

**CONSOL ENERGY™**

Consolidation Coal Company

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

June 11, 2009

Daron Haddock
Utah Division of Oil, Gas and Mining
Coal Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801Re: Emery Deep Mine Permit C/015/015
Amendment to MRP (Zero Zero North amendment to add Consol controlled ZZ North panel to MRP and revise permit and adjacent area terminology, deficiency response resubmittal task id 3099)

Dear Mr. Haddock:

Please consider these deficiency responses per task id 3099 to the minor revision to add additional mining area to the above mentioned permit and revise the permit terminology and plates pertaining to permit and adjacent area. Enclosed please find three (3) copies of the submittal, and two (2) CD's with the submittal in pdf format. Also attached please find executed C1 and C-2 forms. The deficiencies with responses have been addressed on the attached page.

Due to the large quantity of Plates depicting the permit boundary, Consol has submitted nine (9) Plates as hard copies and the remainder as pdf's on the cd-rom. Consol will provide hard copies during clean copy submittal.

Per the ongoing expansion of the Emery Mine, Consol plans to increase the resource recovery by mining additional coal on the north east boundary of the mining area. The additional mining area consists of 74 acres. All surface and coal is controlled in fee by Consol. The additional panel is designated as the Zero Zero North. Consol will be utilizing a pillar splitting plan that would fall into the planned subsidence category. All Plates that depict full extraction areas have been revised to include the future forecasted panel. The remaining portion of the panel (north east portion) will be mined under a current ongoing LBA. Additionally the mine plan layout (panel orientation) in the northern portion of the ine has been revised. This is shown on Plate V-5.

Archeology report MOAC 07-323 includes this area and was submitted in a previous revision (DOGM task id 2951) with no sites found eligible.

A confidential CD of all confidential maps is included and should be placed in the confidential file.

Plate VIII-I (Vegetation and Land Use) has been updated. The vegetation and wildlife report can be found at CH VIII Appendix VIII-5.

Consol is using this submittal to change the permit and adjacent area terminology in the MRP. All Plates and text depicting the old permit boundary have been revised to show the mining area as the adjacent area and the bonded area as the permit area.

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

Sincerely,



John Gefferth
Environmental Engineer

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JUN 16 2009
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CC: Karl Houskeeper – DOGM-Price Field Office
Attachments
JAG/jag emzznorthCNX.def3099.doc

File in:

C/015/015, 2009, Incoming

Refer to:

Confidential
 Shelf
 Expandable

Date 6/16/09 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: Zero Zero North CNX

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

Amnd to add Consol controlled Zero Zero North area to MRP, perm vs. adj, def responses tsk id 3099 5/09

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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> Yes <input 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?
<i>Explain:</i> _____ |
| <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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring? |
| <input type="checkbox"/> Yes <input checked="" 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 5/26/09
Sign Name, Position, Date
General Manager, Environmental Services

Subscribed and sworn to before me this 26 day of May, 2009

Joanne T. Bafrafi
Notary Public

My commission Expires: 9-10, 2010 }
Attest: State of PA } ss:
County of Washington

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Joanne T. Bafrafi, Notary Public
Upper St. Clair Twp., Allegheny County
My Commission Expires Sept. 10, 2010
Member, Pennsylvania Association of Notaries

For Office Use Only:

Assigned Tracking Number:

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DIV. OF OIL, GAS & MINING

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: Amnd to add Consol controlled Zero Zero North area to MRP,perm vs. adj,def responses tsk id 3099 5/09 pg2/3

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	DESCRIPTION	MATERIAL
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter I, Plate I-1 Ownership and Leashold Interest	HARD COPY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter II, Plate II-3 4 E portal Surface Facilities	HARD COPY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter III, Plate III-9 Permit Boundaries and Bonding Map (Exhibit D)	HARD COPY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter IV, Plate IV-2, UG Operations Plan	HARD COPY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter V, APP V-5 FIG 1, (Pre-Subsidence survey update)	HARD COPY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-1, Presubsidence Survey-Structures and Utilities	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-2, Presubsidence Survey- Roadways	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-3, Presubsidence Survey- Hydrology	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-4, Presubsidence Survey-Vegetation	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-5, Subsidence Monitoring Points and Buffer Zones	HARD COPY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-6, Drill Hole,X-Sect, Geotech test hole locations (Confidential)	CDROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-17, K1 Seam Geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-18, K3 Seam Geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-19, J Seam Geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-20, UI Seam geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-21, LI1 Seam Geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-22, LI5 Seam Geology (Confidential)	CD_ROM
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-24, D Seam Geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-25, C Seam Geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter V, Plate V-26, A Seam Geology (Confidential)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CH VI, Plate VI-1, Upper Ferron Sandstone potentiometric Surface (1979)	CD_ROM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CH VI, Plate VI-2, Lower Ferron Sandstone Potentiometric Surface (1985)	CD_ROM
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CH VI, Plate VI-4, Ground Water Monitoring Well and Surface Water Monitoring Site Location Map	HARD COPY
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CH VI, Plate VI-5, General Geology	CD_ROM

Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

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APPLICATION FOR COAL PERMIT PROCESSING

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DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

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<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	CH VI, Plate VI-6, Historic and Planned Mining Sequence	HARD COPY
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	CH VI, Plate VI-7, Upper Ferron Sandstone Potentiometric Surface (2006)	CD_ROM
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	CH VI, Plate VI-8, Lower Ferron Sandstone Potentiometric Surface (2006)	CD_ROM
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	CH VI, Plate VI-9, Misc. Surface Water Data Collection Sites	CD_ROM
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	Chapter VI, Plate VI-10, Surface Drainage Control index Map	CD_ROM
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<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	Chapter VI, Plate VI-12, 4 East Portal Temporary Stream Diversion Drainage Area Map	cdrom
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	Chapter VII, Plate VII-1, Soil Map	CD_ROM
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	Chapter VIII, Plate VIII-1, Vegetation and Landuse Map	HARD COPY
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	Chapter IX, Plate 10-1, Selected Wildlife Information (CONFIDENTIAL)	CD_ROM
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	Chapter X, Plate X.A-1, Permit Area Cultural Resources (CONFIDENTIAL)	CD_ROM
<input type="checkbox"/>	Add	<input checked="" type="checkbox"/>	Replace	<input type="checkbox"/>	Remove	Chapter XI, Plate XI-1, Alluvial Valley Floor Along Upper Quitcupah Creek	CD_ROM
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<p>Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.</p>	<p>Received by Oil, Gas & Mining</p> <p style="font-size: 2em; font-weight: bold;">RECEIVED</p> <p style="font-size: 1.5em; font-weight: bold;">JUN 16 2009</p> <p>DIV. OF OIL, GAS & MINING</p>
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**Deficiency List
Task ID #3099
ZZ North Panel**

The members of the review team who have identified deficiencies include the following individuals:

Steve Christensen (SC)
Ingrid Wieser (IW)

R645-301-525:

The Permittee must update and/or revise the pre-subsidence survey information. It's unclear as to whether the already approved pre-subsidence survey information took the proposed Zero Zero North Panel location into account. The associated text and plates of the pre-subsidence survey information must clearly demonstrate that the Zero Zero North Panel has been surveyed. (SC)

Chapter V, APP V-5, Figure 1 has been revised to show that the Zero Zero North area was surveyed. The appropriate text at CH V, AppV-5 has been revised to reflect that the Zero Zero North has been surveyed. Plates V-1 through V-4 (submitted in pdf format cd-rom) have been revised to reflect the Zero Zero North has been surveyed.

R645-301-512.110, 525.110-525.111:

The Permittee must revise any and all maps and plates that depict mine workings so that the historic, active and projected mine workings are clearly differentiated.

All maps and plates that depict mine workings have been revised to more clearly differentiate between historic mined areas and future mining areas.

R645-301-521:

The Permittee must provide a description of the Permit area that *does not* define the adjacent area. The Permittee must provide a map depicting the permit area and *does not* depict the adjacent area. (IW)

Refer to Chapter IV Page 1 for a description of the permit area and the adjacent area. Refer to Plate III-9 (Permit Boundaries and Bonding Map) for the Permit boundary.

R645-301-411:

The application needs to include a map of the land use on the permit and adjacent area. Plate VIII-1 does not include the area above the proposed ZZ north panel. The C1-C2 form indicates that the Permittee submitted a new Plat VIII-1 to be incorporated into the MRP, but Plate VIII-1 was not found in the application. (IW)

Refer to Plate VIII-1 (Vegetation and Landuse Map)

R645-301-320:

Provide a map of the permit and adjacent areas showing the location of renewable resource lands. The current pre-subsidence survey boundary on Plate V-4 does not include the ZZ North panel area. (IW)

Refer to Plate VIII-1 (Vegetation and Landuse Map) for renewable resource land. The acreage is listed in the legend.

Plate V-4 (submitted in pdf format cd-rom) has been revised to reflect the Zero Zero North area.

R645-301-320:

Please include in the text a commitment to conduct a biological survey of the ZZ North area that includes a survey for threatened, endangered and sensitive species in the spring of 2009. Also include a commitment that if threatened, endangered or sensitive species are found, the Permittee will contact the Division and other regulatory agencies to discuss necessary mitigation or avoidance measures.

The Mt. Nebo Scientific vegetation and wildlife report can be found at CH VIII, App VIII-5.

The Permittee must commit to updating Plate 10-1 after the wildlife surveys are complete in the spring of 2009. The map should indicate the survey boundary, and locations of endangered, threatened or sensitive species and potential habitats. (IW)

Plate 10-1 will not require updating.