


CONSOL ENERGY™
CONSOL Energy Inc.

 Jonathan M. Pachter
1800 Washington Road
Pittsburgh, PA 15241-1421

 phone: 412/831-4679
 fax: 412/831-4774
 e-mail: Jonathanpachter@consolenergy.com
 web: www.consolenergy.com

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

 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

 RECEIVED
 JAN 09 2008
 DIV OF OIL, GAS & MINING

**ATTACHMENT 1 - CONSOLIDATION COAL COMPANY – EMERY MINE –
NOV #10005 TIMELINE – 6/14/07 -1/7/08**

6/14/07 DOGM issued NOV 10005

Bookmark 1

“Division inspector Karl Houskeeper issued the violation (#10005) upon observing the limited capacity of the receiving drainage channels that accept storm runoff from the refuse pile”

(from 12/21/07 internal file memo from Steve Christiansen to Pam)

Bookmark 2

7/19/07 Consol/DOGM (Karl Houskeeper) phone conversation

DOGM requested Consol submit drainage design for 100 yr event, and clean up timeline in text

7/24/07 Instructed NPN Environmental to begin initial work...

- Began hydro work on drainage to pond, to verify that structures could handle a 100 yr event.
- See attached invoice. Bookmark 3

8/08/07 Consol submits request to DOGM to extend deadline to 8/31/07 Bookmark 4

- Field work (surveying) needed to re-design drainage.

8/27/07 email Consol to DOGM per phone, request time extension Bookmark 5

from 8/31/07 to 9/21/07 due to Crandall Canyon and Ware surveying being on 24 hr call.

8/27/07 email DOGM (Darron Haddock supervisor) to Consol: Deadline can only be extended until 9/12/07 which will be the end of the 90 day period...The initial date of 9/21/07 was incorrect Bookmark 6

8/24/07 Ware Surveying initiated field work on Pond 8 drainage area

- See attached invoice Bookmark 7

8/27/07 email Ware Surveying to CONSOL. Ware surveying was released from Crandall Canyon and surveyed topo on 8/24/07 Bookmark 8

9/04/07 EarthFax began work on the submittal

- Began compiling NPN work for submittal to DOGM
- See attached invoice Bookmark 9

9/07/07 Consol submitted a revision to the MRP with drainage re-design for Pond 8 to show that the ditches would handle a 100 yr event. Per previous phone contact on 7/19/07 with the DOGM, this was believed to be enough to abate the NOV. Bookmark 10

10/31/07 **DOGM to Consol completed first technical review** and deficiencies were issued. DOGM stated that we must respond within 5 days from official receipt of letter. Deficiencies include the following: Bookmark 11

- Uncontrolled surface drainage from top of existing pile
- 100 yr storm requirement for ditches at existing pile
- Drainage design for ditch from proposed permanent site to pond 5
- Describe operational mode of existing pile with volumes
- Geotech analysis and safety factor

11/01/07 **email DOGM (Karl Houskeeper) to Consol copy of deficiencies that were mailed on 10/31/07** Bookmark 12

11/02/07 **Ware Surveying initiated surveying of refuse pile for design work**

- See attached invoice Bookmark 13

11/02/07 **email DOGM (Steve Christiansen) to John Gefferth providing a list of DOGM's deficiencies.** List included design data on existing pile, engineering design of final site, text to describe operational phases, MSHA-required data, commitment date to obtain geotech data, compaction data, and additional deficiencies. Bookmark 14

11/09/07 **Consol submits responses to DOGM's 10/31/07 deficiencies.** Letter includes a request to leave existing pile active until cessation of mining. We submitted redesign of drainage ditches (100 yr event) for existing pile and design for drainage ditch from proposed permanent pile to Pond 5 – all per DOGM request. Bookmark 15

12/21/07 **email: DOGM (Steve Christiansen) to John Gefferth presenting additional hydrology deficiencies.** This list requested the following information: Bookmark 16

- Engineering certification on all design data and maps
- Correct culvert design entering pond 8 and add to hydro model
- Correct typo in reference
- Add design for pond 5 inlet design (future ditch to handle drainage from proposed permanent site
- Correct boundary of the proposed permanent site on all maps
- Clarify all drainage boundaries on all maps
- Revise drainage to pond 5 to show it can handle additional 1 acre from proposed permanent site

12/28/07 **email Consol to DOGM (Pam Grubaugh-Littig) requesting abatement of the NOV with a condition to complete all requested deficiencies by a to-be-scheduled date. Consol would be willing to enter into a Consent Order about this.**

- Request denied. Bookmark 17

1/02/08 **email DOGM Steve Christiansen to John Gefferth.** Steve and John discussed the answers to Steve's 12/21/07 deficiencies. We worked them out over the phone and intended to submit them on Monday 1/07/07 Bookmark 18

1/03/08 email DOGM Steve Christiansen to John Gefferth, sending deficiencies from Wayne Western, DOGM engineer. Bookmark 19

- list the maximum of refuse to be stored at the existing site amount and show maximum capacity on design maps
- Commit to dates that the existing pile will be moved to the permanent site
- Provide a plan view, profile and cross section of pile at maximum capacity

1/04/07 email DOGM (Steve Christiansen) to John Gefferth, sending additional deficiencies from Priscilla Burton too numerous to list. Bookmark 20

1/7/08 Conference call between Consol and DOGM, advising Consol that our responses to date have not addressed the NOV, that we have not been diligent in our efforts to address the NOV, and that we would have 1.5 days to satisfy the NOV or we would be issued a Failure to Abate Notice.

**CONSOLIDATION COAL COMPANY – EMERY MINE – NOV 10005
TIMELINE – 6/14/07 -1/7/08**

6/14/07 DOGM issued NOV 10005

Bookmark 1

“Division inspector Karl Houskeeper issued the violation (#10005) upon observing the limited capacity of the receiving drainage channels that accept storm runoff from the refuse pile”

(from 12/21/07 internal file memo from Steve Christiansen to Pam)

Bookmark 2

7/19/07 Consol/DOGM (Karl Houskeeper) phone conversation

DOGM requested Consol submit drainage design for 100 yr event, and clean up timeline in text

7/24/07 Instructed NPN Environmental to begin initial work...

