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CONSOL ENERGY™

Consolidation Coal Company

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

February 13, 2008

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
Second additional information

*Incoming
C/015/0015
#2929*

Dear Mrs. Grubaugh-Littig:

Per the Divisions 10/31/07 and 1/14/08 deficiency letters please consider this a submittal to address those deficiencies.

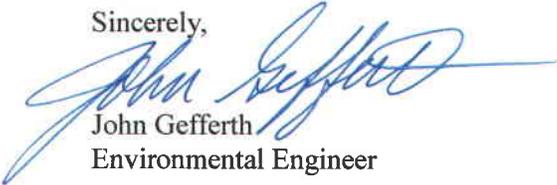
Consol requests that the existing coal mine waste pile remain in its current location as the active pile until mining ceases. When mining is complete and final reclamation begins, Consol intends to remove the coal mine waste pile and bury it in the previously approved (5/3/89) Permanent Development Waste 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 Disposal Site) to Pond 8, as well as reclamation phase design data for 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 and geotechnical analysis on the existing Coal Mine Waste Disposal Site. I have included a list of deficiencies with responses.

Enclosed please find two (2) copies for your review and executed C1 and C2 forms. A hard copy will be forwarded to your Price field office. A cd with the submittal in pfd format is enclosed.

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

Sincerely,


John Gefferth
Environmental Engineer

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

JAG/jag emrefuse.NOV10005.addinfo2.doc

File in:

C/015/0015, 2008, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date *02/13/08* For additional information

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FEB 15 2008

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Refuse N.O.V. #10005

Description, Include reason for application and timing required to implement:

second additional info, citation abatement submittal

1/08

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # 10005
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____
- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

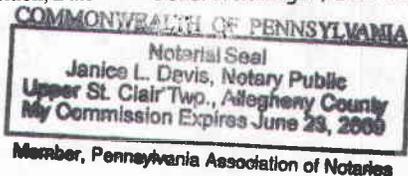
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Jonathan M. Pachter
Print Name

Jonathan M. Pachter 1/4/08
Sign Name, Position, Date General Manager, Environmental Services

Subscribed and sworn to before me this 4th day of January, 2008

Janice L. Davis
Notary Public
My commission Expires: June 23, 2009
Attest: State of Pennsylvania } ss:
County of Allegheny



For Office Use Only:	Assigned Tracking Number:	Received by Oil, Gas & Mining <div style="text-align: center; color: red; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="text-align: center; color: red; font-weight: bold; font-size: 1.2em;">FEB 15 2008</div> <div style="text-align: center; color: red; font-weight: bold; font-size: 0.8em;">DIV. OF OIL, GAS & MINING</div>
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APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Refuse citation #10005, abatement submittal second additional info

2/08

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

			DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter II, pgs 9, 10, 11 and 22
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter III, pgs 3, 4, 5, 8, 12a, and 13
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, index pages
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, pgs 19, 24,24a,
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, pgs 39a, 39b
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Section IV.C.4 Figure 1 (Existing Coal Mine Waste Pile Plan & Cross-Section)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Appendix IV.B, pages 12, 18kk, 18nn, 18na (bond calculations)
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chap IV, App IV.B (Existing Coal Mine Waste Disposal Site slope stab and chem analysis)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VII, Appendix VII-2, pg 1 and 2
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Appendix VI-6, Page 1 of 38
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input checked="" type="checkbox"/> Remove	Chapter VI, Appendix VI-6, Pages 23,24,25,25A,26,27,27A,27B,27C and 27D
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Appendix VI-6, Pages 23,24,25,26,26A,26B,26C,26D, and26E
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Appendix VI-6, Pages 26F, 26G, 26H, 26I, 26J, 26K, 26L, 26M, and 26N
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Appendix VI-6, Pages 27, 27A, 27B, and 27C
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Appendix VI-7, Pageg 52A.1 of 52
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Appendix VI-7, Page 52I, Pond 8 Plan View & Drainage Map Operations Phase
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Appendix VI-7, Pages 52K and 52L
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, App VI-7, Pg 52M, Pond 8 Plan View & Drainage Map Reclamation Phase
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter II, Plate II-1, Structures and facilities main portal area
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Plate IV-4, Permanent Underground Waste Disposal Site.
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VI, Plate VI-10, Surface Drainage Control Map
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	

Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

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DIV. OF OIL, GAS & MINING

R645-301-121.200,

- Please show on Plate II-1 the lower coal stockpile south of Quitcupah 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-1 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 CH IV. App IV-9 Existing Coal Mine Waste Disposal Site 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 all 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)**

Refer to CH IV, pages 24 and 24a for volume calculations and Plate IV-4 for plan, profile and cross sections of the permanent underground development waste site.

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, pgs 10 and 22 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 existing Coal Mine Waste Disposal Site Slope Stability and Chemical Analysis report dated January 2008, for current acid/toxic data and CH VII, App VII-2, pg 1. 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)

Refer to CH IV, pages 24 and 24a for volume calculations and Plate IV-4 for plan, profile and cross sections of the permanent underground development waste site.

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 VI-7 for all design detail

- 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)

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 the previously submitted Appendix VI-6, Figure 1 is not included in this submittal. Please refer to App VI-7, Pond No. 8, and Plate VI-10 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)

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 the previously submitted Appendix VI-6, Figure 1 is not included in this submittal. Please refer to Appendix VI-7, Pond No. 8, and Plate VI-10 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 VI-7 for all design detail.

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, Pgs 10,22, 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, Pgs 10 and 22 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, Pgs 10, 22, 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.

Refer to CH IV, APP IV.B page 12, 18kk, 18XX, and 18nn for revised bond calculations