

0066

C/015/015 Incoming



CONSOL ENERGY™

Consolidation Coal Company

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

#3020

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Oct 30, 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
Coal Mine Waste Sale and Haul to Covol Engineered Fuels L.C. task id 3020, clean copies

Dear Mr. Haddock:

Per your approval dated August 11, 2008, please consider this a clean copy submittal.

Enclosed please find six (6) copies for your review and executed C1 and C2 forms. A cd with the clean copy submittal in pfd format is enclosed.

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

Sincerely,

John Gefferth
John Gefferth
Environmental Engineer

CC: Karl Houskeeper – DOGM-Price Field Office-cover
Attachments

JAG/jag emrefuse.covolhaul.tsk3020.doc

File in:
C/015/015 2008 Incoming
Refer to:
 Confidential
 Shelf *X Waste Folder*
 Expandable
Date *10/30/08* For additional information */LD*

RECEIVED

NOV 03 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 sale

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

Screen and haul refuse for sale as coal

clean copies

10/08

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 10/28/08
Sign Name, Position, Date **General Manager, Environmental Services**

Subscribed and sworn to before me this 28th day of October, 2008

Janice L. Davis
Notary Public

My commission Expires: June 23, 2009

Attest: State of Pennsylvania

County of Washington

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Janice L. Davis, Notary Public
Cecil Twp., Washington County
My Commission Expires June 23, 2009
Member, Pennsylvania Association of Notaries

For Office Use Only:

Assigned Tracking Number:

Received by Oil, Gas & Mining

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DIV. OF OIL, GAS & MINING

II.C PLACEMENT AND HANDLING OF MATERIALS

UMC 784.13(b)(7), UMC 817.89

Non-coal waste materials, which may be acid-forming, toxic-forming, or a fire hazard, are temporarily stored in a small area (approx. 800 ft²) dug into the side of the hill in the area south of Quitchupah Creek. This storage area is coded 34 on Plate II-2. The materials are then hauled to a private landfill which is not controlled by Consol.

This containment area is not within eight (8) ft. of a coal outcrop or coal storage area. Fires are prevented and would easily be detected and extinguished if they did occur. Fire hydrants and extinguishes are located at key positions around the surface facilities area. The area is within the approved surface drainage control system.

UMC 784.19, UMC 817.71-74

EXISTING COAL MINE WASTE DISPOSAL SITE

The existing Coal Mine Waste pile is located in the northern portion of area 31, Plate II-1. This pile will remain active for the life of mine. This pile has an active MSHA Coal Refuse ID No.1211-UT-09-00079-01. The MSHA permit granted an initial exemption from the 2 foot compaction requirement, and allows for only lateral extension of the pile in 2 foot compacted lifts in the future. The additional underground development waste that will be placed on the pile will come from future U/G overcast development. The volume will not exceed 600 cu.yds., and will be sampled for acid/toxic parameters and included in the annual report. This will bring the capacity of the Coal Mine Waste Pile to 37,600 cu.yds. The material will be placed in less than 2 foot lifts and compacted per 30 CFR Part 77.215. This material will be moved to the Proposed Permanent development waste disposal site within 12 months after cessation of mining. Consol has entered into an agreement with Covol Engineered Fuels LLC to haul the existing coal mine waste to their DOGM permit pending site in Wellington Utah for processing and sale. The Covol site is currently under SCMRA bond, and the permit is under review by DOGM. The operation will consist of a scalping screen to size the material on site and a front end loader to load onto over the road trucks. This operation will be completed within a two week period. The oversize material that remains on the Consol site will be re-compacted and tested for compaction per Consol's MSHA permit. No new disturbance is anticipated. We estimate that the piles volume will be reduced by as much as 80%.

PERMANENT DEVELOPMENT WASTE DISPOSAL SITE

A Permanent Development Waste Disposal Site for underground development waste will be constructed on the hilltop adjacent to the northwest coal stockpile. The area has been disturbed previously by removing a gravel subsoil layer for use as fill material outside the mine area and more recently for the base of the coal stockpile. This created borrow pits on both sides of the access road.

The 4.3 acre site will be developed in two stages, with the area south of the road used first. The existing pit will be enlarged by removing gravel down to the underlying blue gate shale, if necessary, to provide sufficient storage volume. The excavated material will be stockpiled on the north side of the road to be used as non-toxic cover material over the waste, Any excess excavated material will be placed in the bermed depression on the west side of the office-warehouse building.

Revised 2/08
Revised 7/08

A safety berm will be constructed on the south side of the access road as the pit advances toward the road. The road will be temporarily relocated to the north to allow for disposal underneath. It will be returned to its original location and grade after that part of the disposal site is filled. The north portion of the site will then be developed.

Initially, the site will be used to bury wastes presently stored on the northwest coal stockpile base. Wastes will be placed and compacted using tracked and rubber tired equipment. Reclamation will be conducted as described in Chapter III, Drainage for the site is controlled by existing sedimentation ponds, Refer to CH VI. Design details and site surveys are contained in Chapter IV