- Began hydro work on drainage to pond, to verify that structures could handle a 100 yr event.
- See attached invoice. Bookmark 3

8/08/07 Consol submits request to DOGM to extend deadline to 8/31/07 Bookmark 4

- Field work (surveying) needed to re-design drainage.

8/27/07 email Consol to DOGM per phone, request time extension Bookmark 5

from 8/31/07 to 9/21/07 due to Crandall Canyon and Ware surveying being on 24 hr call.

8/27/07 email DOGM (Darron Haddock supervisor) to Consol: Deadline can only be extended until 9/12/07 which will be the end of the 90 day period...The initial date of 9/21/07 was incorrect Bookmark 6

8/24/07 Ware Surveying initiated field work on Pond 8 drainage area

- See attached invoice Bookmark 7

8/27/07 email Ware Surveying to CONSOL. Ware surveying was released from Crandall Canyon and surveyed topo on 8/24/07 Bookmark 8

9/04/07 EarthFax began work on the submittal

- Began compiling NPN work for submittal to DOGM
- See attached invoice Bookmark 9

9/07/07 Consol submitted a revision to the MRP with drainage re-design for Pond 8 to show that the ditches would handle a 100 yr event. Per previous phone contact on 7/19/07 with the DOGM, this was believed to be enough to abate the NOV. Bookmark 10

10/31/07 DOGM to Consol completed first technical review and deficiencies were issued. DOGM stated that we must respond within 5 days from official receipt of letter.

Deficiencies include the following: Bookmark 11

- Uncontrolled surface drainage from top of existing pile
- 100 yr storm requirement for ditches at existing pile
- Drainage design for ditch from proposed permanent site to pond 5
- Describe operational mode of existing pile with volumes
- Geotech analysis and safety factor

11/01/07 email DOGM (Karl Houskeeper) to Consol copy of deficiencies that were mailed on 10/31/07 Bookmark 12

11/02/07 Ware Surveying initiated surveying of refuse pile for design work

- See attached invoice Bookmark 13

11/02/07 email DOGM (Steve Christiansen) to John Gefferth providing a list of DOGM's deficiencies. List included design data on existing pile, engineering design of final site, text to describe operational phases, MSHA-required data, commitment date to obtain geotech data, compaction data, and additional deficiencies. Bookmark 14

11/09/07 Consol submits responses to DOGM's 10/31/07 deficiencies. Letter includes a request to leave existing pile active until cessation of mining. We submitted redesign of drainage ditches (100 yr event) for existing pile and design for drainage ditch from proposed permanent pile to Pond 5 – all per DOGM request. Bookmark 15

12/21/07 email: DOGM (Steve Christiansen) to John Gefferth presenting additional hydrology deficiencies. This list requested the following information: Bookmark 16

- Engineering certification on all design data and maps
- Correct culvert design entering pond 8 and add to hydro model
- Correct typo in reference
- Add design for pond 5 inlet design (future ditch to handle drainage from proposed permanent site
- Correct boundary of the proposed permanent site on all maps
- Clarify all drainage boundaries on all maps
- Revise drainage to pond 5 to show it can handle additional 1 acre from proposed permanent site

12/28/07 email Consol to DOGM (Pam Grubaugh-Littig) requesting abatement of the NOV with a condition to complete all requested deficiencies by a to-be-scheduled date. Consol would be willing to enter into a Consent Order about this.

- Request denied. Bookmark 17

1/02/08 email DOGM Steve Christiansen to John Gefferth. Steve and John discussed the answers to Steve's 12/21/07 deficiencies. We worked them out over the phone and intended to submit them on Monday 1/07/07 Bookmark 18

1/03/08 email DOGM Steve Christiansen to John Gefferth, sending deficiencies from Wayne Western, DOGM engineer. Bookmark 19

- list the maximum of refuse to be stored at the existing site amount and show maximum capacity on design maps
- Commit to dates that the existing pile will be moved to the permanent site
- Provide a plan view, profile and cross section of pile at maximum capacity

1/04/07 email DOGM (Steve Christiansen) to John Gefferth, sending additional deficiencies from Priscilla Burton too numerous to list. Bookmark 20

1/7/08 Conference call between Consol and DOGM, advising Consol that our responses to date have not addressed the NOV, that we have not been diligent in our efforts to address the NOV, and that we would have 1.5 days to satisfy the NOV or we would be issued a Failure to Abate Notice.



Citation for Non-Compliance
Utah Coal Regulatory Program
 1594 West North Temple, Salt Lake City, UT 84114
 Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10005
Permit Number: C0150015
Date Issued: 06/14/2007

NOTICE OF VIOLATION **CESSATION ORDER (CO)** **FAILURE TO ABATE CO**

Permittee Name: Consolidation Coal Company	Inspector Number and ID: 49 KHOUSKEE
Mine Name: Emery Deep Mine	Date and Time of Inspection: 06/14/2007 7:30 am
Certified Return Receipt Number: Hand Delivered	Date and Time of Service: 06/14/2007 7:30 am

Nature of condition, practice, or violation:
 Failure to follow the approved Mining and Reclamation Plan (MRP) and regulations for Refuse Piles/Waste Disposal

Provisions of Act, regulations, or permit violated:
 R645-746.110 R645-528.320
 R645-746.120 R645-528.322
 R645-746.210
 R645-746.212

This order requires Cessation of ALL mining activities. (Check box if appropriate.)

<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.

This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: <input type="checkbox"/> Yes <input type="checkbox"/> No	Abatement Times (if applicable).

Action(s) required: Yes No
 Do one of the following:
 (1) Place the refuse/waste disposal in the approved permanent disposal site, in accordance with the approved MRP and current regulations for refuse disposal and drainage. Update MRP as necessary to comply with regulations.
 (2) Design and receive approvals (Division/MSHA) for a new permanent refuse pile/waste disposal that meets current regulations for disposal and drainage. Place existing and future refuse/waste material in approved facility.
 By August 13, 2007.

