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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

July 3, 2013

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

Subject: Commencement of Midterm Review, Task ID #4363, Consolidation Coal Company, Emery Deep Mine, C/015/0015

Dear Mr. Stanley:

By letter correspondence (dated May 31, 2013), the Division of Oil, Gas and Mining (the Division) informed you that the mid-term permit review of the Emery Deep Mine had been initiated.

The Division has concluded its mid-term review and identified deficiencies with the approved Mining and Reclamation Plan (MRP) that must be addressed. The deficiencies are listed as an attachment to this letter. Your response to these deficiencies will need to be submitted as an amendment to your MRP and will be processed as a separate task.

The initials of the deficiencies authors are provided so that your staff can communicate directly with that individual should questions arise. Please respond to the identified deficiencies no later than August 14, 2013.

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

Sincerely,

Steve Christensen  
Permit Supervisor

SKC/ss  
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**Deficiency List**  
Task No. #4363  
Emery Deep Mine- Mid-term Permit Review

Members of the review team with outstanding deficiencies:

Priscilla Burton (PB)  
Steve Christensen (SC)  
Joe Helfrich (JH)  
James Owen (JO)  
Suzanne Steab (SS)

**R645-301-241 and R645-301-341**, Chap III, p. 4a, item 2 states, "Based on findings from the investigative study, plans shall be developed to enhance the vegetation of each site." The following revisions should be made to the reclamation plan (as discussed during a site visit on October 11, 2011):

1. Stockpiles should be graded to gentle slopes (4h:1v) and have only shallow roughening, such as ripping on the contour, to allow water infiltration but to avoid water impoundment;
2. All sites should have 1 T/ac straw mulch incorporated with discing or ripping;
3. The seeded soil surface should be partially covered with a layer of wood-straw or gravel mulch to limit evaporation from the soil surface;
4. Subsoil and topsoil stockpiles should be fenced to keep out livestock.
5. Modify the seed mix to include only salt tolerant species and allow for a higher percentage shrubs and forbs that were noted to be successful. i.e. 4-wing saltbush, shadscale, gardner saltbush, mat saltbush, greasewood.
6. Adjust Reference Areas to eliminate duplication. (PB) (JH)

**R645-301-352**, The following locations should receive contemporaneous reclamation using the revised reclamation plan described above:

1. Lower the profile of pond 6 stockpiles, reseed and keep livestock off the piles.
2. Reclaim ponds 4 & 5 which serve no present function or modify the plan to retain these ponds improving the vegetation component for habitat improvement in accordance with R645-301-342.100.
3. Reclaim Pond 1 Subsoil Pile.

The Permittee should begin work on the above permitting revisions and contemporaneous reclamation tasks this field season (summer/fall 2013) to allow warm season planting and provide documentation of progress made towards achieving the above goals in the 2013 Annual Report. (PB) (JH)

**R645-301-731.210, -731.214**: The Permittee must satisfy the commitment located at the bottom of page VI-56. The Permittee must provide the Division with the annual hydrologic evaluation of Emery Town wells #1 and #2. (SC)

**R645-301.525.440**, Please provide updated subsidence monitoring data, based on field inspection, that includes all information required in Chapter V, Page 37 of the approved MRP. (JO)

**R645-301.830.140**. Please provide updated information for estimated bonding costs with supporting calculations for the estimates. This includes updated unit costs (to be used to update bond calculation spreadsheets) and updated escalation factors. Updates should be provided using the 2013 data from R.S. Means *Heavy Construction Cost* data manual and the Caterpillar Handbook or other appropriate resources. The bonding summary sheet and corresponding bond calculation sheets (located in Chapter IV of the MRP, beginning after page 11) need to be updated and appropriately escalated to 2018 dollars using Division's approved 1.5% and 5 year escalation. (JO)

**R645-301-112.330**: The Operator must submit updated pages to correct the Ownership and Control information in the Emery Deep MRP (Appendix 1-1). Some of the information in the current MRP (Appendix 1-1), does not match the information found in the Office of Surface Mining Applicant Violator System (AVS). (SS)