

0017

C/015/015 Incoming



CONSOL ENERGY™

Consolidation Coal Company

P.O. Box 566
Sesser, IL 62884
(618) 625-2041

Q

February 19, 2009

Daron Haddock
Utah Division of Oil, Gas and Mining
Coal Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

Re: Emery Deep Mine Permit C/015/015
MRP mid term review deficiency response (task id #2975) Clean Copies task id #3103

Dear Mr. Haddock:

Please consider this a response to the Divisions memo and deficiency list dated 10/2/08, and subsequent discussions with your staff. Enclosed please find 6 copies including an executed C1 form, C2 form, revised pages, copies of the executed Travelers surety rider, and copies of the executed Exhibit D (Stipulation to Revise Reclamation Agreement). The original bond material was submitted with the initial deficiency response. Additional bond calculations for the 4th East substation and compressor shed (DOGM task id # 3098) are included in this submittal.

A cd-rom has been included with the submittal in pdf format.

If you have any questions concerning this request, please contact me at (618) 625-6850.

Sincerely,

John Gefferth
John Gefferth
Environmental Engineer

CC: Karl Houskeeper – DOGM-Price Field Office
Attachments

JAG/jag emmidtrmrev08.cln3103.doc

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DIV. OF OIL, GAS & MINING

File in:
C/015/0015, 2009 Incoming
Refer to:
 Confidential
 Shelf
 Expandable
Date *2/19/09* for additional information

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Mid Term review

Description, Include reason for application and timing required to implement:

Amendment, mid term review deficiencies (bond increase, O & C update) Task id. #2975 Clean copy 2/09

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- | | |
|---|---|
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ <input type="checkbox"/> increase <input type="checkbox"/> decrease. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Is the application submitted as a result of a Division Order? DO# _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6. Does the application require or include public notice publication? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 7. Does the application require or include ownership, control, right-of-entry, or compliance information? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies? |
- Explain:* _____
- | | |
|---|--|
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 11. Does the application affect the surface landowner or change the post mining land use? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2) |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 18. Does the application require or include water monitoring, sediment or drainage control measures? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 21. Have reclamation costs for bonding been provided? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 23. Does the application affect permits issued by other agencies or permits issued to other entities? |

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations herein

Jonathan M. Pachter

Print Name

Jonathan M. Pachter 2/19/09
 Sign Name, Position, Date General Manager, Environmental Services

Subscribed and sworn to before me this 19th day of February, 2009

Notary Public

My commission Expires:

Attest: State of Pennsylvania) ss:

County of Washington

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Janice L. Davis, Notary Public

Cecil Twp., Washington County

My Commission Expires June 23, 2009

Member, Pennsylvania Association of Notaries

For Office Use Only:

Assigned Tracking
Number:

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APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: Consolidation Coal Company
Mine: Emery Mine **Permit Number:** 015/015
Title: Mid Term review deficiency response **Task id** 2975/3103 Clean Copy **2/09**

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter I, App I-1 (updated officers, directors and incorporation)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter I, App I-3 (updated listing of permits and licenses)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter I, App I-4 (updated violation history)
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter III, index page
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter III, Page 4a
<input checked="" type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter III Appendix III-1 (Reclamation Monitoring Study for the Emery Mine Vegetation and soils- Mt. Nebo Scientific Dec. 2003)
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Pages 12 (bond summary sheet)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Part IV.B, Page 13
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Part IV.B Demo bond calc sheets (Pages 1 through 48)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Part IV.B Earthwork bond calc sheets (Pages 1 through 18)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Part IV.B Reveg bond calc sheets (Pages 1 through 3)
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter X, part C, index page
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input checked="" type="checkbox"/> Remove	Chapter X, part C, APP X.C-2 (old Division of Air Quality Approval order)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter X, part C, App X.C-2 (DAQ cover letter and Approval order cover page)
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Travelers Surety Bond Rider No. 188617 (\$3,510,000)
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Exhibit D (Stipulation to Revise Reclamation Agreement)
<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	
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Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

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Deficiency List
Task ID #2975, 3103
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 08/30/2005 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)

*Refer to Chapter I, Appendix I-1 for updated officers, directors and incorporation.
Refer to Chapter I, Appendix I-3 for a current listing of permits and licenses.
Refer to Chapter I, Appendix I-4 for current violation history.*

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)

*R645-301-420 does require the DAQ approval order to be incorporated into the MPR.
Refer to CHX, Part C, App X.C-2 for the cover pages of the July 20, 2005 Approval Order.*

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)

The Reclamation Monitoring Study for the Emery Mine – Vegetation and Soils has been provided at Ch III, Appendix III-1. After consultation with DOGM a revised reclamation plan will be developed and submitted 12 months prior to initiating final reclamation.

R645-301-751:

The Permittee must provide a copy of the current UPDES permit for insertion into the MRP. (SC)

R645-3031-751 does not require the UPDES permit to be incorporated into the UPDES permit.

R645-301-830.200:

The Permittee must post 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)

Refer to Chapter IV for revised bond calculation sheets

New bond calculation sheets reflecting the increased bond amount due to the increased escalation factor are provided.

The Surety Rider (Bond No. 188617) and executed Exhibit D (Stipulation to Revise Reclamation Agreement) are enclosed.