JOHN A. GEFFERTH <small>(Print) Permittee Representative</small>	KARL HOUSKEEPER <small>(Print) DOGM Representative</small>
<i>for J Geffert</i> <i>Russell Hardy</i> 6-14 th -07	<i>Karl R. Houskeeper</i> 6/14/07
Permittee Representative's Signature - Date	DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

December 21, 2007

TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Steve Christensen, Environmental Scientist II

RE: Refuse Drainage to Pond 8, Consol Coal Company, Emery Deep, C/015/0015, Task ID #2877

SUMMARY:

The Division of Oil, Gas and Mining (the Division) issued Consol Coal Company (the Permittee) a violation relative to the temporary refuse pile. Division inspector Karl Houskeeper issued the violation (#10005) upon observing the limited capacity of the receiving drainage channels that accept storm runoff from the refuse pile.

On September 10th, 2007, the Permittee submitted information in response to the violation. On October 31st, 2007, the Division concluded it's first technical review of the submittal and mailed a letter to the Permittee that identified several deficiencies that needed to be addressed (Task ID #2852). The Permittee submitted a response to those deficiencies on November 9th, 2007. This memo provides the second hydrologic analysis for Violation #10005.

Upon review of the November 9th submittal, the following hydrologic deficiencies were identified and need to be addressed prior to vacating Violation #10005:

Deficiencies:

R645-301-512.100, -742.324: Engineering Certification

- The Permittee must demonstrate that the design of the diversion ditches, culverts and pond inlet have been certified by a qualified registered professional engineer as meeting the performance standards of the R645-State of Utah Coal Mining Rules. A stamp may be provided on the initial page of the hydrologic calculations in the submittal with a statement that specifies which pages/calculations the certification pertains to. In addition, all submitted maps and plates must be certified by a registered professional engineer.

R645-301-746.200: Refuse Pile

- The Permittee must provide further drainage information relative to Pond No. 8. Chapter VI, Appendix VI-6, Page 26 of 38 provides an overview figure of the HEC-HMS Hydrologic Model utilized in calculating peak storm volumes and discharges associated with the refuse pile and adjacent area. The modeling calculation stops at Culvert B. However, upon review of the submitted *Pond No. 8 Plan View and Drainage Map* figure in Appendix VI-7, it appears that the discharge from Culvert A and Culvert B ultimately reports to what's labeled as a "24" CMP" located approximately 400' to the east. The 24" CMP east of Culverts A and B is not labeled and does not appear to be included in the HEC-HMS modeling run. According to the aforementioned figure, Area E is 8.6 acres and reports to the 24" CMP along with Culverts A and B. In addition, no ditch alignment is depicted north of the mine-access road. Based on the submitted information, there is no demonstration as to what happens to the storm runoff after discharging from culverts A and B. Additional information/clarification is needed in order to assess whether the 24" CMP located approximately 400' east of Culverts A and B is adequately sized to handle the storm runoff from Areas A, B, C, D as well as Area E as depicted on *Pond No. 8 Plan View and Drainage Map*. It should be noted that the currently approved *Pond No. 8 Plan View and Drainage Map* depicts the 24" culvert as an 18" CMP. The revisions box on the recently submitted drawing outlines this in item No. 1. No discussion is provided to clarify whether it's an 18" CMP or a 24" CMP.

- Chapter VI, Appendix VI-6 Page 26 of 38 states, "Pond No. 8 was sized using results from a HEC-1 computer model presented in *Appendix IV-9 – Sediment Pond No. 8*". Appendix IV-9 deals with the 4th East portal excavation blasting plan not sediment pond design. The Permittee should correct this typo so as to accurately cite the information for Sediment Pond No. 8.

- No design plans or drawings were submitted depicting the inlet to Pond 5. The Permittee must modify Plate VI-17, *Pond No. 5 Plan View & Cross Section*, to depict the inlet design that will be constructed to convey the runoff (generated from the permanent refuse pile) from the drainage ditch into Pond 5.

- The Permittee must reconcile several discrepancies between the submitted information and the approved MRP. The newly submitted Appendix VI-6, *Permanent Waste Disposal Site Ditch, Plan, Profile, Cross Section Reclamation Phase*, Figure 1 (Figure 1) depicts an entirely different alignment/configuration for the proposed permanent development waste disposal site as what's depicted on the newly submitted Appendix VI-7, *Pond No. 8 Plan View and Drainage Map* (Pond No. 8 figure). The Pond No. 8 figure depicts a proposed permanent waste disposal site that is approximately twice as large as what's depicted in the Appendix VI-6, Figure 1 plate. Upon reviewing the two figures, it's not possible to ascertain what configuration is the correct one.

- The Permittee must reconcile discrepancies between the submitted maps/plates with the approved MRP where the watershed boundaries for the proposed permanent waste

disposal site are depicted. The watershed boundary depicted in the aforementioned Appendix VI-6, Figure 1 drawing does not match the boundary depicted in the Pond No. 8 drawing or Plate VI-10, *Surface Drainage Control Map*. The recently submitted Figure 1 drawing from Appendix VI-6 depicts a watershed boundary that encompasses the entire proposed permanent waste disposal site. The Pond No. 8 drawing depicts a watershed boundary that essentially bi-sects the proposed permanent refuse site. Plate VI-10 depicts a watershed boundary that tri-sects the proposed permanent waste disposal site. These discrepancies must be rectified and made clear to the reader as to what watershed boundary and what proposed alignment/layout of the permanent refuse site is correct. The submitted information and approved MRP are at odds with one another in terms of watershed boundaries for the permanent waste disposal site. It's not clear which watershed boundary is correct. All maps and plates that depict watershed boundaries in the area of the proposed permanent waste disposal site must be consistent with each other.

- The Permittee must provide a demonstration that Pond No. 5 has the capacity to accept the drainage from the proposed permanent waste disposal site. The demonstration should include a reference to the appropriate maps/plates depicting watershed boundaries as well as a reference to the calculations that take the permanent waste disposal site area into consideration. Upon reviewing Plate VI-10 of the approved MRP, it appears that Pond No. 5 currently accepts drainage from most of the proposed permanent waste disposal site. Once the aforementioned deficiencies regarding watershed boundaries are resolved, the Permittee should also provide a reference on Page 29 in Chapter VI of Appendix VI-7 to the figure that accurately depicts the watershed that reports to Pond No. 5 and was utilized in the design calculations.

