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State of Utah
DEPARTMENT OF NATURAL RESOURCES

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OK

August 20, 2008

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

Subject: Full Extraction Pillar Splitting- Life of Mine, Task ID #2990, Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division has reviewed your application for full extraction mining of the remaining coal reserves at the Emery Mine.

The Division has determined that there are some deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met, and an approval can be granted. Those deficiencies are listed as an attachment to this letter.

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 Canyon Fuel Company's response to that particular deficiency.

The plans as submitted are denied. We are returning the copies of the amendment application with this letter. Please resubmit the entire application.

Sincerely,

James D. Smith
Permit Supervisor

an
Attachment
cc: Price Field Office
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Deficiency List
Task ID #2990
Full Extraction Pillar Splitting-Life of Mine

The members of the review team include the following individuals:

Priscilla Burton (PB)
Steve Christensen (SC)
Joe Helfrich (JH)
Wayne Western (WW)

R645-301-332 and R645-301-121.200: The Pre-Subsidence survey Appendix V-7 suggests that the previous 1980 pre-subsidence survey was in error, because conditions have not remained the same on the land surface. i.e. It is entirely possible that in 1980 irrigated farmlands created a stream of return flow in the vicinity of Feature 87, which is now dry. In the interim, Consol purchased the surrounding farm lands and kept them out of production. Naturally, the stream channel would dry up. This does not imply that the 1980 survey was in error. It does provide a statement on the source of the flow. Statements casting doubt on the veracity of the previous survey are not appropriate, and should be removed from Appendix V-7. • Reference number 93 states that 48 acres above Panels L-2, 3, 4 are irrigated, but does not describe the design of the ditches or state which ditches shown on Figure 1 are functional. [On Figure 1, App. V-7 Irrigation ditches are shown in pink for the 1980 survey and in green for the 2008 survey.] The survey narrative should clearly indicate which ditches are presently functional and provide reference numbers and design information on those existing, functional irrigation ditches. Similar information is requested for Features 109 and 110. • Farmland acreage in Features 109 and 122 should be disclosed. • Feature 110 could not be located on Figure 1 of App. V-7. • Acreage irrigated by Features 72 and 74 should be disclosed. (PB)

R645-301-623: Since the MRP has limited roof and floor analysis and is missing several parameters from those samples that were taken from the Zero North location, the plan should include a commitment for further geologic testing as discussed with John Gefferth on 3/31/2008. (PB)

R645-301-300 and R645-301-400: the application needs to include information that addresses the Biology, R645-301-300 and Land-use, R645-301-400 sections of the regulations. (JH)

R645-301-411: The application needs to include a narrative on how the eligible site, 42Em3837, will be avoided or a data recovery plan if the site cannot be avoided. (JH)

R645-301-320: The Permittee should discuss whether the proposed full extraction mining to be implemented at the site (See Plate V-5) could potentially impact the alluvial valley floors (AVF's) depicted on Plate XI-1. (JH)

R645-301-525.460 and R645-301-525.490, The Permittee must provide the Division with a map that shows the anticipated subsidence isopachs according to the approved mining and reclamation plan. The Division needs this information in order to evaluate the subsidence prediction models. In addition, the Permittee must also modify the MRP so that the Permittee will include in the annual report a map subsidence map that shows the subsidence isopachs. The Division needs that information to evaluate subsidence. (WW)

R645-525.410, The Permittee must update the statement in Chapter V page 26 that mentions that the Permittee proposes "full extraction mining" to instead indicate that full extraction mining *will occur*. (WW)