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CONSOL ENERGY

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

January 24, 2008

John Baza, Director
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Incoming
C/015/0015

Re: Emery Deep Mine Permit C/015/015
Refuse Area Citation #10005
Extension Request

RECEIVED
JAN 25 2008
DIV. OF OIL, GAS & MINING

Dear Mr. Baza:

Per Consol's extension request dated January 8, 2008, your response dated January 10, 2008, your staff's deficiencies dated January 14, 2008, the following is the status of Consol's effort to resolve the remaining issues related to Citation #10005.

Consol has been in daily contact with your staff concerning the recent deficiencies that Consol received on January 18, 2008. The deficiency list contained eighteen (18) items to address. We currently have approximately 80% of the deficiencies resolved.

The remaining items to address concern the permanent waste disposal site during final reclamation. This site had been previously approved to handle the accumulated waste with any excess to be disposed of underground after obtaining MSHA approval. In discussions with your staff, it became apparent that the Division would only allow this scenario to take place if Consol obtained MSHA approval prior to NOV abatement, and not during final reclamation, as approved in the MRP. With the current MSHA environment, Consol felt that this would not be an option prior to NOV abatement.

Our first attempt to address the final reclamation of the permanent waste disposal site was to update and upgrade the drainage design of the permanent waste disposal site to Pond 5 (submitted November 9, 2007). We showed that Pond 5 could handle the additional reclaimed waste site drainage, and still take any excess waste underground during final reclamation. During your staff's review of this deficiency response, and their decision to not allow the disposal of excess waste underground prior to MSHA approval, our options became limited. Thus, the basis for our extension request.

The deficiencies received on January 18, 2008 required Consol to verify that there was adequate volume in the permanent waste disposal site to handle the entire life of mine waste volume. The permanent waste disposal site is designed and approved to handle 21,800 cubic yards. We are currently doing engineering design to enlarge the site. This design requires new plan, profile and

cross-section maps, new post mine contour design, new drainage ditch design and new post mine drainage design to ensure that Pond 8 can handle the additional disturbed acres. Under this new scenario, the previous design that routed drainage to Pond 5 will be withdrawn. Additionally, the bond calculations will need to be revised once the design is complete. This additional work is underway and will be ready to submit by February 15th. The deficiency responses that are complete can either be submitted now or on February 15th.

I have enclosed a list of the Division's deficiencies with Consol's responses shown in italic.

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

Sincerely,

John Gefferth
Environmental Engineer

Attachments

CC: Mary Ann Wright – DOGM-SLC (with attachments)
Pam Grubaugh-Littig – DOGM- SLC (with attachments)

Deficiencies: (per 1/14/08 DOGM memo)

R645-301-121.200,

- Please show on Plate II-1 the lower coal stockpile south of Quitchupah Creek as described in Ch II, p. 9. **(PWB)**

> *Plate II-1 has been corrected. These items were inadvertently omitted from the Plate while revising it into electronic CAD format.*

- As drawn, the preparation plant facilities would be constructed on top of the 4th East portal road. Although this plate received a P.E. stamp, the Division cannot approve the facilities as drawn. **(PWB)**

> *Plate II-I has been revised. The proposed prep plant facility has been re-located south of the road.*

R645-301-536,

- Provide geotechnical information describing the existing waste stockpile. **(PWB)**

> *Refer to Coal Refuse Pile Slope Stability and Chemical Analysis report dated January 2008. Based on this report the existing coal mine waste disposal site conforms to the stability criteria mandated by R645-301-536.110. All slopes have a factor of safety of at least 1.5.*

- The summary of acid-forming material handling described in Chap III, p. 12a must be revised to state that all waste will be placed in the permanent waste rock site at final reclamation, rather than covered in place. **(PWB)**

> *Refer to CH III page 12a. The text has been revised/deleted to reflect this.*

- The application must state in Chap III.B.1 (p. 8) that <u>all</u> coal fines will be removed to the permanent waste disposal site, rather than allowing the in-place reclamation of accumulations of over four feet of coal fines. **(PWB)**

> *Refer to CH III B.1, page 8. The text has been revised/deleted to reflect this.*

- If the temporary waste pile is moved to the permanent location at final reclamation, the design information provided in Chap IV.C.1 and Plate IV-4 must be updated to provide enough storage capacity for the existing temporary waste stockpile volume and projected additional operational and reclamation disposal requirements. **(PWB)**

> *CURRENTLY BEING WORKED ON. Submit February 15,2008*

R645-301-731.311,

- The Permittee must commit to sample any waste placed on the pile at a rate of one sample/600 cubic yards. This information must be included with the annual reports and included in Chap IV.C.1. **(PWB)**

Refer to CH II, page 9 for this sample commitment.

