

0019



CONSOL ENERGY™

Consolidation Coal Company

P.O. Box 566

Sesser, IL 62884

(618) 625-2041

*C/015/015 Incoming
cc: Jim
OK
#2954*

March 26, 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
MRP insignificant revision to update 4th East Portal dust sampling plan

Dear Mr. Haddock:

Please consider this a minor revision to the above mentioned permit. Per discussions with your staff, Consol has included the base line study initiated by your Price Field office, and a subsequent field survey. Enclosed please find 3 copies including an executed C1 form, C2 form, and revised pages . A copy has been forwarded to your price field office. A cd rom has been included with the submittal in pdf format.

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

JAG/jag em4ecoaldst.doc

RECEIVED

APR 08 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: 4th East coal dust baseline

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

4th East coal dust sample plan revision and update

3/08

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 # _____
- 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)

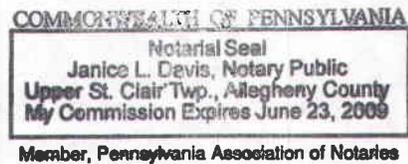
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Jonathan M. Pachter
Print Name

Jonathan M. Pachter 3/17/08
Sign Name, Position, Date General Manager, Environmental Services

Subscribed and sworn to before me this 18th day of March, 2008

Notary Public Janice L. Davis
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

