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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

July 25, 2008

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

Subject: 2000 ton Test Burn, Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division received a request from Headwaters, Inc. to remove 2000-tons of material from your large refuse pile for an additional test burn. They state this additional test is needed because it is from a different pile than previously tested, and will be a more representative sample. They wish to begin removing coal from the mine site on July 28.

We also received a permit amendment from you, explaining the removal of the material and describing its destination. You may go ahead with the removal of the 2000 tons for the test burn, but because the Emery Deep Mine is a permitted facility, you must dispose of any refuse material in an approved manner under the Utah Coal Rules. As a result, the Division may require COVOL to be fully permitted, and/or you may need to provide the Division with additional information before you can ship more than the 2000 tons.

If you have any questions, please call me at (801) 538-5320.

Sincerely,


Dana Dean, P.E.

Associate Director - Mining

cc: Gina Rau, Headwaters, Inc.
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