- Since the waste was originally sampled in 1986 when the pile was only ¼ of its current size, the final reclamation plan for the coal mine waste pile must describe sampling of the final graded surface of the waste for acid toxic parameters as described in the Utah Guidelines for Topsoil and Overburden to define the characteristics of the waste. **(PWB)**

Final graded surface sampling is not required if four feet of cover will be placed on the waste material. Per Pam Grubaugh-Littig email dated 1/15/08. Refer to Coal Refuse Pile Slope Stability and Chemical Analysis report dated January 2008, for current acid/toxic data. Consol analyzed samples from the recent stability analysis of the pile.

R645-301-240 and R645-301-121.200,

- The three soil sample analyses are found in App VII.2. Based on SAR values, soils represented by sample 1 will be isolated and used as subsoil. Unfortunately, sample depths were not provided with the analysis, so that we have no information on how to segregate sample 1 soils from the rest. The plan must contain a commitment that upon construction of the permanent refuse site, the Permittee will resample the soils in the vicinity as follows: Samples will be taken on a 100 ft grid. Samples will be taken at one ft intervals for the first five feet and, thereafter, every two feet to the depth of the proposed excavation. **(PWB)**

Refer to CH VII, App VII-2, pg2 for a sample commitment. Consol will commit to sampling the area on one sample per acre grid. We will analyze on one foot intervals for the first five feet and 5 foot intervals for the remaining depth.

- Original design estimates for covering 21,800 cubic yards of waste must be modified to provide enough cover for 37,000+ cubic yards of waste currently stockpiled in the northwest coal stockpile area. **(PWB)**

CURRENTLY BEING WORKED ON Submit February 15, 2008

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, a registered professional engineer must certify all maps and plates submitted to the Division. **(SKC)**

All maps and plates have been stamped. The pertinent drainage design has been stamped.

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. **(SKC)**

  Please refer to the revised CH VI, App VI-6 for the corrected culvert design.

- 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. **(SKC)**

  This typo has been corrected to read VI-7

- 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. **(SKC)**

  During recent discussions with DOGM staff it was decided to re-design the final drainage on the Permanent Waste Disposal site. The final configuration will show all surface drainage reporting to Pond 8 instead of Pond 5, therefore please refer to CH VI, App XXX for all design detail. CURRENTLY BEING WORKED ON Submit February 15,2008

- 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. **(SKC)**

> *Please refer to CH VI, Plates VI-6, Figure 1, Appendix VI-7, Pond No. 8, and Plate VI-10C for corrected plan views*

- 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. **(SKC)**

> *Please refer to CH VI, Plates VI-6, Figure 1, Appendix VI-7, Pond No. 8, and Plate VI-10C for corrected plan views*

- 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. **(SKC)**

> *During recent discussions with DOGM staff it was decided to re-design the final drainage on the Permanent Waste Disposal site. The final configuration will show all surface drainage reporting to Pond 8 instead of Pond 5, therefore please refer to CH VI, App XXX for all design detail. CURRENTLY BEING WORKED ON Submit February 15,2008*

R645-301-526 and R645-301-830.140,

- The Permittee must give a narrative in the MRP that states the maximum amount of coal mine waste that will be stored in the temporary storage facility and when that material will be move to the permanent storage facility.**(WHW)**

Please refer to CH II, Page 9, and CH IV.C4, Figure 1 for a discussion of the volume, location and duration of the pile.

R645-301-121.200,

- The Permittee must clarify the following statements in the amendment. *Consol will need to add to the pile in the next 5 years.* The Permittee must clarify the statement by including specific dates when they plan on using the temporary storage facility and if there is a potential to use the facility for longer than 5 years. The Permittee must use the correct units when stating volumes, 600 cubic yards instead of 600 yards. See Chapter II page 9. **(WHW)**

Please refer to CH II, Page 9 for a discussion on the life of the pile, and corrected yardage reference.

R645-301-521.165,

- The Permittee must provide the Division with maps and cross sections that clearly show the temporary coal mine waste storage facility at full capacity. In addition, the Permittee must also have Plate Chapter IV.C4 Figure 1 certified by a registered professional engineer. **(WHW)**

Please refer to CH II, Page 9, and CH IV.C4, Figure 1 for a discussion of the volume, location and duration of the pile. This Figure will be certified

R645-301-830.130 and R645-301-830.140,

- The Permittee must provide updated information about the cost to permanently reclaim the temporary refuse storage site in accordance with the approved plan.

CURRENTLY BEING WORKED ON. Submit February 15,2008
Revise bond calc sheets