**TIME BILLED FOR EMERY MINE NOV
NPN ENVIRONMENTAL ENGINEERS**

Initial Submittal - Sept. 7

Date	Hours	Labor Expenses
7/24/07	4.5	
7/25/07	4.0	
7/26/07	7.0	
7/27/07	2.0	
7/30/07	3.0	
7/31/07	3.0	
8/2/07	0.5	
8/3/07	1.5	
8/6/07	5.0	
8/7/07	1.5	
8/8/07	5.5	
8/9/07	6.0	
8/10/07	1.5	
8/13/07	2.0	
8/22/07	5.5	
8/24/07	2.5	
8/28/07	1.0	
8/29/07	2.5	
8/30/07	6.0	
8/31/07	8.0	
9/3/07	5.5	
9/4/07	8.5	
9/5/07	7.0	
9/6/07	10.0	
9/7/07	2.5	
	<u>106.0</u>	\$8,753

Estimate top-of pile drainage

9/21/07	2.5	
9/24/07	<u>0.5</u>	
	3.0	\$255

2nd submittal to include top-of-pile drainage & permanent disposal site ditch

10/29/07	1.5	
11/1/07	4.0	
11/2/07	7.0	
11/7/07	6.5	
11/8/07	4.5	
11/9/07	<u>1.5</u>	
	25.0	\$2,125

3rd submittal to include 24" culvert, match drainage areas, match disposal areas, Pond 5 issues

1/2/08	2.0
1/3/08	9.0
1/4/08	9.0
	<u>20.0</u>

\$1,700

Other Expenses

\$345

Total	<u>154.0</u>
-------	--------------

\$12,833

Consolidation Coal Company

P.O. Box 566
Sesser, IL 62884
(618) 625-2041

August 8, 2007

Darron Haddock
Utah Division of Oil, Gas and Mining
Coal Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Re: Emery Deep Mine Permit C/015/015
Citation 10005

Dear Mr. Haddock:

Please consider this a request to extend the abatement deadline for the above mentioned citation until August 31, 2007. In reviewing the options to abate the citation it was discovered that the drainage map and associated culverts and ditches around the stockpile area were not constructed in the field as designed in the MRP. The ditches and additional culverts built in the field will meet the regulatory design requirements, but detailed field mapping will need to be completed. This field mapping will consist of a ground survey to determine drainage boundaries of pond 8 and all associated ditches and culverts that convey drainage from the coal stockpile and underground development waste area. Once this is complete the drainage system will be designed to handle the proper storm event, per the citation.

If you have any questions concerning this request, please call me at (618) 625-6850.

Sincerely,

John Gefferth
Environmental Engineer

CC: Karl Houskeeper – DOGM-Price Field Office-
Pamela Grubaugh-Littig- DOGM Salt Lake City

JAG/jag emrefuse.NOV10005.extreq.doc

Gefferth, John

From: Gefferth, John
Sent: Monday, August 27, 2007 2:16 PM
To: Karl Houskeeper (karlhouskeeper@utah.gov)
Cc: 'Pam Grubaugh-Littig'
Subject: Emery Mine Citation 10005

Karl

Please consider this a request to extend the August 31, 2007 deadline until September 21, 2007.

The additional time is required due to the surveying consultant (Ware Surveying Inc.) being on call and working around the clock at the Crandall Canyon Mine disaster.

The Emery surveying is scheduled for this week.

Please call with questions.

John Gefferth
Consol Energy
P.O. Box 566
Sesser, Illinois 62884
618-625-6850 office
618-534-5151 cell
618-625-6844 fax
www.consolenergy.com

Gefferth, John

From: Daron Haddock [daronhaddock@utah.gov]
Sent: Monday, August 27, 2007 4:02 PM
To: Gefferth, John; Karl Houskeeper
Cc: Pam Grubaugh-Littig
Subject: Re: Emery Mine Citation 10005

John,

This is just to document our phone conversation regarding this extension. As we discussed, we can't extend the violation beyond 90 days without jumping through more hoops, so we agreed that we would extend it to the 90 days which is September 12th. If you can complete the abatement sooner than that, all the better. Thanks.
Daron

>>> "Gefferth, John" <JohnGefferth@consolenergy.com> 8/27/2007 1:16 PM >>>

Karl

Please consider this a request to extend the August 31, 2007 deadline until September 21, 2007.

The additional time is required due to the surveying consultant (Ware Surveying Inc.) being on call and working around the clock at the Crandall Canyon Mine disaster.

The Emery surveying is scheduled for this week.

Please call with questions.

John Gefferth

Consol Energy

P.O. Box 566

Sesser, Illinois 62884

618-625-6850 office

618-534-5151 cell

618-625-6844 fax

www.consolenergy.com

"This communication, including any attachments, may contain confidential and privileged information that is subject to the CONSOL Energy Inc.'s Business Information Protection Policy. The information is intended solely for the use of the intended recipient(s). If you are not an intended recipient, you are prohibited from any use, distribution, or copying of this communication. If you have received this communication in error, please immediately notify the sender and then delete this communication in its entirety from your system."

Gefferth, John

From: Cody Ware [waresurveying@emerytelcom.net]
Sent: Monday, January 07, 2008 3:36 PM
To: Gefferth, John
Subject: Re: Sections 23 & 26 survey

11-02-07 Refuse pile survey 2 hrs @ \$125/hr
11-02-07 Mob. 2hrs @ \$75/hr
Calc's/drafting 2hrs @ \$75/hr
Total = \$550

8-24-07 Survey drainage area 5.5 hrs @ \$125/hr
8-24-07 Mob. 2hrs @ \$75/hr
Calc's/drafting 3.5hrs @75/hr
Total = \$1100

Ponds were surveyed a couple of years ago and the time wasn't split by pond, but I estimate:
1 hour GPS/pond, 2 hours calc's/pond for volume calc's/etc.
Total = \$550

Grand Total = \$2,200.

Let me know if you need anything else,
Cody

----- Original Message -----

From: Gefferth, John
To: Cody Ware
Cc: Hardy, Russell
Sent: Monday, January 07, 2008 2:08 PM
Subject: RE: Sections 23 & 26 survey

Cody can you get me all the dates, time spent and cost to do the surveying for the refuse pile NOV I have been fighting with DOGM.....You did work for the pile, Pond 8 and Pond 5 and all associated culverts. I need it by morning if possible...I am requesting an extension from DOGM, and I need the data for backup....Call with questions.
You can estimate if you need to.

