



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

January 20, 2015

#### CERTIFIED MAIL

7013 2250 0000 23103269

Kerry Goodballet, P.E.  
Director of Permitting, Coal  
Consol Mining Company, LLC  
1000 CONSOL Energy Drive  
Canonsburg, PA 15317

Subject: Decision regarding NOV 15148, Emery Deep Mine, C0150015

Dear Ms. Goodballet:

On January 2, 2015, the Division received your letter asking for a review of the fact of violation for the referenced Notice of Violation issued on December 17, 2014.

As a result of reviewing the citation and your letter, it is my opinion that for the referenced violation, the actions or lack of action by the operator did not rise to a level necessitating the issuance of a Notice of Violation. The action or condition for which the NOV was written was such a minor deficiency in the context of the operations that it does not constitute a violation of the MRP and did not justify an NOV being issued. The matter would have been more properly addressed by a communication from the inspector to the operator about conditions that the operator should attend to in order to avoid a future violation that would be justified if the conditions were to worsen.

**The NOV 15148 for the Emery Deep Mine is hereby vacated.**

Pursuant to Utah Admin. Code R645-401-800, you may make a written appeal of this Decision to the Board of Oil, Gas, and Mining. Your written appeal may be filed with Julie Ann Carter, Board Secretary, P.O. Box 145801, Salt Lake City, Utah 84114-5801. If you have questions regarding the filing, she can be contacted at [juliecarter@utah.gov](mailto:juliecarter@utah.gov) or (801) 538-5277.

If you have questions or concerns please contact me at (801) 538-5334.

Sincerely,

Dana Dean, P.E.  
Associate Director - Mining

DD/vs  
cc: Daron Haddock  
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Kerry Goodbelt  
Director of Permitting Coal  
Consol Mining LLC  
1000 Consol Energy Drive  
Canons Burg PA 153

mark  
re

Letter Dated January 20, 2015  
Consol Mining Company LLC  
Emery Deep C0150015  
Kerry Goodballet