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DEPARTMENT OF NATURAL RESOURCES

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Division of Oil, Gas and Mining

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Outgoing
C0150015
X

February 17, 2009

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

Subject: Add Consol Controlled ZZ North Panel to MRP, Emery Deep Mine, C/015/0015,
Task ID #3099

Dear Mr. Gefferth:

The Division has reviewed your application to add the proposed Zero Zero North Panel to the Emery Deep Mining and Reclamation Plan (MRP).

The amendment also proposes to redefine the permit area within the approved Mining and Reclamation Plan (MRP). The plates and text have been revised to reflect the change of the permit area to that of the bonded area (i.e. surface disturbed area). The amendment also delineates the 'adjacent area' on the affected maps. In addition, text revisions were submitted that refer to and quantify the 'adjacent area'. Upon subsequent review by the Division and recent discussions with the Permittee, it's unclear as to what the approved mining area will be called. As such, final approval of this amendment cannot be issued until such time as the 'adjacent area' issue is resolved.

However, the Division has determined that there are deficiencies (un-related to the 'adjacent area' issue) 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 Consolidation Coal Company's response to that particular deficiency.



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John A. Gefferth
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The plans as submitted are denied and are being returned. Please resubmit the entire application.

If you have any questions, please call me at (801) 538-5262 or Steve Christensen at (801) 538-5350.

Sincerely

A handwritten signature in black ink, appearing to read "JDS", written in a cursive style.

James. D. Smith
Permit Supervisor

JDS/SKC/sqs
cc: Price Field Office
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Deficiency List

Task No. #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)

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. (SC)

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)

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 Plate VIII-1 to be incorporated into the MRP, but Plate VIII-1 was not found in the application. (IW)

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)

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 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)