The NOV was written in June and I think you began work on it in Aug or September

From: Cody Ware [mailto:waresurveying@emerytelcom.net]
Sent: Monday, January 07, 2008 2:58 PM
To: Gefferth, John; Hardy, Russell; Behling, Peter
Subject: Sections 23 & 26 survey

Gentlemen,

I've attached a spreadsheet that has the Section corner coordinates for the monuments that Peter and I found, as well as the calculated positions for the property corners. Let me know if you need anything else.

Thanks,
Cody Ware, PLS
Ware Surveying, LLC
435-613-1266

Gefferth, John

From: Gefferth, John
Sent: Monday, August 27, 2007 10:03 PM
To: Daron Haddock (daronhaddock@utah.gov)
Subject: FW: Emery survey

Daron

FYI

-----Original Message-----

From: Cody Ware [mailto:waresurveying@emerytelcom.net]
Sent: Mon 8/27/2007 10:32 PM
To: Gefferth, John
Cc: Hardy, Russell
Subject: Emery survey

John,

Just got in from Crandall (hopefully the last trip), and got your message. Yes, I did make it to Emery on Friday but I haven't had a chance to put together a topo map yet. I'm going to try to stay in the office tomorrow, and it is on my to-do list.

Thanks,
Cody

**EarthFax Time and Charges
Related to DOGM Citation #10005**

Invoice Date	Invoiced Hours	Invoiced Amount (\$)
2 Oct 2007	108.5	8,330.41
5 Nov 2007	32.5	2,656.55
5 Dec 2007	56.0	4,916.41
7 Jan 2008	27.5	2,703.12
TOTAL TO DATE	224.5	18,606.49

Consolidation Coal Company

P.O. Box 566
Sesser, IL 62884
(618) 625-2041

September 7, 2008

Daron Haddock
Utah Division of Oil, Gas and Mining
Coal Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Re: Emery Deep Mine Permit C/015/015
Refuse area Citation #10005

Dear Mr. Haddock:

Per our phone conversation earlier today, please consider this a submittal of Consol's revised drainage control plan pertaining to the existing coal stockpile and temporary development waste storage site at out Emery Mine. This submittal contains detailed design data and maps for the drainage ditches that convey water from the disturbed area to Pond 8. As can be seen in the submittal, the HEC-HMS hydraulic model was used to show that the existing drainage structures will convey the appropriate storm volumes.

Attached please find an executed C1 and C2 forms. A pdf version of this submittal will be emailed to your office today and hard copies will follow. A hard copy will be forwarded to your Price field office.

I am sorry for the delay in preparing this package, as the engineering firm that did the field work was under contract and on 24 hour call to survey at the Crandell Canyon Mine drilling project

If you have any questions concerning this request, please call me at (618) 625-6850.

Sincerely,

John Gefferth
Environmental Engineer

CC: Karl Houskeeper – DOGM Price Field Office-with attachments
Attachments



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil Gas and Mining

JOHN R. BAZA
Division Director

October 31, 2007

Certified Return Receipt Requested
7004 2510 0004 1824 9528

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

Subject: Refuse Drainage to Pond 8 (Response to Notice of Violation #10005), Consol Coal Company, Emery Deep Mine, C/015/0015, Task #2852, Outgoing File

Dear Mr. Gefferth:

The above-referenced amendment has been reviewed in conjunction with satisfying the required abatement measures specified in Notice of Violation #10005. The submittal did not specify which abatement measure was selected to abate the Notice of Violation, but did provide drainage calculations where the pile is currently located. The abatement measures required by Notice of Violation #10005 required the selection of one of the following:

- (1) Place the refuse/waste disposal in the approved permanent disposal site, in accordance with the approved MRP and current regulations for refuse disposal and drainage. Update MRP as necessary to comply with regulations.
- (2) Design and receive approvals (Division/MSHA) for a new permanent refuse pile/waste disposal that meets current regulations for disposal and drainage. Place existing and future refuse/waste material in approved facility. Date due: August 13, 2007.

Note: The current location of the refuse material is not currently approved as a permanent storage location.

There are deficiencies in the information submitted for drainage control that must be adequately addressed if the current location of the refuse material is selected as a permanent location. A copy of our deficiencies is enclosed for your information. In order for us to continue to process this application and any required information required to abate Notice of Violation #10005, please respond within five (5) days of the receipt of this letter. The referenced five (5) days is the remaining time left to abate Notice of Violation #10005, before further enforcement action will be required.



Gefferth, John

From: Karl Houskeeper [karlhouskeeper@utah.gov]
Sent: Thursday, November 01, 2007 1:05 PM
To: Gefferth, John
Cc: Pam Grubaugh-Littig
Subject: Deficiency List

Attachments: Deficiencies List 2852.doc



Deficiencies List
2852.doc (21...

John,

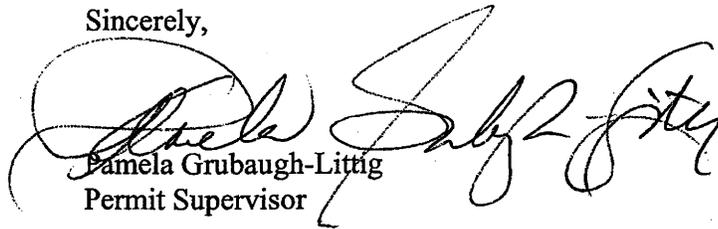
Here is the list we just discussed.

