pre-mining conditions) as well as the potential for altering groundwater flow directions and pressures. Essentially, connect the dots with a specific written narrative (based upon the presented data) as to the potential for groundwater availability impacts as a result of full extraction in the permit area. (SKC)

R645-301-731- The Permittee must provide detailed surface drainage maps depicting the locations of the diversion structures and sediment control measures to be installed/constructed at the mine. (SKC)

R645-301-731.210- The Permittee should commit to begin quarterly field monitoring of the Emery Town wells (Well #1 and Well #2). Upon review of historical groundwater data as well as the continuing groundwater monitoring data supplied to the Division, it's clear that the Ferron Sandstone aquifer will continue to be dewatered as a result of the proposed mining activity at the Emery Deep facility. Emery Town wells #1 and #2 serve as back up culinary water sources for the town. In order to determine what (if any) impact mining activity has on these wells, quarterly monitoring of these wells should begin with the approval of this application. Emery Town wells #1 and #2 will need to be added to relevant text, tables and plates that outline the groundwater monitoring program.

In addition, the Permittee should provide the Division with semi-annual reports/updates documenting the drawdown of the Ferron aquifer relative to the Emery Town wells. (SKC)

R645-301-731.210, -220- The Permittee should provide a discussion and/or table that clearly identify all surface and groundwater-monitoring sites. On page V-25 of the application, the Permittee states, "Groundwater monitoring is conducted in the permit and adjacent areas according to the water monitoring plans presented in Table VI-4." However, table VI-4 provides a groundwater quality summary for quaternary deposits. There is no discussion or identification of the surface and ground water monitoring sites. Table VI-17 should be revised or a separate table generated that clearly identifies individual groundwater *and* surface water sites slated for monitoring and their respective sampling frequencies and protocols. (SKC)

R645-301-525.120, -525.480- and R645-301-731.530- The application does not meet the Subsidence Control Plan requirements as required by R645-301-525.480, -525.490 and R645-301-731.530. R645-301-525.480 requires the Permittee to provide the Division with "a *description* of the measures to be taken to in accordance with R645-301-731.530 and R645-301-525.500 to replace adversely affected State-appropriated water supplies or to mitigate or remedy any subsidence-related material damage to the land and protected structures; and other information specified by the Division as necessary to demonstrate that the operation will be conducted in accordance with R645-301-525.300".

Darrel Leamaster from Emery County Services provided water usage data for the town of Emery. The average annual water usage for the town of Emery from 1989-2006 was 19.21 million gallons. The Permittee must provide a description of what measures will be taken in the event that the Muddy Creek drainage runs dry and the Emery Town wells (#1 and #2) are impacted by mining activity. *The description should be adequate enough for Division staff to find that the proposed water replacement measures are capable of providing approximately 20 million gallons/year of sufficient quality water for the town of Emery.* (SKC)

R645-301-731- The application does not meet the requirements as provided in R645-301-731. Plate VI-4 needs to be revised to depict the Emery Town Wells (#1 and #2) as being quarterly water level monitoring sites. (SKC)

R645-301-525.700, The Permittee must mail a notification the water conservancy district and the owners and occupants of surface properties and structures above the underground workings at least six months before mining. The Division will not accept the three-month period proposed by the operator. (WHW)

R645-525.480 requires that the Permittee describe the measures to be taken to replace adversely affected State-appropriated water rights. In addition the commitment should be simplified instead of stating the "Permittee will commit", the wording should be the "Permittees commits". (WHW)