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DEPARTMENT OF NATURAL RESOURCES

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Outgoing
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#4305
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June 27, 2013

Mark Stanley, General Manager
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Subject: 2012 Annual Report Review Completion, Emery Deep Mine, C/015/0015, Task ID #4305

Dear Mr. Stanley:

The Division staff has completed the review of the 2012 Annual Report. Enclosed is a copy of the review with each reviewer's comments. Based upon the Division's review of the information submitted in your annual report, it was determined that some commitment requirements were not met.

For the sake of simplicity, issues identified by Division staff during their annual report reviews will be addressed as part of the mid-term permit review, which is currently underway (Task ID #4363). By doing this, we will eliminate the need for you to submit the same information twice (i.e. in response to the annual report and the mid-term review both). As such, the annual report task is hereby closed with the receipt of this letter.

If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Coal Program Manager

DRH/SKC/sqs
Enclosure
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Print Form

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Annual Report

This Annual Report shows information the Division has for your mine. Submit the completed document and any additional information identified in the Appendices to the Division by the date specified by the cover letter. During a complete inspection an inspector will check and verify the information.

GENERAL INFORMATION

Company Name	Consolidation Coal Company	Mine Name	Emery Deep Mine
Permit Number	C/015/0015	Permit expiration Date	2016-01-07
Operator Name	Consolidation Coal Company	Phone Number	+1 (618) 625-6847
Mailing Address	PO Box 566	Email	timkirschbaum@consolenergy.com
City	Sesser		
State	IL	Zip Code	62884

DOGM File Location or Annual Report Location

Excess Spoil Piles	<input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required	
Refuse Piles	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required	Appendix A-2, Annual Inspections
Impoundments	<input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required	Appendix A-1, Annual Inspections
Other:		

OPERATOR COMMENTS

Underground mining operations have been idled since December 2010.

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

The Mine was placed into temporary cessation status on February 16, 2010; all mining activities were ceased at that time. Mining was last conducted in 2nd Right and 00 North.

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the Mining and Reclamation Plan and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If additional written response is required, it should be filed as an attachment to this report.

Title: CULTURAL RESOURCE PROTECTION

Objective: To monitor the five eligible cultural resource sites that could be damaged as a result of subsidence in the zero zero north area. Sites include: 42Em3964, 42Em3965, 42Em3969, and 42Em3974.

Frequency: Annually after undermining until the Division determines subsidence is no longer an impact.

Status: ongoing, Undermining has not occurred to date.

Reports: Annual

Citation: MRP, Confidential Binder, Chapter X, Part A, Page 1

Operator Comments

N/A in that these sites have not been undermined.

Reviewer Comments Met Requirements Did Not Meet Requirements

First mining had been completed or nearly so, second mining where subsidence would occur had not when the mine was idled.

Title: CONTROL OF COAL FINES DEPOSITION

Objective: To prevent coal fines from accumulating on undisturbed soils.

Frequency: Annual inspection of three transects, three sample sites each for % coal, 5 live vegetative cover, and presence of cryptogammic cover and soil color. Include the name of the person collecting the data, soil color data, and cryptogram observation.

Status: Annual inspections should be ongoing during periods of production. The data could be more effectively displayed using an excel spreadsheet so that comparisons of the data and trends may be seen over time.

Reports: Annual report, build on the table provided in Chapter X-C, page 5, with the inclusion of a column for soil color.

Citation: MRP, Chapter X part C, page 5b.

Operator Comments

Refer to Appendix B-1 Dust Plots. PLEASE NOTE NO MINING or PRODUCTION OCCURRED DURING 2012 CALENDAR YEAR.

Reviewer Comments Met Requirements Did Not Meet Requirements

Reviewed by Priscilla Burton on 6/25/2013. The Mine was placed into temporary cessation status on February 16, 2010; all mining activities were ceased at that time. Mining was last conducted in 2nd Right and 00 North. The annual inspection and reporting commitment has been met. Annual Report App. B-1 provides data for the 2012 year. The data was collected on May 9, 2012 by Karla Knoop (JBR Consultants, Inc.) and Peter Behling (Consol Energy, Inc.). The Division recommends use of an excel spreadsheet so that comparisons of the data and trends may be seen over time.

Title: INVESTIGATIVE STUDY INTO RECLAMATION PRACTICE

Objective: To develop an enhanced reclamation plan, based on an evaluation of soil chemistry and vegetation establishment on previous reclaimed sites. (results located in Chapter 11, Appendix 1). This is a four-phase project. Phase I involves reporting on the investigation of past reclamation sites and practices at the mine.