Thanks,
Karl

Page 2
John Gefferth
October 31, 2007

If you have any questions, please call me at (801) 538-5268 or Karl R. Houskeeper at (435) 613-3730.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

an
Enclosure
cc: Price Field Office
Daron Haddock
O:\015015.EMEFINAL\WG2852\DefLtr2852.doc

Deficiencies List
Task ID #2852

SC = Steve Christensen
WHW = Wayne Western

R645-301-746.212- R645-301-746.212 requires that uncontrolled surface drainage may not be diverted over the outslope of the refuse pile. The Permittee must either provide the plans and designs for controlling the storm runoff generated from the top of the refuse pile or provide the Division with a demonstration that such runoff controls are unnecessary given the relative size of the refuse pile. **SC**

R645-301-746.212- R645-301-746.212 also requires that runoff generated from areas above the refuse pile and runoff from the surface of the refuse pile will be diverted into stabilized diversion channels designed to meet the requirements of R645-301-742.300 to safely pass the runoff from a 100-year, 6-hour precipitation event. The figure submitted to the Division in response to the violation, *Pond No. 8 Plan View and Drainage Map*, depicts a proposed permanent development waste disposal site approximately 100 to 200 feet away. However, upon review of the approved MRP and additional submitted materials, hydrologic calculations for the permanent development waste site are not provided. The Permittee must provide the hydrologic calculations, designs and plans for the stabilized channels that will be utilized at the permanent waste disposal site. **SC**

R645-301-536, The Permittee will include in the MRP a detailed description of how coal mine waste and underground development waste will be handled in the operation phase of the mine. At a minimum the Permittee will state the maximum volume/weight of refuse material that will be stored in the temporary storage site and the maximum amount of time that the material can stay there until the Permittee places the material in a permanent disposal facility.

The Utah coal rules do not mention temporary refuse material storage facilities. The Division understands the need for small amount of refuse material to be temporarily stored. The Division usually allows small amount such as 10-15 cubic yards of material to be temporarily stored for up to six months. The amount is usually based on the capacity of a haul/dump truck and the time to minimize the small loads being shipped.
WHW

R645-301-536.110 The Permittee must show that the refuse pile slopes will have a minimum safety factor of 1.5. **WHW**

Gefferth, John

From: Steve Christensen [stevechristensen@utah.gov]
Sent: Friday, November 02, 2007 12:42 PM
To: Gefferth, John; Daron Haddock; Karl Houskeeper; Pam Grubaugh-Littig; Wayne Western
Subject: Emery Deep-Refuse Pile N.O.V.

John,

Per our phone conversation this morning, I've gone ahead and listed what will be submitted relative to the refuse pile NOV:

- 1) Plan, profile and cross-section maps of the refuse piles current configuration.
- 2) Plan, profile and cross-section maps for the final reclamation of the site.
- 3) Text edits that will clean up the most glaring and obvious discrepancies within the text of the MRP. The submittal must also include a written narrative that clearly outlines the proposed operational phase use of the site as well as the reclamation plans/timetable for the site. The Permittee must include discussion and/or reference to the final drainage design to be utilized upon reclamation of the site.
- 4) MSHA letter indicating that they are on board with the proposal to make the current refuse site the permanent disposal site.
- 5) A commitment date for providing the certified stability analysis on the refuse pile.
- 6) Update the surface facility map to clearly depict and define the areas that will be utilized for refuse disposal and high ash coal storage.
- 7) The submitted information must address the compaction issue raised at this mornings meeting. Either a demonstration must be made that the current compaction of the pile is adequate to prevent acid-toxic drainage from forming and migrating off the site (with supporting analytical data) or plans must be submitted that outline how the pile will be compacted to conform with the regulations.

In addition, the deficiencies identified by the Division's technical analysis will need to be addressed as well.

Let me know if you have any questions.

Thanks,
Steve

Steve Christensen
Environmental Scientist III
Utah Division of Oil, Gas and Mining
(801) 538-5350

Consolidation Coal Company
P.O. Box 566
Sesser, IL 62884
(618) 625-2041

November 09, 2007

Pamela Grubaugh-Littig
Utah Division of Oil, Gas and Mining
Coal Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Re: Emery Deep Mine Permit C/015/015
Refuse area Citation #10005
Additional information

Dear Mrs. Grubaugh-Littig:

Per the Divisions October 31, 2007 deficiency letter please consider this a submittal to address those deficiencies.

Consol requests that the existing Coal Mine Waste Pile remain in its current location as the active pile until mining ceases. When mining is complete and final reclamation begins, Consol intends to remove the Coal Mine Waste Pile and bury it in the previously approved (5/3/89) Permanent Development Waste Disposal Site (map ID 9, Plate II-1).

This submittal contains detailed design data and maps for the drainage ditches that convey water from the disturbed area (Coal Stockpile/existing Coal Mine Waste Pile) to Pond 8, as well as design data for a drainage ditch to convey drainage from the reclaimed permanent development waste disposal site. As can be seen in the submittal, the HEC-HMS hydraulic model was used to show that the existing drainage structures will convey the appropriate storm volumes. We have updated Plate II-1 (Structures & Facilities Main Portal Area). We have also included design detail on the existing Coal Mine Waste Pile.

Consol intends to initiate geotechnical analysis of the Coal Mine Waste Pile to document that the pile meets the requirements of R645-301-536-110 (slope stability). Consol will also analyze the pile for compaction. This field and lab work will be completed and submitted to the Division by December 31st, 2007.

Enclosed please find three (3) copies for your review and executed C1 and C2 forms. A hard copy will be forwarded to your Price field office.

If you have any questions concerning this request, please call me at (618) 625-6850.

Sincerely,

John Gefferth
Environmental Engineer

CC: Karl Houskeeper – DOGM-Price Field Office-with attachments
Attachments

Gefferth, John

From: Pachter, Jonathan
Sent: Friday, December 28, 2007 11:17 AM
To: Gefferth, John
Subject: RE: Emery NOV #10005

If you need to call me on my cell phone

From: Gefferth, John
Sent: Friday, December 28, 2007 12:10 PM
To: pamgrubaughlittig@utah.gov
Subject: FW: Emery NOV #10005

Pam

Is there any way we can get the NOV abated with conditions to resolve these and any further unidentified drainage issues? We have several critical permit actions within the company that are set to be issued in early January and I would prefer to not have a permit block hanging over my head. I believe that the original issue of the ditches being able to handle the design storm has been resolved....the subsequent drainage issues that arose out of the review are not directly related to the NOV. Also, there has been no need for field work regarding the NOV. To date all of the work required to abate the NOV has been administrative. I agree with Steve that the drainage design needs to be resolved. Both Consol and DOGM have been remiss in not catching these, both in the field and in the MRP. I think you would agree that Consol has, for the past few years committed to updating the MRP whenever requested by DOGM. With the previous revisions (maps, PHC, full extraction) we have been compiling a list of items that need to be revised in the MRP, as we encounter them. I would prefer to use the mid-term review or a separate revision to address them, not the NOV.

