

0077

C/015/015 Incoming



CONSOL ENERGY.

Consolidation Coal Company

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

Q

December 18, 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 mid term review deficiency response task id #2975

Dear Mr. Haddock:

Please consider this a response to the Divisions memo and deficiency list dated 10/2/08. Enclosed please find 3 copies including an executed C1 form, C2 form, revised pages, executed Travelers surety rider, and executed Exhibit D (Stipulation to Revise Reclamation Agreement). A cd-rom has been included with the submittal in pdf format.

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
Attachments

JAG/jag emmidtrmrev08.d2975.doc

File in: *C/015/015 2008 Incoming*

Refer to:

- Confidential
- Shelf
- Expandable

Date *12/18/08* For additional information *0002*

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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: Mid Term review

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

Amendment to address mid term review deficiencies (bond increase, O & C update) Task id. #2975 12/08

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 12/15/08
Sign Name, Position, Date **General Manager, Environmental Services**

Subscribed and sworn to before me this 5th day of December, 2008

Notary Public

My commission Expires:

Attest: State of

County of

Janice L. Davis

June 23, 2009

Pennsylvania

Washington

} ss:

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:

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**Deficiency List
Task ID #2975
Emery Mid-Term Review**

The members of the review team include the following individuals:

Priscilla Burton (PB)
Steve Christensen (SC)
Wayne Western (WW)

R645-301-112:

The merger of IC Coal Inc. and Consolidation Coal Co. occurred on 08/30/2005 and is reflected in the organizational chart provided in the 2005 Annual Report. The 2007 Annual Report provides further changes to Officers and Directors and reflects 100% ownership of Consolidation Coal Co. by Consol Energy Inc. MRP Appendix 1-1 should be updated with the most current information. (PB)

*Refer to Chapter I, Appendix I-1 for updated officers, directors and incorporation.
Refer to Chapter I, Appendix I-3 for a current listing of permits and licenses.
Refer to Chapter I, Appendix I-4 for current violation history.*

R645-301-420:

The most recent DAQ Approval Order included in App. A.-C-2 is DAQE-AN0229002-02, dated August 5, 2002. The Division is aware that modifications to the AO have been made since that time. Please provide the current Air Quality Approval Order for inclusion in Appendix A-C-2. (PB)

R645-301-420 does require the DAQ approval order to be incorporated into the MPR.

R645-301-240 and R645-301-340 and R645-301-121.100:

A revised re-vegetation plan was to have been submitted with the 2007 Annual Report and has not yet been received. The Permittee should revise the MRP Chap. III, page 4a to provide documentation of progress made towards achieving the commitments described on Chapter III, page 4a of the MRP and to describe the ensuing, revised reclamation plan. (PB)

The Reclamation Monitoring Study for the Emery Mine – Vegetation and Soils has been provided at Ch III, Appendix III-1. After consultation with DOGM a revised reclamation plan will be developed and submitted 12 months prior to initiating final reclamation.

R645-301-751:

The Permittee must provide a copy of the current UPDES permit for insertion into the MRP. (SC)

R645-3031-751 does not require the UPDES permit to be incorporated into the UPDES permit.

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R645-301-830.200:

The Permittee must post bond of no less than \$3,510,000. The current bond amount is \$2,648,000. Therefore, the Permittee must an additional \$862,000. In addition, the Permittee must also update the reclamation cost estimates in the MRP. The Division will provide the Permittee with copies of the reclamation cost estimate in either paper or electronic format upon request. (WWW)

Refer to Chapter IV for revised bond calculation sheets

New bond calculation sheets reflecting the increased bond amount due to the increased escalation factor are provided.

The Surety Rider (Bond No. 188617) and executed Exhibit D (Stipulation to Revise Reclamation Agreement) are enclosed.

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