Phase II requires to lower the profile of pond 6 stockpiles, reseed and keep wildlife off piles; reclaim ponds 4 & 5, and pond 1 subsoil pile; adjust final reclamation plans to incorporate beneficial treatments observed such as discing in 1 T/ac straw mulch; modify the seed mix to include only salt tolerant species and allow for a higher percentage of shrubs and forbs; adjust the reference areas to eliminate duplication.

Phase III requires that the applied techniques be evaluated qualitatively annually and quantitatively between the 4th and 6th year. These evaluations will be correlated to precipitation data.

Phase IV requires the permittee to revise the MRP to include the best technology for final revegetation.

Frequency: Ongoing

Status: Phase I has been met.

Reports: Qualitative report annually, and quantitative report 4th and 6th year.

Citation: MRP, Chapter III, page 4a, and Chapter III, appendix 1

Operator Comments

Consolidation Coal representative met with DOGM & Consultants to discuss in 2011 to develop a plan to address compliance.

Reviewer Comments Met Requirements Did Not Meet Requirements

As described on page 4a of Chapter III, the Permittee has agreed to follow a four-phase evaluation of final revegetation plans. Phase 1 has been met in previous years. Phase 2, requires that based on those investigations, and in consultation with the Division, the Permittee implement the best techniques demonstrated to be successful thus far.

On October 6th, 2011, DOGM sent a letter to the Permittee to address this commitment. Three deficiencies were identified in the letter by Priscilla Burton and Joe Helfrich. A subsequent on-site field investigation was conducted on October 12, 2011 (refer to Insp. Rpt #2895 for details).

Upon review of Division records, it appears that the commitment has yet to be adequately addressed. The commitment will be addressed as a deficiency in the midterm permit review currently underway (Task ID #4363). [JCH, PWB]

Title: WASTE STOCKPILE MATERIAL

Objective: To identify chemical characteristics of material as it is placed on the Temporary Coal mine Waste Stockpile. Sample and analyze waste for acid toxic parameters in accordance with R645-301-731.300.

Frequency: One sample/600 cu yds of coal mine waste brought to the temporary stockpile.

Status: Ongoing

Reports: Provide analysis in annual report.

Citation: MRP, Chapter II, page 10.

Operator Comments

NA. Mine has been idle for entire year. No additional mine waste has been added in 2012.

Reviewer Comments Met Requirements Did Not Meet Requirements

NA

Title: SUBSIDENCE MONITORING- MONTHLY INSPECTIONS

Objective: Inspect the area outlined on Plate V-5 as full extraction areas when pillar splitting begins.

Frequency: Monthly until there is no record of additional subsidence.

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, Binder 1 of 3, Page 36

Operator Comments

No active mining has taken place since December 2010. Subsidence surveys performed in 2012 (refer to Appendix B-2) have shown no active subsidence.

Reviewer Comments Met Requirements Did Not Meet Requirements

102 data points were surveyed for 2012. The following points showed subsidence deformation ranging from one foot to 4.37 feet (6-04) compared to the adjusted elevation from October of 2006. A total of 7 points (6-04, 6-05, 6-08, 6-09, 6-10, 6-17, and 6-24) settled in the aforementioned deformation range (6.86 %) ; all points were above pillared areas including 14 and 15 West , 6th West and 2nd Right. All other points reporting data showed settling or heave of less than one foot. (PHH, 3/28/2013)

Title: SUBSIDENCE MONITORING- POINTS OVER PARTIAL PILLAR SECTIONS

Objective: monitor points over partial pillar sections that have been resurveyed once and where no significant movement (<0.5') was found will be surveyed within one year. If this subsequent survey shows no significant movement from the original survey, the point will be surveyed again at one year intervals. Points over advancing sections need not be resurveyed unless there has been evidence that subsidence has taken place (caving).

Frequency: As needed

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 36.

Operator Comments

Refer to Appendix B-2, 2012 Annual Subsidence Survey

Reviewer Comments Met Requirements Did Not Meet Requirements

Point 06-04 shows a deformation of -4.37 feet in the South corner of 15 West although the survey point sits over a pillared area predicting only approximately 1.3 feet. This additional three feet of deformation may be due to a weaker strata in that area.

No subsidence monitoring points were installed over 00 North where secondary extraction was practised in 2010. (PHH 3/28/2013)

Title: SUBSIDENCE MONITORING- NEW POINTS

Objective: Resurvey new monitoring points established over advancing sections such as mains and submains within one year after mining has been completed beneath the station. Include dates that points were established to track if the points have been resurveyed within a year after mining has been completed.

