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CONSOL ENERGY™

CONSOL Energy Inc.

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January 8, 2008

Mr. John Baza, Director
Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Jonathan M. Pachter
1/10/08 JK

RE: Consolidation Coal Company
Emery Mine – Permit No. C/015/015
NOV # 10005

Dear Mr. Baza:

As you know, Consolidation Coal Company (Consol), a subsidiary of CONSOL Energy Inc., has been working with the Coal Regulatory Program of the Utah Division of Oil, Gas and Mining (DOGM) to resolve the above-referenced Notice of Violation (NOV). We feel we have been doing everything necessary to address DOGM's requests to satisfy this deficiency, which by the way, is purely an administrative issue. To date, no physical work has been either required or been requested to satisfy the NOV, indicating to us that there is no pending environmental harm. The NOV was issued by Karl Houskeeper on June 14, 2007. As you can imagine, this summer we had a very difficult time finding engineering firms to work on the amendment application because all mining-knowledgeable engineering firms in the UT coal regions were working at Crandall Canyon.

John Gefferth and I feel that Consol has been in regular communication with several members of DOGM's coal staff about the NOV, our amendment application to address the NOV, and the deficiencies that we have received from DOGM. Please note that we received more deficiencies on Friday, January 4, 2008 and a set of deficiencies just yesterday morning. It is also important to note that it has been our ongoing assumption that all of the responses that we prepared and submitted to DOGM were sufficient to address the NOV and any deficiencies. Yet, each time we submitted information we would soon thereafter receive new deficiencies separate and different from preceding ones.

In addition, John was advised by Pam Grubaugh-Littig after submitting our last set of responses to DOGM deficiencies in early November that our responses would be placed

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mjl 1-10-08

DIV. OF OIL, GAS & MINING

File in:

C/015/0015, 2008, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date *01/08/08* for additional information

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into their normal queue and would not be up for DOGM review until early January 2008. After submitting these last set of responses, John committed to Pam to provide a report documenting geotechnical conditions as requested by her staff. That report was supposed to be submitted to DOGM by December 15, 2007, but our engineering consultant still has not yet completed that task. John Gefferth has informed DOGM of this situation. We will submit that report to Ms. Grubaugh-Littig immediately after we receive it.

Also important to note is that John Gefferth has previously requested extensions to this NOV as well as requested abatement of the NOV with conditions. But John was told no by Pam Grubaugh-Littig, advising him that all issues could be resolved before the NOV compliance deadline. Our most recent request occurred in late December 2007. John's earlier requests were verbal; the most recent one was e-mailed on December 28, 2007.

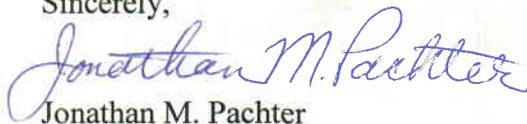
Attachment 1, attached as a Microsoft Word document, provides a timeline for this NOV, from Consol's perspective, of course. Attachment 2, provided as a Adobe Acrobat pdf file, contains Attachment 1 again for ease of reference as well as the bookmarks referred to in Attachment 1. The bookmarks provide you with documentation to demonstrate that:

- Consol has been diligent in trying to resolve this NOV,;
- Consol has requested extensions and/or abatement of the NOV at times in the past and was denied each time; and,
- Consol has provided requested information to DOGM yet each time DOGM sent us new requests for additional data not previously requested.

With this letter and its electronic attachments, I am formalizing our request for extension of this NOV for ninety (90) days, per UT regulations R645-400-327 and R645-400-328. We would appreciate it if DOGM would approve this extension request prior to sending any additional deficiencies, so as to prevent the "NOV time clock" from running out. This 90-day extension is needed so that CONSOL can meet/confer with DOGM and discuss how to respond to the deficiencies received on Friday, January 4th and Monday January 7th. We want to be sure that there are no other deficiencies on this application that need to be addressed. Please note that Consol remains committed to provide all information needed to resolve the NOV in a timely manner, and as in the past, we remain committed to upgrading the Emery permit to current standards.

I will send the information in this e-mail to you by overnight delivery so you can have hard copies tomorrow. If you have any questions regarding this letter or its attachments, please feel free to call John Gefferth at (618) 625-6850, or me at (412) 831-4679.

Sincerely,



Jonathan M. Pachter
General Manager, Environmental Services

Attachments