

0015

INCOMING
0150007 OK

From: "Gefferth, John" <JohnGefferth@consolenergy.com>
To: <pamgrubaughlittig@utah.gov>
Date: 9/28/2006 12:51:25 PM
Subject: Hidden Valley permit 015/007

Pam

Attached is a pdf version of the Hidden Valley Permit 015/007 renewal.

The original will be forwarded to your office.

John Gefferth
Consol Energy
P.O. Box 566
Sesser, Illinois 62884
618-625-6850 office
618-534-5151 cell
618-625-6844 fax
www.consolenergy.com

CC: "Pachter, Jonathan" <JonathanPachter@consolenergy.com>, "Delloma, Les" <LesDelloma@consolenergy.com>, "Steve Demczak" <stedemczak@utah.gov>

File in:
CI 0150007 Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date For additional information
09282006 - 0001

Consolidation Coal Company
P.O. Box 566
Sesser, IL 62884
(618) 625-2041

September 28 2006

Pamela Grubaugh-Littig, Permit Supervisor
Utah Coal Regulatory Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

RE: Hidden Valley Mine
Permit No. ACT/015/007
Permit Renewal

Dear Mrs. Grubaugh-Littig:

Enclosed please find a copy of Consolidation Coal Company's permit renewal for the above mentioned permit. Consolidation Coal Company requests that the permit be renewed for a five (5) year period from January 7, 2007 through January 7, 2012. This application is being filed under the guidelines of R645-303-230 of the Coal Mining Rules for the State of Utah. The following information is included as part of our application.

1. Certificate of Liability Insurance
2. Letter from St. Paul/Travelers which states that Seaboard Surety Company, Bond No. _____ will remain in full force and effect for any renewal requested, as well as any additional bond required by the Division pursuant to R645-301-800
3. Current history of violations as of September 28, 2006.

In addition, a copy of the draft public notice of application for the renewal is included for your review.

If you have questions or need additional information please contact me at 618-625-6850.

Sincerely,

John Gefferth
Environmental Engineer

MARSH

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER

PRODUCER

Marsh USA Inc.
Attn: Heather Daddea
412-552-5156
Six PPG Place, Suite 300
Pittsburgh 15222-5499

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

COMPANIES AFFORDING COVERAGE

- COMPANY
A N/A
- COMPANY
B N/A
- COMPANY
C STEADFAST INS. CO.
- COMPANY
D

00812 -CONCO-CASMX-05-06 CONDT COAL PGH

INSURED

Consolidation Coal Company
Consol Plaza
1800 Washington Road
Pittsburgh, PA 15241-1421

COVERAGES

This certificate supersedes and replaces any previously issued certificate for the policy period noted below.

THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
C	GENERAL LIABILITY		11/05/05	11/05/06	GENERAL AGGREGATE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG \$ 1,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY \$ 1,000,000
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE \$ 1,000,000
					FIRE DAMAGE (Any one fire) \$ N/A
					MED EXP (Any one person) \$ N/A
					COMBINED SINGLE LIMIT \$
	AUTOMOBILE LIABILITY				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> ALL OWNED AUTOS				PROPERTY DAMAGE \$
	<input type="checkbox"/> SCHEDULED AUTOS				
	<input type="checkbox"/> HIRED AUTOS				
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: \$
					EACH ACCIDENT \$
	EXCESS LIABILITY				AGGREGATE \$
	<input type="checkbox"/> UMBRELLA FORM				EACH OCCURRENCE \$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS
	<input type="checkbox"/> THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:	<input type="checkbox"/> INCL <input type="checkbox"/> EXCL			OTHER
	<input type="checkbox"/> OTHER				EL EACH ACCIDENT \$
					EL DISEASE-POLICY LIMIT \$
					EL DISEASE-EACH EMPLOYEE \$

File in:

- Confidential
- Shelf
- Expandable

Refer to Record No 0015 Date 092806
In C 0150007 Quilting
For additional information 0001

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

All operations usual to the business of the Insured at Hidden Valley Mine, permit ID ACT 015/007.

CERTIFICATE HOLDER:

State of Utah
Utah Coal Regulatory Program
Attn: Brian Clemons
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

CANCELLATION

SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL SEND BY MAIL 45 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN.

MARSH USA INC.

by: Paul Hoyt

Paul Hoyt

MM1(3/02)

VALID AS OF: 11/07/05

MARSH

Nancy J. Conrad, CISR

Bond Support Specialist

Marsh USA Inc.