RECEIVED

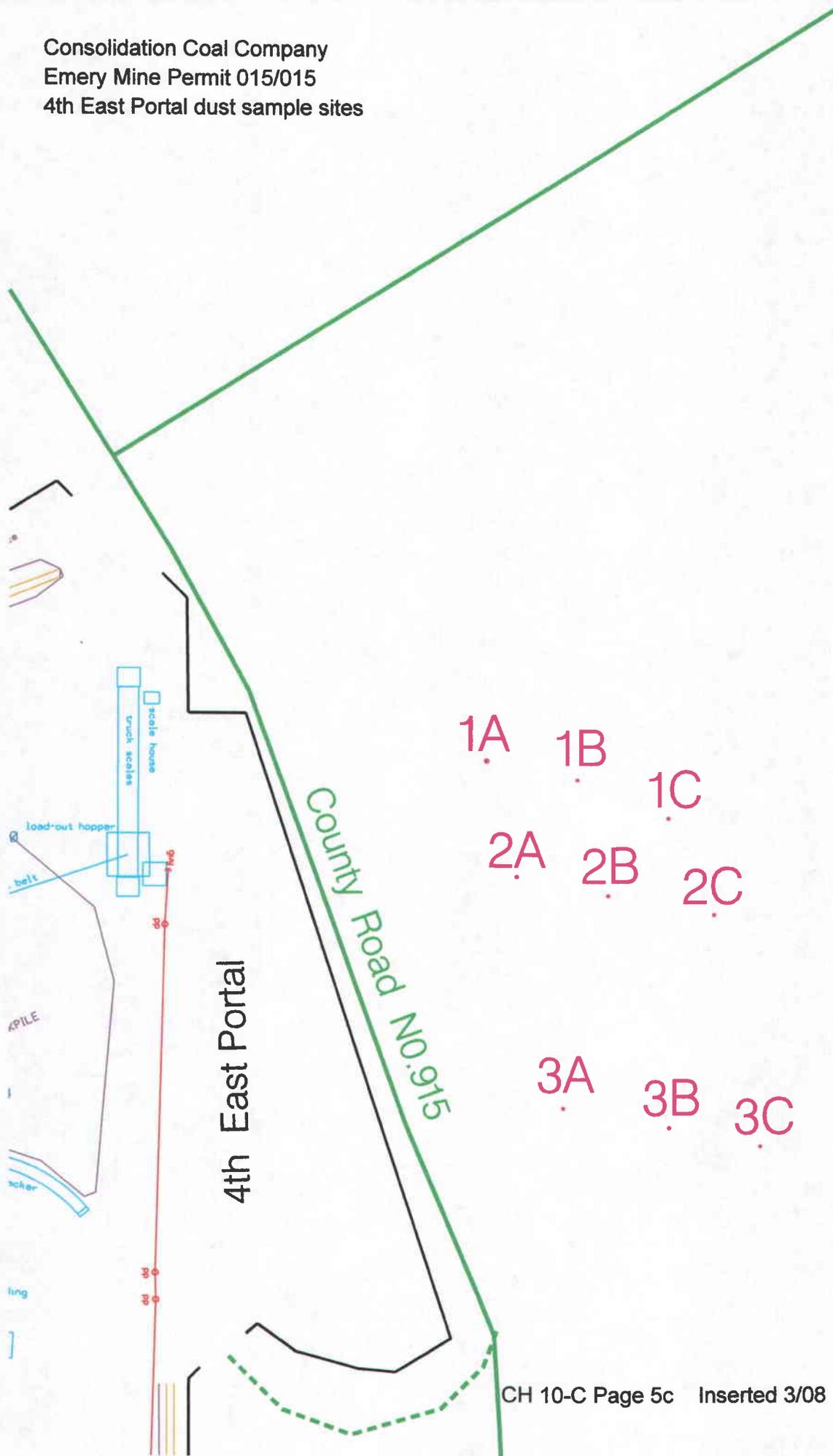
APR 08 2008

DIV. OF OIL, GAS & MINING

As a measure of success of the dust control plan and to establish a baseline, Consol has agreed to establish transects according NRCS guidelines. ~~Prior to production,~~ Consol ~~will has~~ contacted NRCS for assistance in establishing a baseline on the area East of the road on Consol property. ~~The~~is baseline ~~will~~ consists of three transects, each containing three sample sites. ~~Once The transects are in place, their location will be submitted to DOGM for inclusion in the MRP.~~ The sample points will be clearly marked for field identification. ~~Once production resumes and a stockpile is created~~ These nine sample sites will be monitored ~~annually~~monthly to calculate the % coal fines on the surface soil. ~~On 5/04/04 t~~The NRCS ~~has indicated that they would~~ instructed DOGM ~~and~~ mine personnel, and a representative from JBR consulting from the Field Book for Sampling Soils, on the method to determine % cover. Records of the initial baseline and ~~the monthly observations~~ a subsequent determination in 2008 follow. All future monitoring reports will be submitted in the annual report~~will be kept on site.~~

Inserted 01/2004
Inserted 02/2004
Revised 5/2004
Revised 3/08

Consolidation Coal Company
Emery Mine Permit 015/015
4th East Portal dust sample sites





State of Utah
Department of
Natural Resources

MICHAEL R. STYLER
Executive Director

Division of
Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Representatives Present During the Inspection:	
OGM	Steve Demczak Environmental Scientist III
OGM	Jerriann Ernsten Environmental Scientist II
OGM	Priscilla Burton Environmental Scientist III

Inspection Report

Permit Number:	C0150015
Inspection Type:	TECHNICAL
Inspection Date:	Tuesday, May 04, 2004
Start Date/Time:	5/4/2004 10:30:00 AM
End Date/Time:	5/4/2004 1:45:00 PM
Last Inspection:	Thursday, April 22, 2004

Inspector: Priscilla Burton, Environmental Scientist III

Weather: sun, 80's, light breeze from the south and east

Inspection ID Report Number: 258

Accepted by: dhaddock
 5/17/2004

Permittee: **CONSOLIDATION COAL CO**
 Operator: **CONSOLIDATION COAL CO SESSER OPERATIONS**
 Site: **EMERY DEEP MINE**
 Address: **PO BOX 566, SESSER IL 62864**
 County: **EMERY**
 Permit Type: **PERMANENT COAL PROGRAM**
 Permit Status: **ACTIVE**