Frequency: As needed.

Status: Ongoing.

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 36.

Operator Comments

Not applicable for 2012, no new monitoring point established, underground mining idled since December 2010.

Reviewer Comments Met Requirements Did Not Meet Requirements

Not applicable for 2012, no new monitoring point established, underground mining idled since December 2010.

Title: SUBSIDENCE MONITORING- REPORT

Objective: Subsidence monitoring report containing: 1.) Mine maps showing where pillars have been pulled and the month and year that such pillars were removed or partially removed. 2.) Maps showing the location of survey monitoring stations and tension cracks and/or compression features visible on the surface. 2a.) Photographs of the subsidence monitoring points above the full extraction areas outlined on Plate V-5 to record pre and post subsidence. 3.) The differential level and horizontal survey summary and 4.) a narrative.

Frequency: As needed, report submitted to the Division annually.

Status: Ongoing

Reports: Provide report in annual report.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

No new underground mining areas affected since 2010. Refer to previous years submittal for mapping & photographs.

Reviewer Comments Met Requirements Did Not Meet Requirements

The submitted 2012 monitoring data only reports differential data. No photos, narrative, or mine map showing the last mining areas with dates of extraction or development was submitted.

Doesn't meet commitments, deficiencies will be addressed during the mid-term review currently underway (Task ID #4363). (JCO)

Title: SUBSIDENCE MONITORING- PREMINING ELEVATIONS AND GRADIENTS

Objective: Establish pre-mining elevations and gradients of any irrigation ditches and pond embankments within the angle of draw. The permittee will monitor these areas by visual inspection and post-subsidence ground survey to establish the effects of subsidence.

Frequency: As needed.

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

NA for 2012, no new underground mining impacts.

Reviewer Comments Met Requirements Did Not Meet Requirements

The submitted 2012 report does not state if a surface walkover was conducted to evaluate if any subsidence impacts have propagated to the surface. If there is no report, the Division must assume that no walkover of the areas where mining was last conducted was made.

Doesn't meet commitments, deficiencies will be addressed during the mid-term review currently underway (Task ID #4363). (JCO)

Title: SUBSIDENCE MONITORING- MITIGATION REPORT

Objective: Provide, to the Division on an as-needed basis, a subsidence mitigation report that describes the surface mitigation projects and their status broken down by surface land owners.

Frequency: quarterly

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

NA in 2012. Monthly flow measurements of the dam breach Panel 14th West being taken and data presented in Appendix C-1

Reviewer Comments Met Requirements Did Not Meet Requirements

No mitigation projects were undertaken in 2012. (JCO)

Title: SUBSIDENCE MONITORING- UPDATE PRE-SUBSIDENCE SURVEY

Objective: Update the existing pre-subsidence survey and plates six months before full extraction and provide copies to the surface land owner, the Division and the water conservancy district.

Frequency: As needed, six months prior to full extraction.

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 37.

Operator Comments

NA in 2012, no new pre-subsidence surveys required with idle underground mining operations.

Reviewer Comments Met Requirements Did Not Meet Requirements

If mining is reactivated, the Permittee must install new monitoring points prior to conducting secondary extraction in any areas of the Mine. Surface landowners must also be notified at least six months in advance if primary or secondary extraction will occur beneath their property. (PHH, 3/28/2013)

Title: SUBSIDENCE MONITORING- RESURVEY NEW MONITORING POINTS

Objective: Resurvey new monitoring points established over partial pillar sections within six months after final mining has taken place beneath them. Provide dates that points were established to track if the points have been resurveyed within six months after final mining.

Frequency: as needed

Status: Ongoing

Reports: Track in annual report to ensure compliance. Resubmittal of monthly reports is not necessary if the operator has already submitted them. Division engineer will review reports annually to ensure compliance.

Citation: MRP, Chapter V, binder 1 of 3, page 36.

Operator Comments

NA for 2012, no new monitoring point(s) established, underground mining idle since December 2010.

Reviewer Comments Met Requirements Did Not Meet Requirements

NA (PHH, 3/28/2013)

Title: EMERY TOWN WELL MONITORING

Objective: Consol commits to providing an annual report that evaluates the monitoring data collected from Emery Town Wells #1 and #2.

Frequency: Annually

Status: Ongoing

Reports: Annual Report

Citation: Chapter VI, page VI-56.

Operator Comments

Quarterly sample collected and analysis from Emery Town Well #1 along with water depth obtained for Well #2. This data has uploaded into the electronic state water database for review.

