

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 10, 2009

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TO: Internal File

THRU: Steve Christensen, Environmental Scientist III SKC

FROM: Priscilla Burton, CPSSc, Environmental Scientist III PWB by SOS

RE: Mid Term Review Response to Deficiencies, Consol Energy Company, Emery Deep Mine, C0150015, Task #3103

SUMMARY:

On May 20, 2008, the Division initiated a midterm review of the Emery Mine. The review is to take place at the midpoint of the permit term, which is July 7, 2008. The review (task 2975) was completed in August 2008. A response to task 2975 deficiencies was received on December 18, 2008. The ownership and control and air quality information received meets the minimum requirements of the Utah Coal Rules and should be approved and incorporated into the MRP.

An AVS check was conducted for Consolidation Coal Co., entity number 107373 and for its parent company, Consol Energy Inc., entity number 124819. On August 14, 2008 there were no records of violations in the system for these entities.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

IDENTIFICATION OF INTERESTS

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

Analysis:

The Permittee for the Emery Mine is Consolidation Coal Company, a Pennsylvania corporation. Ownership and Control information is current as of October 2008 and is found in Appendix 1-1 as follows: Consolidation Coal Company is solely owned by Consol Energy Inc. The officers and directors are provided for these companies as well as start dates. Many of the

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officers serve in varying capacities in both companies. Appendix 1-1 provides information for six tiers of ownership with Consol Energy Inc at the top, an organizational chart was provided with supplemental information received by email on February 11, 2009.

This ownership and control information was checked against the AVS database on February 12, 2009.

Findings:

The information provided meets the requirements of the Regulations.

OPERATION PLAN

AIR POLLUTION CONTROL PLAN

Regulatory Reference: 30 CFR 784.26, 817.95; R645-301-244, -301-420.

Analysis:

The facility will include a screening/crusher building, and a 10,000 ton processed coal stockpile along with associated conveyors. The facility will handle a capacity of approximately 1,300,000 tons of coal per year (page 17b, Chapter II).

MRP Appendix X.C-2 contains the Air Quality Approval Order (AO) DAQE-117-95 from the Division of Air Quality dated August 5, 2002. The AO itemizes following at the 4th East portal site.

- The production limit of 1,300,000 tons/yr should not be exceeded
- The ROM surge pile may contain 1500 tons maximum.
- The maximum time period of operation for the 425 hp diesel generator should be 300 hours of operation /12 mo period (using #2 diesel fuel oil).
- Visible emissions from conveyor transfer points should not exceed 10% opacity and emissions from all other sources should not exceed 20% opacity. Observations of opacity are to be made in accordance with 40 CFR 60.11 (b) and 40 CFR 60, Appendix A, Method 9.

Two opacity readings of the conveyor transfer points were taken by the Permittee for the abatement of N03-39-1-1 (two separate occasions in June and July of 2003). Fugitive dust from the coal pile itself was not evaluated. At the time of the readings, the wind was between 0 – 2 nauts and there was no exceedence of the opacity requirement. Chapter II, page 25 includes a statement that “opacity readings will be conducted as required by the modified approval order.”

The air quality approval order specifies 20% or less opacity at the facility. The AO requires that a certified individual take the opacity readings.

The Permittee will designate an individual who will be certified in Method 9, stationed at the Emery Mine, to be responsible for on-going monitoring of opacity. Continual monitoring of opacity in concert with soil surface evaluations will be the means of measuring success of the dust control strategy (pg 5b, Chap X-C.)

The Permittee submitted a Notice of Intent (NOI) to modify the AO dated November 5, 2003 to the DAQ. (A copy was received by the Division on November 6, 2003). The DAQ has evaluated the new crusher installation and requested further information on the dust control plan (meeting between DOGM and DAQ 12/04/2003). The revised Approval Order is DAQE AN 0229006-05, dated July 20, 2005 (information provided by email on February 11, 2009 for inclusion in the MRP).

Findings:

The information provided meets the requirements of the Utah Coal Rules.

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

As described on page 4a of Chapter III, the Permittee has agreed to follow a four-phase evaluation of final revegetation plans. In phase 1, the Permittee will investigate and summarize past reclamation sites and practices at the Emery Deep and Hidden Valley Mines. This was completed in 2003 and is included in the MRP Chap. III, App. III-1.

The Permittee and the Division must now undertake Phase 2 of this investigation which requires that the techniques used to achieve successful reclamation, as reported in the 2003 evaluation be utilized to develop vegetation at each site. In consultation with the Division, the permittee will implement the best techniques demonstrated to be successful.

In phase 3, the applied techniques will be evaluated qualitatively annually and quantitatively between the 4th and 6th year. These evaluations will be correlated to precipitation data results obtained from an on-site weather station and incorporated into the annual report.

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In Phase 4, the Permittee will revise the MRP to include the best technology for final revegetation. A full scope of work for this four-phased evaluation will be submitted to the Division by the end of March 2003, but was deferred until 2007 (Chapter III, Page 4a).

Findings:

The Permittee has provided an evaluation of the past reclamation sites and practices at the Emery Deep Mine, completing Phase 1 of the commitment found in Chapter III, Page 4a. The Division must assign a review of this information as a new Task such that Phase 2 of the commitment may be fulfilled.

RECOMMENDATIONS:

The application is recommended for incorporation into the Mining and Reclamation Plan.

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