I am available on my cell today and back in the office on Wednesday if you would like to discuss further.

From: Steve Christensen [mailto:stevechristensen@utah.gov]
Sent: Fri 12/21/2007 12:06 PM
To: Gefferth, John; Pam Grubaugh-Littig
Subject: Emery NOV #10005

John,

Attached are the hydrology deficiencies for the refuse pile NOV. I wanted to give you a heads up on what I've identified as deficient so you can get someone started on it. There are discrepancies between watershed boundaries and the size of the permanent refuse site with the submitted information as well as in the MRP. In addition, Pond No. 5's plate needs to be updated to show the inlet that brings the runoff to it from the waste site. I know that you didn't want to delve into design details for the ponds and such, but I don't see how we can't. We have to in order for the MRP to be consistent throughout. We can't take it on faith as to how things are going to be constructed or whether culverts/ponds have the requisite capacity. We have to have it in the plan. At any rate, take a look at these and give me a call today if you can, as I'll be gone until January 2nd.

After you see the deficiencies you'll probably think I'm being sarcastic by saying this, but sincerely John, have a great Christmas! We'll get through this one way or another. We always do.

Til next time,
Steve

Gefferth, John

From: Steve Christensen [stevechristensen@utah.gov]
Sent: Wednesday, January 02, 2008 5:36 PM
To: Gefferth, John; Daron Haddock; Karl Houskeeper; Pam Grubaugh-Littig
Subject: Emery NOV #10005

John,

I've gone ahead and attempted to document what we spoke about earlier today to make sure we're on the same page. For convenience, I've cut and pasted the hydrology deficiencies I e-mailed to you on December 21st, 2007. Below each deficiency is what I understand to be our direction forward.

Deficiencies:

(#1)

R645-301-512.100, -742.324: Engineering Certification

- *The Permittee must demonstrate that the design of the diversion ditches, culverts and pond inlet have been certified by a qualified registered professional engineer as meeting the performance standards of the R645-State of Utah Coal Mining Rules. A stamp may be provided on the initial page of the hydrologic calculations in the submittal with a statement that specifies which pages/calculations the certification pertains to. In addition, all submitted maps and plates must be certified by a registered professional engineer.*

Proposed Solution: Per our phone conversation, you indicated that this deficiency will not be a problem. Simply have a certified engineer sign off on all the submitted plates AND calculations utilized in designing the drainage system for both the existing refuse site and the permanent refuse site.

(#2)

R645-301-746.200: Refuse Pile

- *The Permittee must provide further drainage information relative to Pond No. 8. Chapter VI, Appendix VI-6, Page 26 of 38 provides an overview figure of the HEC-HMS Hydrologic Model utilized in calculating peak storm volumes and discharges associated with the refuse pile and adjacent area. The modeling calculation stops at Culvert B. However, upon review of the submitted Pond No. 8 Plan View and Drainage Map figure in Appendix VI-7, it appears that the discharge from Culvert A and Culvert B ultimately reports to what's labeled as a "24" CMP" located approximately 400' to the east. The 24" CMP east of Culverts A and B is not labeled and does not appear to be included in the HEC-HMS modeling run. According to the aforementioned figure, Area E is 8.6 acres and reports to the 24" CMP along with Culverts A and B. In addition, no ditch alignment is depicted north of the mine-access road. Based on the submitted information, there is no demonstration as to what happens to the storm runoff after discharging from culverts A and B. Additional information/clarification is needed in order to assess whether the 24" CMP located approximately 400' east of Culverts A and B is adequately sized to handle the storm runoff from Areas A, B, C, D as well as Area E as depicted on Pond No. 8 Plan View and Drainage Map. It should be noted that the currently approved Pond No. 8 Plan View and Drainage Map depicts the 24" culvert as an 18" CMP. The revisions box on the recently submitted drawing outlines this in item No. 1. No discussion is provided to clarify whether it's an 18" CMP or a 24" CMP.*

Proposed Solution: Per our phone conversation, you indicated that someone at Consol had already begun working on this issue and was adding the additional 8.6 acres to the model.

(#3)

- *Chapter VI, Appendix VI-6 Page 26 of 38 states, "Pond No. 8 was sized using results from a HEC-1 computer model presented in Appendix IV-9 – Sediment Pond No. 8". Appendix IV-9 deals with the 4th East portal excavation blasting plan not sediment pond design. The Permittee should correct this typo so as to accurately cite the information for Sediment Pond No. 8.*

Proposed Solution: This deficiency is a typo and should be easily remedied.

(#4)

- *No design plans or drawings were submitted depicting the inlet to Pond 5. The Permittee must modify Plate VI-17, Pond No. 5 Plan View & Cross Section, to depict the inlet design that will be constructed to convey the runoff (generated from the permanent refuse pile) from the drainage ditch into Pond 5.*

Proposed Solution: Per our phone conversation, it's my understanding that both Figure 1 of Appendix VI-6 and Plate VI-17 will be modified.

Figure 1 of Appendix VI-6: Additional information will be added to the profile view of the ditch on Figure 1 of Appendix VI-6. It's my understanding that the maximum water elevation stage from the design storm event will be added to this figure. In addition, the rip rap detail/design of the permanent refuse site disposal ditch will be added.

Plate VI-17: It's my understanding that the drainage ditch conveying drainage from the permanent refuse site to Pond No. 5 will be depicted and labeled on Plate VI-17. In addition, a reference will be added that directs the reader to Figure 1 of Appendix VI-6 for the detail/design information.

(#5)

- *The Permittee must reconcile several discrepancies between the submitted information and the approved MRP. The newly submitted Appendix VI-6, Permanent Waste Disposal Site Ditch, Plan, Profile, Cross Section Reclamation Phase, Figure 1 (Figure 1) depicts an entirely different alignment/configuration for the proposed permanent development waste disposal site as what's depicted on the newly submitted Appendix VI-7, Pond No. 8 Plan View and Drainage Map (Pond No. 8 figure). The Pond No. 8 figure depicts a proposed permanent waste disposal site that is approximately twice as large as what's depicted in the Appendix VI-6, Figure 1 plate. Upon reviewing the two figures, it's not possible to ascertain what configuration is the correct one.*

Proposed Solution: Per our phone conversation, it's my understanding that the wedge/boomerang configuration depicted on Appendix VI-7's Pond No. 8 Plan View and Drainage Map will be modified and depict the same configuration as depicted on Figure 1 of Appendix VI-6.