Reviewer Comments Did Not Meet Requirements Met Requirements

The Permittee has not met the requirements of the Emery Town Wells #1 and #2 commitment. In Table VI-17 on page VI-56 of the approved mining and reclamation plan (MRP), the Permittee commits to "evaluate data collected from the Emery town wells, using hydrographs and other appropriate means, and submit a report of findings to DOGM with the annual report". The report of findings relative to the two town wells was not submitted with the annual report information. A deficiency will be generated during the current mid-term permit review (Task ID #4363).

Title: MONITOR FIVE ELIGIBLE SITES IN THE ZERO ZERO NORTH AREA FOR IMPACTS FROM MINING

Objective: To monitor eligible cultural resource sites that could be damaged as a result of subsidence. Sites include: 42Em3964, 42Em3965, 42Em3966, 42Em3969, 42Em3974.

Frequency: Annually after undermining until the Division determines subsidence is no longer an impact.

Status: Ongoing. Undermining was expected to occur in 2010.

Reports: Annual Report

Citation: MRP, Confidential, Chap. X, Part A. page1.

Operator Comments

These sites have not been undermined at this time.

Reviewer Comments Met Requirements Did Not Meet Requirements

First mining was near completion when the mine idled. No second or retreat mining that would result in subsidence has occurred to date.

FUTURE COMMITMENTS AND CONDITIONS

The following commitments are not required for the current annual report year, but will be required by the permittee in the future as indicated by the "status" field. These commitments are included for information only, and do not currently require action. If you feel that the commitment is no longer relevant or needs to be revised, please contact the Division.

Title: SOIL SAMPLING AT 4TH EAST PORTAL

Objective: Verify soil characteristics prior to final reclamation grading through sampling and analysis for pH, SAR, and EC with particular attention to those areas that were treated with dust suppressant.

Frequency: At final reclamation.

Status: At final reclamation.

Reports: report findings to Division.

Citation: MRP, Chapter III part C.1, page 11 and Appendix X, part C-3, page 24.

Title: SOIL SAMPLING OF POND NO. 4 AND POND NO. 9

Objective: To determine if evaporative salts have accumulated to a toxic level.

Frequency: at final reclamation

Status: at final reclamation.

Reports: report to the Division.

Citation: MRP, Chapter III, part C-1, page 12.

Title: SOIL TESTING OF RECLAIMED SITE BEFORE SEEDING

Objective: To verify the suitability of the growth media.

Frequency: At reclamation.

Status: At reclamation, before seeding.

Reports: report to Division.

Citation: MRP, Chapter VIII, part C-4, page 21, paragraph 1.

Title: PERMANENT WASTE DISPOSAL SITE SUBSTITUTE TOPSOIL AND SUBSOIL COVER

Objective: To determine how to segregate best available material within the disturbed area for use as substitute topsoil from less desirable material to be used as cover over the coal mine waste permanent disposal site.

Frequency: Prior to construction of permanent disposal site, Consol will resample the gravel pit site for topsoil substitute quality and quantity, and cover material quality. The site will be sampled on one sample per acre grid, with analysis on one foot

Status: Future Commitment

Reports: report to Division.

Citation: MRP, Chap VII, App. VII-2, pg. 2

Title: IDENTIFY CHEMICAL CHARACTERISTICS OF COAL MINE WASTE PRIOR TO FINAL BURIAL OR TREATMENT

Objective: In accordance with R645-301-731.300, determine chemical characteristics of coal mine waste in existing temporary coal mine waste stockpile. Commitment to core temporary pile in at least 5 locations and analyze waste in 5 ft. intervals for pH, EC, SAR, Acid Base Accounting, Se, B, and texture.

Frequency: One year prior to moving the waste

Status: Future Commitment

Reports: report to Division.

Citation: MRP, Chap III, pg. 13

OPERATOR COMMENTS (OPTIONAL)

REVIEWER COMMENTS

REPORTING OF OTHER TECHNICAL DATA

Please list other technical data or information that was not included in the form above, but is required under the approved plan, which must be periodically submitted to the Division.

Please list attachments:

Refer to Appendix C-1, Bryant Well Data

Reviewer Comments

MAPS

Copies of mine maps, current and up-to-date, are to be provided to the Division as an attachment to this report in accordance with the requirements of R645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential.

Map Name	Map Number	Included		Confidential	
		Yes	No	Yes	No
Annual subsidence map		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mine Map		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reviewer Comments Met Requirements Did Not Meet Requirements