9129 Cross Park Drive

Suite 101

Knoxville, TN 37923

865 769 7722 Fax 865 769 7899

nancy.j.conrad@marsh.com

www.marsh.com

September 27, 2006

Ms. Katina Galie
Consolidation Coal Company
1800 Washington Road, Consol Plaza
Pittsburgh, PA 15241

Subject:

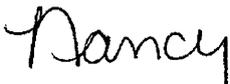
Verification Certificate for Renewal Bond Number:

Dear Ms. Galie:

Enclosed is your verification certificate for the above referenced bond. Please forward the certificate to the State of Utah for acceptance and filing. As always, the bond should be re-checked for accuracy before filing with the obligee.

If you have any questions, or require anything further, please contact Mary Volmar, at 865-769-7766. Thank you for allowing Marsh to service your surety needs.

Sincerely,



Nancy J. Conrad, CISR
Bond Support Specialist

Enclosures



Marsh & McLennan Companies

**VERIFICATION CERTIFICATE
TO VERIFY THAT A
CONTINUOUS FORM OF BOND OR POLICY
HAS NOT BEEN CANCELLED**

This is to certify that RECLAMATION BOND, number issued by the undersigned and on behalf of CONSOLIDATION COAL COMPANY, in favor of the STATE OF UTAH, and effective OCTOBER 12, 1995, is a continuous instrument covering an indefinite term, is now in full force and effect and will continue in full force and effect until cancelled or terminated.

SIGNED, sealed and dated: September 27, 2006

SEABOARD SURETY COMPANY

By: Joseph R. Poplawski
JOSEPH R. POPLAWSKI, Attorney-In-Fact



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 215311

Certificate No. 001103937

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Debra Elaine Clark, Joseph R. Poplawski, Joy M. Williams, Elizabeth A. Hartzberg, Carolyn E. Wheeler, and Barbara A. Thompson

of the City of Knoxville, State of Tennessee, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 17th day of July, 2006.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 17th day of July, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

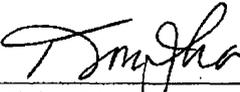
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 27th day of September, 2006.


Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.stpaultravelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

CONSOL Energy and Related Companies - Violation History
September 28, 2003 - September 28, 2006

Attachment Page 1 of 68

Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-1140 DATE VIOL. ISSUED: 4/13/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to minimize disturbance to the hydrologic balance,
 permittee has impacted the water well of Clinton Handshoe.

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2005
 REQUIRED ACTIONS: Violation is non-correctible.

ABATEMENT ACTIONS: Violation is non-correctible - violation terminated.

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0759 DATE VIOL. ISSUED: 2/9/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to minimize disturbance to the hydrologic balance,
 permittee has impacted the water well of Bradford Handshoe.

CURRENT STATUS: TERMINATED STATUS DATE: 2/9/2004
 REQUIRED ACTIONS: Violation is non-correctible.

ABATEMENT ACTIONS: Violation is non-correctible - violation terminated.

PERMIT NO: 836-5327 MSHA NO: 15-17667 MSHA DATE: 4/28/95
 VIOLATION NO: 43-0371 DATE VIOL. ISSUED: 4/6/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to begin work to correct Violation 43-0758 (1) within time
 allowed.

CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2004
 REQUIRED ACTIONS: Cease activities in the face-up area and properly barricade and
 post mine entries to prevent access and identify the hazardous
 nature of the opening.

ABATEMENT ACTIONS: Required work completed. Order terminated.

PERMIT NO: 836-5327 MSHA NO: 15-17667 MSHA DATE: 4/28/95
 VIOLATION NO: 43-0758 DATE VIOL. ISSUED: 2/9/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to properly barricade and identify hazardous nature
 of mine opening. (2) Failed to maintain signs of a durable nature.

CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2004
 REQUIRED ACTIONS: (1) Properly barricade and post mine entries.
 (2) Post signs on durable materials.

ABATEMENT ACTIONS: (2) Required signs posted. Violation 2 abated.
 (1) Required work completed. Violation 1 abated,

CONSOL Energy and Related Companies - Violation History**September 28, 2003 - September 28, 2006**

Attachment Page 2 of 68

Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 836-5452 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1104 (1-4 of 7) DATE VIOL. ISSUED: 11/17/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to maintain Roads F&G, (2) Allowed slip to block diversion & road, (3) Allowed slumping at Hollow Fill #4, (4) Failed to properly maintain diversions.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/11/2005
 REQUIRED ACTIONS: (1) Grade & surface roads, (2) Remove obstructing materials.
 (3) Grade & stabilize slump, (4) Remove material from diversions.
 Seed areas as needed.
 ABATEMENT ACTIONS: Violations (2), (3) & (4) required work completed, violations abated.
 Violation (1) required work completed, violation abated

PERMIT NO: 836-5452 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1104 (5-7 of 7) DATE VIOL. ISSUED: 11/17/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (5) Failed to properly dispose of non-coal waste.
 (6) Failed to maintain sediment control structure D-7.
 (7) Failed to repair subsidence damage.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/11/2005
 REQUIRED ACTIONS: (5) Remove & properly dispose of non-coal waste.
 (6) Stabilize, repair & seed D-7 embankment.
 (7) Correct subsidence damage to surface lands.
 ABATEMENT ACTIONS: Violations (5) & (6) required work completed, violations abated.
 Violation (7) required work completed, violation abated.