(#6)

- *The Permittee must reconcile discrepancies between the submitted maps/plates with the approved MRP where the watershed boundaries for the proposed permanent waste disposal site are depicted.*

The watershed boundary depicted in the aforementioned Appendix VI-6, Figure 1 drawing does not match the boundary depicted in the Pond No. 8 drawing or Plate VI-10, Surface Drainage Control Map. The recently submitted Figure 1 drawing from Appendix VI-6 depicts a watershed boundary that encompasses the entire proposed permanent waste disposal site. The Pond No. 8 drawing depicts a watershed boundary that essentially bi-sects the proposed permanent refuse site. Plate VI-10 depicts a watershed boundary that tri-sects the proposed permanent waste disposal site. These discrepancies must be rectified and made clear to the reader as to what watershed boundary and what proposed alignment/layout of the permanent refuse site is correct. The submitted information and approved MRP are at odds with one another in terms of watershed boundaries for the permanent waste disposal site. It's not clear which watershed boundary is correct. All maps and plates that depict watershed boundaries in the area of the proposed permanent waste disposal site must be consistent with each other.

Proposed Solution: Per our phone conversation, the differing drainage boundaries will be depicted and clearly labeled on Figure 1 of Appendix VI-6. It should be clear on *all* the plates as well as in the text as to what watershed boundaries correspond with what condition (i.e. operational phase versus reclamation phase).

(#7)

- *The Permittee must provide a demonstration that Pond No. 5 has the capacity to accept the drainage from the proposed permanent waste disposal site. The demonstration should include a reference to the appropriate maps/plates depicting watershed boundaries as well as a reference to the calculations that take the permanent waste disposal site area into consideration. Upon reviewing Plate VI-10 of the approved MRP, it appears that Pond No. 5 currently accepts drainage from most of the proposed permanent waste disposal site. Once the aforementioned deficiencies regarding watershed boundaries are resolved, the Permittee should also provide a reference on Page 29 in Chapter VI of Appendix VI-7 to the figure that accurately depicts the watershed that reports to Pond No. 5 and was utilized in the design calculations.*

Proposed Solution: Per our phone conversation, Appendix VI-7 of Chapter VI of the approved MRP will be modified (beginning on page 29 of 52) to clearly demonstrate that Pond 5 has adequate capacity to receive the drainage from the permanent refuse disposal site. The calculations and text will be redone so that it's clear to the reader that Pond 5 has been designed adequately to accept the drainage from the permanent refuse site.

I think that does it. Please let me know if there's something I left out or if something I wrote runs cross-wise with your understanding.

As we discussed John, please have someone go through the refuse pile sections of the plan with a fine-toothed comb and make sure that the text, calculations, maps etc. are in concert with one another. When in doubt, write a quick sentence or two to clarify . It doesn't have to be a novel, but it should be clear to the reader as to your intentions with the 'existing' pile and the proposed 'permanent pile' and where each of their respective design considerations are.

We'll be in touch tomorrow morning and we can discuss this more.

Thanks John,
Steve

Geffarth, John

From: Steve Christensen [stevechristensen@utah.gov]
Sent: Thursday, January 03, 2008 2:06 PM
To: Geffarth, John; Karl Houskeeper; Pam Grubaugh-Littig; Priscilla Burton; Wayne Western
Subject: Re: Give me a call
Attachments: WHW_defic_2877.doc

John,

As we discussed on the phone, I've attached Wayne Western's deficiencies relative to engineering on the refuse sites.

Steve

Gefferth, John

From: Steve Christensen [stevechristensen@utah.gov]
Sent: Friday, January 04, 2008 4:11 PM
To: Gefferth, John; Karl Houskeeper; Pam Grubaugh-Littig; Priscilla Burton; Wayne Western
Subject: Emery Deep NOV #10005: Priscilla Burton's Deficiencies
Attachments: PWB_def_2877.doc

John,

Here are Priscilla's deficiencies. That should be it.

Steve

John -
FMI



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: **10005**

Permit Number: **C0150015**

Date Issued: **06/14/2007**

NOTICE OF VIOLATION CESSATION ORDER (CO) FAILURE TO ABATE CO

Permittee Name: Consolidation Coal Company	Inspector Number and ID: 49 KHOUSKEE
Mine Name: Emery Deep Mine	Date and Time of Inspection: 06/14/2007 7:30 am
Certified Return Receipt Number: Hand Delivered	Date and Time of Service: 06/14/2007 7:30 am

Nature of condition, practice, or violation:

Failure to follow the approved Mining and Reclamation Plan (MRP) and regulations for Refuse Piles/Waste Disposal.

Provisions of Act, regulations, or permit violated:

R645-746.110 R645-528.320
R645-746.120 R645-528.322
R645-746.210
R645-746.212

This order requires Cessation of ALL mining activities. (Check box if appropriate.)

<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.	<input type="checkbox"/> Permittee is/has been conducting mining activities without a Permit.
<input type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.	<input type="checkbox"/> Permittee has failed to abate Violation(s) included in <input type="checkbox"/> Notice of Violation or <input type="checkbox"/> Cessation Order within time for abatement originally fixed or subsequently extended.

This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: Yes No Abatement Times (if applicable).

Action(s) required: Yes No

Do one of the following:

- Place the refuse/waste disposal in the approved permanent disposal site, in accordance with the approved MRP and current regulations for refuse disposal and drainage. Update MRP as necessary to comply with regulations.
 - Design and receive approvals (Division/MSHA) for a new permanent refuse pile/waste disposal that meets current regulations for disposal and drainage. Place existing and future refuse/waste material in approved facility.
- By August 13, 2007.

JOHN A. GEFFERTH

KARL HOUSKEEPER

(Print) Permittee Representative

(Print) DOGM Representative

for J. Gefferth
[Signature] 6-14-07

[Signature] 6/14/07

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information