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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

October 2, 2008

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

Subject: Midterm Review, Task ID #2975, Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Gefferth:

The Division has completed the Midterm Review of the Emery Deep Mine in accordance with R645-303-211. The items reviewed were identified in our May 20, 2008 letter to Consolidation Coal Company (the Permittee).

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 the mid-term review concluded. The 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 during the preparation of Consolidation Coal Company's response.

If you have any questions regarding the deficiencies, contact either Steve Christensen at (801) 538-5350 or myself at (801) 538-5262.

Sincerely,

James D. Smith  
Permit Supervisor

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**Deficiency List**  
**Task No. #2975**  
**Emery Mid-Term Review**

The members of the review team include the following individuals:

Priscilla Burton: (PB)  
Steve Christensen: (SC)  
Wayne Western: (WW)

**R645-301-112**, The merger of IC Coal Inc. and Consolidation Coal Co. occurred on 8/30/2005 and is reflected in the organizational chart provided in the 2005 Annual Report. The 2007 Annual Report provides further changes to Officers and Directors and reflects 100% ownership of Consolidation Coal Co. by Consol Energy Inc. MRP Appendix 1-1 should be updated with the most current information. (PB)

**R645-301-420**, The most recent DAQ Approval Order included in App. A.-C-2 is DAQE-AN0229002-02, dated August 5, 2002 . The Division is aware that modifications to the AO have been made since that time. Please provide the current Air Quality Approval Order for inclusion in Appendix A-C-2. (PB)

**R645-301-240 and R645-301-340 and R645-301-121.100**, A revised re-vegetation plan was to have been submitted with the 2007 Annual Report and has not yet been received. The Permittee should revise the MRP Chap. III, page 4a to provide documentation of progress made towards achieving the commitments described on Chapter III, page 4a of the MRP and to describe the ensuing, revised reclamation plan. (PB)

**R645-301-751**, The Permittee must provide a copy of the current UPDES permit for insertion into the MRP. (SC)

**R645-301-830.200**, The Permittee must post a bond of no less than \$3,510,000. The current bond amount is \$2,648,000. Therefore, the Permittee must an additional \$862,000. In addition, the Permittee must also update the reclamation cost estimates in the MRP. The Division will provide the Permittee with copies of the reclamation cost estimate in either paper or electronic format upon request. (WW)