Current Acreages		Mineral Ownership	Types of Operations
5,180.00	Total Permitted	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> Underground
247.00	Total Disturbed	<input type="checkbox"/> State	<input type="checkbox"/> Surface
	Phase I	<input type="checkbox"/> County	<input type="checkbox"/> Loadout
	Phase II	<input type="checkbox"/> Fee	<input type="checkbox"/> Processing
	Phase III	<input type="checkbox"/> Other	<input type="checkbox"/> Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

DOG M staff met with Leland Sasser, NRCS and Carla Knoop, JBR Environmental Consultants, Inc. at the Emery 4th East Portal to establish existing (baseline) conditions east of the county road. Three transects were laid out due east of the county road with survey points marked at 50 ft intervals along the transects. Each of the nine survey points was observed for % live cover, % coal surface cover, and depth of coal cover. The presence or absence of cryptogams was also noted. In the nine survey locations, coal covers between 60 - 90% of the surface to a depth of 0.25mm to 2.5cm.

Post-It* Fax Note	7671	Date	2-15-08	# of pages	4
To	John Gofferth	From	Priscilla Burton		
Co./Dept.	Consol	Co.	DOG M - Utah		
Phone #		Phone #	(435) 613-3733		
Fax #	(618) 625-6844	Fax #			

Inspector's Signature: _____

Date Thursday, May 06, 2004

Priscilla Burton, Environmental Scientist III
 Inspector ID Number: 37

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114-5801
 telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov

Permit Number: C0150015
 Inspection Type: TECHNICAL
 Inspection Date: Tuesday, May 04, 2004

Inspection Continuation Sheet

REVIEW OF PERMIT PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

1. *Substantiate the elements on this inspection by checking the appropriate performance standard.*
 - a. *For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.*
 - b. *For PARTIAL inspections check only the elements evaluated.*
2. *Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.*
3. *Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.*
4. *Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.*

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Permit Number: C0150015
Inspection Type: TECHNICAL
Inspection Date: Tuesday, May 04, 2004

Inspection Continuation Sheet*Page 3 of 4***9. Protection of Fish, Wildlife and Related Environmental Issues**

The mine has been idle and the coal stockpile has been absent from the site since the summer of 2003. The abatement plan to N03-39-1-1 (January 9, 2002) included establishing baseline conditions prior to the mine resuming operations at the 4th East portal (anticipated in the next month). In an effort to establish the baseline without bias, Mr. Leland Sasser of the Natural Resources Conservation Service (NRCS) provided his expert opinion on % coal surface cover. Also present during the technical visit was Ms. Carla Knoop of JBR Consultants, representing Consol Energy at the request of John Gefferth. The first transect was established opposite the 8th fence post from the corner. The transect runs due east for 150 feet with survey points located at 50', 100', and 150' from the road and labeled 1A, 1B, 1C, respectively. The second transect was located opposite the crusher and 50 feet from the first transect along the county road (opposite the 15th fence post from the corner). This second transect also runs due east with survey points also at 50 foot intervals, labeled 2A, 2B, 2C. The last transect was located 125 feet from the second transect, opposite the 30th fence post from the corner with three survey points at 50 foot intervals labeled 3A, 3B, 3C. The convention was established that the stakes denoting the survey points are placed in the southeast corner of the survey area. To outline the area of interest, a three by three foot square was placed on the spot with the stake snugly against the southeast corner of the square. Photographs were taken of all survey sites. The following information was gathered by the group.

SITE 1A: 85% coal surface cover, 1 - 3 mm thick ; 20% live cover mostly galleta grass and grease wood and annual weeds, 1 cryptogam 1/2 inch X 1/4 inch in size.

