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*Outgoing
1/10/08*

From: John Baza
To: Pachter, Jonathan
Date: 1/10/2008 4:02 PM
Subject: RE: Emery Request for More Time to Resolve the NOV
Attachments: Attachment 1 EmeryNOV10005Timeline_1.doc; Attachment 2 Emery NOV 10005 Docu
mentation_1.pdf

CC: Grubaugh-Littig, Pam; Wright, Mary Ann
Mr. Pachter,

It has come to my attention that I misstated a date in my earlier e-mail to you. To provide adequate time for you to respond, I ask that your written work plan for addressing the NOV be submitted to OGM by close of business on **Friday, January 25, 2008**. I apologize for any confusion this has caused.

John Baza

Mr. Pachter,

I have received the following e-mail and associated attachments from you, and I appreciate you addressing this matter so quickly.

I have discussed the matter internally with Mary Ann Wright here in OGM, and I am generally in favor of giving your company adequate additional time to address resolution of the NOV. However, I believe that too many things have been misconstrued or assumed in communications between OGM and your company, and this has led to time frames being pressed in order to appropriately resolve the NOV. I am not willing to extend the NOV for the specific time frame as requested in your e-mail, but I am willing to forestall the issuance of an additional cessation order if we can receive adequate assurance that your company will make reasonable and planned effort to deal with the matter.

I am requesting that in the next few days, you prepare a specific written plan of resolution for the NOV that describes work to be accomplished and dated milestones that can be confirmed by inspection by OGM. You should obviously work with OGM staff to identify agreed upon steps that will resolve the NOV. I assume that since you've asked for an NOV extension of 90 days, your work plan would be substantially accomplished within the next 90 days. If such is not the case, then you should collaborate with OGM staff for reasonable time frames of resolution and include those in your work plan. I would like that written work plan submitted to OGM by close of business on Friday, January 28th, and based on that work plan submittal, then I will provide a decision on the length of time extension for the NOV.

Your primary OGM contacts in this matter are either Mary Ann Wright or Pam Grubaugh-Littig, and I encourage you to work closely with them to achieve satisfactory resolution of the NOV.

Sincerely,
John R. Baza

John R. Baza, P.E.
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>>> "Pachter, Jonathan" <JonathanPachter@consolenergy.com> 1/8/2008 1:55 PM >>>
Mr. John Baza, Director

Department of Natural Resources
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
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Salt Lake City, Utah 84114-5801

RE: Consolidation Coal Company

Emery Mine - Permit No. C/015/015

NOV # 10005

Dear Mr. Baza:

As you know, Consolidation Coal Company (Consol), as subsidiary of CONSOL Energy Inc., has been working with the Coal Regulatory Program of the Utah Division of Oil, Gas and Mining (DOGM) to resolve the above-referenced Notice of Violation (NOV). We feel we have been doing everything necessary to address DOGM's requests to satisfy this deficiency, which by the way, is purely an administrative issue. To date, no physical work has been either required or been requested to satisfy the NOV, indicating to us that there is no pending environmental harm. The NOV was issued by Karl Houskeeper on June 14, 2007. As you can imagine, this summer we had a very difficult time finding engineering firms to work on the amendment application because all mining-knowledgeable engineering firms in the UT coal regions were working at Crandall Canyon.

John Gefferth and I feel that Consol has been in regular communication with several members of DOGM's coal staff about the NOV, our amendment application to address the NOV, and the deficiencies that we have received from DOGM. Please note that we received more deficiencies on Friday, January 4, 2008 and a set of deficiencies just yesterday morning. It is also important to note that it has been our ongoing assumption that all of the responses that we prepared and submitted to DOGM were sufficient to address the NOV and any deficiencies. Yet, each time we submitted information we would soon thereafter receive new deficiencies separate and different from preceding ones.

In addition, John was advised by Pam Grubaugh-Littig after submitting our last set of responses to DOGM deficiencies in early November that our responses would be placed into their normal queue and would not be up for DOGM review until early January 2008. After submitting these last set of responses, John committed to Pam to provide a report documenting geotechnical conditions as requested by her staff. That report was supposed to be submitted to DOGM by December 15, 2007, but our engineering consultant still has not yet completed that task. John Gefferth has informed DOGM of this situation. We will submit that report to Ms. Grubaugh-Littig immediately after we receive it.

Also important to note is that John Gefferth has previously requested extensions to this NOV as well as requested abatement of the NOV with conditions. But John was told no by Pam Grubaugh-Littig, advising him that all issues could be resolved before the NOV compliance deadline. John's most recent request was in late December 2007. John's earlier requests were verbal; the most recent one was sent via e-mail on December 28, 2007.

Attachment 1, attached as a Microsoft Word document, provides a timeline