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Department of
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DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

C/O 15/015 Incoming
CC: April, Steve C,

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DIV. OF OIL, GAS & MINING

February 9, 2010

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

Dear Mr. Gefferth:

Subject: Modification of Compliance Schedule Milestones, UPDES Permit Number UT0022616

On December 7, 2007, the above referenced UPDES Permit was modified to include a Compliance Schedule. The purpose of the schedule was to allow time for Consolidation Coal to construct treatment facilities to meet a new Total Dissolved Solids (TDS) effluent limit and to coordinate permitting issues with the Division of Oil Gas and Mining.

On January 14, 2010, Consol requested, with the Division of Water Quality's support, a TDS site specific standard of 3,800 mg/L. While the Division believes this is an appropriate change in direction from the intent of the schedule, no final decision can be made until the formal rulemaking process is completed. Therefore, to accommodate the rulemaking process, the milestones and deadlines outlined in the compliance schedule included in the 2007 permit modification will be held in abeyance pending the outcome of the rulemaking process and anticipated permit modifications. Should the proposed rulemaking not be approved, the Division will work with Consol to establish modified deadlines for compliance.

If the rulemaking process results in a site specific standard as proposed, the Division will then proceed with a permit modification to incorporate new compliance requirements utilizing the site specific standard. Upon completion of the permit modification, Consol would no longer be required to comply with future milestones found in Part 1.C.7.d through Part 1.C.7.g in the current UPDES permit. Please be advised that Consol will still be required to comply with the final compliance date of November 30, 2011. By this date, Consol must meet the final effluent limits specified in its UPDES Permit. However, as noted previously, we anticipate that the permit will be modified prior to this date to include effluent limits based upon the results of the rulemaking process for determining new site specific stream standards, verification from Consol on the total effluent flow from the facility and a completed waste load analysis.

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If you have any questions please contact Kim Shelley at kshelley@utah.gov or 801-538-6065.

Sincerely,

Utah Water Quality Board



Walter L. Baker, P.E.
Executive Secretary

WB: KS

cc: David Ariotti, District Engineer, Utah Department of Environmental Quality
Stephen Behling, Mine Superintendent, Emery Mine
Marty Banks, Steel Rives
Amy Clark, US EPA Region 8
April Abate, Utah Division of Oil, Gas and Mining