SITE 1B: 65% coal surface cover, 1/2 - 2mm in depth, 20% live cover mostly prickly pear, galleta, blue grama, 3 colonies of cryptogams 2 X 1/2 in, 2 X 1/2 in, 1/2 X 1/4 in;

SITE 1C: 60% coal surface cover between 0.25 and 2 mm thick, 25% live cover mostly low grey sage, galleta grass and 1 quarter size cryptogam, 40% cover by pebbles, lichen on 2 or 3 rocks; SITE 2A: 85-90% coal surface cover between 1 - 4 mm, 40% live cover mostly Wyoming big sage, Indian Rice grass, Galleta Grass, Greasewood branches extending into square, and annual weeds, no cryptogams.;

SITE 2B: 80% coal fines between 1/2 to 4 mm deep, 20% live cover of prickly pear, shadscale seedlings, ricegrass, and one 1 x 1 ft colony of cryptogams in the NE corner;

SITE 2C: 20% coal cover consisting of loose fines up to 2mm thick; 2% live cover of astragalus, galleta, and a little onion (related to death camas), 70% rock cover, no cryptogams;

SITE 3A: 85% surface cover coal fines from 1/2 mm up to 1 cm thick, 20% live cover of Indian ricegrass, Sand drop seed aka "tickle grass", big sage, shadscale and 2 quarter size cryptogams; Site 3B 75% coal cover between 1/4 and 4 mm thick, 10 - 15% live cover of galleta grass, shadscale seedlings, no cryptogams.;

SITE 3C 90% coal fines between 1/4 mm and 1.5 cm depth, 15-20 % live cover of WY big sage, Indian rice grass, low grey sage, galleta, shadscale seedling, phlox, and 1 X 1 ft cryptogam colony in the NW corner, 1 quarter size cryptogam in the SE corner, 1 Quarter size cryptogam in the middle of the east side.

Ms Knoop will meet with the DOGM inspector regularly to re-evaluate the established

Permit Number: C0150015
Inspection Type: TECHNICAL
Inspection Date: Tuesday, May 04, 2004

Inspection Continuation Sheet**Page 4 of 4**

survey points (once operations resume) as a means of monitoring off-site deposition of coal fines. Ms. Knoop will pinpoint the survey sites using a GPS unit during the next observation time.

The existing condition of the road culverts leading into the riparian area north of the 4th East portal site was noted and photographed to establish baseline conditions for the road drainage as well.

21. Bonding and Insurance

This form incorrectly lists the bonded and permit area and should be changed. The permit area is 5,060 acres. Permit Boundaries Map, Plate III-9 shows the entire permit boundary. In addition, Plate III-9 shows surface areas affected by date. Plate III-9 also shows the bonded area. The acreage of the bonded area equals 442.5 acres which includes the 66.7 acres of existing disturbance and the 375.8 acres of Potential Surface Operations Area (see Table III-1 of Chapter III for a breakdown of the acreages).

**Emery Mine 4th East Portal
Coal Dust Plots – February 26, 2008**

Site	Coal Surface Cover (%) and Thickness	Live Vegetative Cover (%)	Presence of Cryptogams	Notes
1A	85 (up to 3 mm thick)	15	Several, largest 1.5x1"	
1B	70 (2 mm avg)	20	At least 4 small colonies	
1C	50 (<1 mm thick)	15	4+, varying sizes	Lichen, rock & bedrock
2A	60 (up to 3 mm thick)	5	None observed	Stake uprooted
2B	85 (up to 4 mm thick)	25	4 colonies, 1.5"	
2C	20 (surface only)	15	None observed	Pebble cover
3A	60 (up to 6 mm thick)	20	None observed	
3B	70 (up to 4 mm thick)	10	7 or 8 up to 2"	
3C	85 (<1 mm thick)	15	1 appx 1.25"	

General Comments and Observations:

- 1) Stakes were in place at all sites, except for Site 2A. Attempts were made to orient the plot frame along the same general alignment as during the 2004 survey, but it is obvious by vegetation that some variation occurred.
- 2) Due to the season, vegetation was dormant and no annual forbs or grasses were present. While some species were identifiable and recorded in the field notes, they are not given here.
- 3) Based upon visual observation and recollection of 2004 conditions, coal has generally become more vertically mixed with native particles. This makes thickness of coal cover, in particular, difficult to assess.

Inserted 3/08