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

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January 28, 2008

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

Subject: 4th East Facilities- Storage Area and Fence (Deficiencies/Denial), Task ID #2894,
Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division has determined that there are deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met. The Division is returning your submittals (except the copy for the incoming file and the copy for the Price Field Office.) Please resubmit the entire package with all of the deficiencies addressed.

Each deficiency identifies its author by that author's initials in parentheses, such that your staff can directly communicate with that individual should any questions arise relative to the preparation of Consolidation Coal Company's response to that particular deficiency.

If you have any questions, please call me at (801) 538-5268 or Steve Christensen at (801) 538-5350.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

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Attachment
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Deficiency List
#2894
4th East Facilities- Storage Area and Fence

The members of the review team with deficiencies include the following individuals:

Steve Christensen (SC)
Wayne Western (WW)

R645-301-526, The Permittee must include a narrative in the application that explains that Plate II-3 was updated to show the on the ground conditions. The Permittee must also update any additional maps of the 4th East Portal area to show the as-built conditions. In addition, the Permittee must also remove the word *proposed* from the phase *proposed fence* since the Permittee will construct the fence. (WW)

R645-301-830.140, The Permittee must include information about the reclamation cost estimate for the changes to the mine plan such as the addition of the sheds and fence. If the as-built survey shows that additional structures have been constructed then the Permittee must also include information about those costs. (WW)

R645-301-512, -521: The Permittee must reconcile the approved Plate II-3 with the recently submitted Plate II-3. Upon review of the recently submitted Plate II-3, *4 East Portal Surface Facilities*, there are discrepancies with Plate II-3 within the approved MRP. For example, a “proposed berm” is depicted on the approved Plate II-3 approximately 15-18’ west of Cowboy Mine Road No. 915. The newly submitted Plate II-3 depicts the berm approximately 25-30’ west of Cowboy Mine Road No. 915. In addition, the cattle guards depicted at the northeast entrance to the facility on the approved Plate II-3 and the cattle guards depicted on the recently submitted Plate II-3 are different. (SC)

R645-301-742.231: The Permittee must provide the Division with the design information (calculations and cross-section) for the berm depicted on the east side of the supply yard (#27 on Plate II-3). Per R645-301-742.231, the berm must be designed to contain the 10-year, 24-hour precipitation event. (SC)