

0018

*Internal of  
C/015/0015*

**From:** Steve Christensen  
**To:** OGMCOAL  
**Date:** 3/14/2008 9:26 AM  
**Subject:** Emery (C/015/0015) Internal file  
**Place:** OGMCOAL  
**Attachments:** 0012.doc

>>> Karl Houskeeper 3/13/2008 8:12 AM >>>

As you may recall in our staff meeting I identified that Emery had the desire to now market their refuse pile to Covol. During my inspection at Emery Russell Hardy and I discussed this topic. I informed Russell that the Covol facility is currently not permitted that they are under a permit review and that both the Emery MRP and the Covol MRP would have to under go a permit amendment to assure that this was a permitted event APPROVED by the Division. This is the process that we have required Skyline and Dugout to under go to send refuse to the newly remodeled prep plant at Savage.. I know that in the past we have allowed test burns on a limited basis for Emery , but that activity has ceased and the market information should have been obtained. I fear now that the conditional approval letter for the Citation on the refuse pile has went out that this is another ploy by Emery not to comply. The letter required an additional \$440,000 of bond from Emery. If we allow this request to go through with out following the proper process of Covol getting their permit approved and supplemental permit amendments by Covol and Emery, even though a bond may be in place for Covol, would allow Emery once again to circumvent the system and muddy the water so that there is no clear resolution or compliance to abate the Citation. If need be I can further discuss my concerns with you. It appears that John is continually trying to "put the cart before the horse". The question needs to be asked where the waste stream from Covol processing this material is going to go. A copy of the conditional approval letter to Emery is attached for your convenience.

>>> Daron Haddock 3/12/2008 8:27 AM >>>

This morning I spoke with John Gefferth about an arrangement that Emery Deep has recently made with COVOL. The plan is for Covol to take all of the refuse pile that has been the subject of NOV #10005 and process it through their facility. This would essentially eliminate the refuse problem at Emery Deep even though they have fixed the problem already through the permitting process. John is of the understanding that even though COVOL has not been permitted yet, they would be allowed to receive the material and operate because they have posted the required bond. From the notes in the file, this appears to be the case. John wants to verify that this is the case and that there would be no special permitting required of Emery to ship their refuse material as product.

Could you please provide me, feedback regarding the agreements made with COVOL and allowing them to operate in the interim even though they have not completed the permitting process?

Mary Ann, perhaps we can have a discussion about this when you get back in the office next week? Thanks.



JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

MICHAEL R. STYLER  
*Executive Director*

JOHN R. BAZA  
*Division Director*

March 4, 2008

John A. Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: Conditional Approval for Abatement of Notice of Violation #10005 (Refuse Drainage to Pond 8), Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #2929, Outgoing File

Dear Mr. Gefferth:

The Division of Oil, Gas and Mining (the Division) has found that Consolidation Coal Company (the Permittee) has adequately addressed the deficiencies relative to Notice of Violation #10005 (NOV #10005).

Division staff have completed their technical review of the materials submitted by the Permittee in response to NOV #10005. Upon the submittal of four clean copies and one disc to the Division, NOV #10005 will be abated contingent upon the following conditions:

1. Part of the update to the MRP involved modification of the reclamation cost estimate. The Division determined that the bond amount is inadequate to ensure that the Division could adequately reclaim the site in the event of bond forfeiture. The Permittee must increase the bond by \$440,000. If the Permittee fails to post the additional bond amount the Division will take additional enforcement action.
2. The Permittee must demonstrate that a qualified registered professional engineer has certified all of the submitted cross-sections, plates and hydrologic designs relative to NOV #10005. A stamp may be provided on the initial page of the hydrologic calculations with a statement that specifies which pages/calculations the certification pertains to.
3. In addition, the Permittee will commit (in accordance with R645-301-731.311) to sampling the existing waste pile at least one year prior to final reclamation. The core sampling will be conducted on a grid over the surface of the pile with a minimum of 5 cores. A sample from each core will be taken at 5 ft intervals.



**State of Utah**  
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JON M. HUNT, Governor  
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*Executive Director*      *Division Director*

Each 5 ft. interval will be analyzed for pH, EC, SAR, Acid Base Accounting, Se, B, and texture. The results of the analysis will be reported to the Division promptly and will be included in the annual report. The final reclamation handling plan may change, based upon these analyses."

Once the Division receives four clean copies and a disc, Division staff will verify the aforementioned conditions have been met and NOV #10005 will be officially abated. Please submit these copies and increased bond by May 2, 2008. A stamped incorporated copy of the approved plans will be returned for insertion into your copy of the Mining and Reclamation Plan.

If you have any questions, please call me at (801) 538-5325 or Steve Christensen at (801) 538-5350.

Sincerely,

Daron R. Haddock  
Permit Supervisor

skc  
cc: Price Field Office  
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