PERMIT NO: 836-5455 MSHA NO: 15-18709 MSHA DATE: 01/29/2004
 VIOLATION NO: 43-1569 DATE VIOL. ISSUED: 4/20/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee disturbed within 300 ft of an occupied dwelling without obtaining a written waiver.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/19/2006
 REQUIRED ACTIONS: Obtain written waiver. Revise permit to include waiver and correctly locate dwelling on MRP map. Reclaim disturbed area.
 ABATEMENT ACTIONS: Required work completed, violation terminated 5/19/06

PERMIT NO: 836-5455 MSHA NO: 15-18709 MSHA DATE: 01/29/2004
 VIOLATION NO: 43-0766 DATE VIOL. ISSUED: 4/6/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to maintain signs and markers. (2) Failed to pass designed runoff through SS-1. (3) Failed to vegetate diversion FW1 and creek berm. (4) Failed to vegetate areas around electrical substation.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/12/2004
 REQUIRED ACTIONS: (1) Post required signs. (2) Divert designed runoff to SS-1.
 (3) & (4) Seed, vegetate and mulch specified areas.
 ABATEMENT ACTIONS: Required work completed. All violations terminated.

CONSOL Energy and Related Companies - Violation History**September 28, 2003 - September 28, 2006**

Attachment Page 3 of 68

Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 836-5455 MSHA NO: 15-18709 MSHA DATE: 01/29/2004
 VIOLATION NO: 43-0765 DATE VIOL. ISSUED: 3/23/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Freshwater diversion FWD#1 failed.

CURRENT STATUS: TERMINATED STATUS DATE: 8/18/2004
 REQUIRED ACTIONS: Reconstruct FWD#1 and obtain a revision if necessary.

ABATEMENT ACTIONS: Extension granted to 8/23/04.
 Required work completed, violation terminated.

PERMIT NO: 836-6015 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1571 DATE VIOL. ISSUED: 6/5/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: Permittee delinquent in submitting mid-term modifications.

CURRENT STATUS: TERMINATED STATUS DATE: 7/12/2006
 REQUIRED ACTIONS: Submit mid-term modifications within 30 days.

ABATEMENT ACTIONS: Required work completed; violation terminated 7/12/2006

PERMIT NO: 860-0312 MSHA NO: 15-13025 MSHA DATE: 07/31/1986
 VIOLATION NO: 43-1834 DATE VIOL. ISSUED: 4/6/2006 ISSUED BY: KY DSMRE

VIOLATION DESCRIPTION: (1) Boundary markers and permit signs are not adequate. (2) Off-site slide has occurred. (3) Water is improperly draining into Hollowfill 3. (4) Hollowfill 3 rock drain improperly constructed.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Post proper signs and markers. (2) Remove off permit material, regrade, revegetate and permit slide area. (3) Regrade and backfill Hollowfill 3. (4) Reconstruct rock drain according to approved plans.

ABATEMENT ACTIONS: Required work on (3) completed; violation terminated on 7/5/06
 Extension granted for violations (1) (2) & (4) to 11/6/2006

PERMIT NO: 860-0312 MSHA NO: 15-13025 MSHA DATE: 07/31/1986
 VIOLATION NO: 43-1431 DATE VIOL. ISSUED: 3/23/2005 ISSUED BY: KY DSMRE

VIOLATION DESCRIPTION: (1) Permittee allowed a slide to occur near Hollow Fill #1;
 (2) Permittee allowed non-coal waste to be dumped along Road F-F.

CURRENT STATUS: TERMINATED STATUS DATE: 8/2/2005
 REQUIRED ACTIONS: (1) Regrade, seed and mulch slide area.
 (2) Properly dispose of non-coal waste.

ABATEMENT ACTIONS: Violation (2) work complete, violation terminated 6/27/2005.
 Violation (1) work complete, violation terminated 8/2/2005.

CONSOL Energy and Related Companies - Violation History**September 28, 2003 - September 28, 2006**

Attachment Page 4 of 68

Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-0312 MSHA NO: 15-13025 MSHA DATE: 07/31/1986
 VIOLATION NO: 43-1117 DATE VIOL. ISSUED: 3/23/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to maintain Ponds #4 and #5 as per approved plan.
 (2) Allowed slide and slump on Increment #4 contour area.

CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2004

REQUIRED ACTIONS: (1) Repair spillways. Repair slumps, seed and mulch disturbed areas.
 (2) Regrade, stabilize, seed and mulch slump and slide in backfill area.

ABATEMENT ACTIONS: Extension granted by Director to 8/2/04.
 Required work completed, violation 2 terminated.
 Required work completed, violation 1 terminated.

PERMIT NO: 860-0333 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1833 DATE VIOL. ISSUED: 3/29/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Slide on increment #7 has gone off-permit between two previous slides.

CURRENT STATUS: PENDING STATUS DATE:

REQUIRED ACTIONS: Remove off-permit material, stabilize, seed and mulch slide area and revise permit to include off-permit area.

ABATEMENT ACTIONS: Extension granted to 10/27/2006.

PERMIT NO: 860-0349 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1435 DATE VIOL. ISSUED: 6/8/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to post/maintain proper permit ID signs.
 (2) Allowed a slide to create an off permit disturbance.

CURRENT STATUS: TERMINATED STATUS DATE: 3/14/2006

REQUIRED ACTIONS: (1) Install required permit ID signs by 7/8/05.
 (2) Return slide material to permit as allowable. Stabilize, seed and mulch slide. Submit and obtain permit revision for slide by 8/8/05.

ABATEMENT ACTIONS: (1) Work completed, Violation 1 terminated.
 (2) Revision #6 issued, Violation 2 terminated.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1620 DATE VIOL. ISSUED: 3/28/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Off permit disturbance on Increment #13

CURRENT STATUS: PENDING STATUS DATE:

REQUIRED ACTIONS: Stabilize, seed & mulch slide area. Revise permit to include area.

ABATEMENT ACTIONS: Extension granted to 10/25/2006.

CONSOL Energy and Related Companies - Violation History**September 28, 2003 - September 28, 2006**

Attachment Page 5 of 68

Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-1351 DATE VIOL. ISSUED: 7/12/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1)Failed to pass all water thru sediment control; discharged water deposited debris on downstream property. (2) Created a disturbance within 100 ft of a cemetery.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Repair property damage, revise and implement sediment control plan. (2) Repair, seed and mulch disturbance near cemetery.
 ABATEMENT ACTIONS: Violation (2) terminated, required work completed 8/24/05. Extension has been granted for Violation (1) to 11/6/2006.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1321 DATE VIOL. ISSUED: 5/23/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1)Slide caused an off-permit disturbance. (2) & (3) Allowed discharge of sub standard water into Scip Branch stream.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/28/2006
 REQUIRED ACTIONS: (1) Provide temporary sediment control. Stabilize, seed and mulch slide area. (2) & (3) are non-correctable
 ABATEMENT ACTIONS: Required work completed, Violation #1 terminated 3/28/2006
 Violations (2) & (3) are non-correctable

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-0108 DATE VIOL. ISSUED: 3/8/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1)Slide caused an off-permit disturbance. (2) & (3) Allowed discharge of sub standard water into Scip Branch stream.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/28/2006
 REQUIRED ACTIONS: (1) Move slide to permit area. Stabilize, seed and mulch slide area. Revise permit to include slide area. (2) & (3) By 3/9/05 implement measures to correct sub standard discharge.
 ABATEMENT ACTIONS: (2) & (3) Discharge is in compliance, required work completed.
 (1) Required work completed, Violation #1 terminated 3/28/2006.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-2347 DATE VIOL. ISSUED: 6/28/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed Pond P-1 to exceed clean-out level. Failed to maintain Dugout Pond D-17 discharge pipe which is leaking.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/3/2004
 REQUIRED ACTIONS: Clean out Pond P-1 to design level and fix leaking pipe in D-17.
 ABATEMENT ACTIONS: Extension granted to 8/1/2004.
 Required work completed, violation terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-0391 DATE VIOL. ISSUED: 4/14/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Slide created an off-permit disturbance on Increment #21 southeast of Pond D-14.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Retrieve material, stabilize, seed and mulch area. Revise permit to include area.

ABATEMENT ACTIONS: Extension granted to 11/14/2004.
 Required work completed, violation terminated.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-0384 DATE VIOL. ISSUED: 2/26/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed rocks to leave permit area at Increment #8.

CURRENT STATUS: TERMINATED STATUS DATE: 3/3/2004
 REQUIRED ACTIONS: Move rocks back onto permitted area.

ABATEMENT ACTIONS: Required work completed - violation terminated.

PERMIT NO: 860-5010 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1112 DATE VIOL. ISSUED: 1/6/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Allowed garbage and non-coal waste to be dumped on permitted area (2) Slide from 860-5218 was disposed of on permitted area.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Remove and properly dispose of all non-coal wastes.
 (2) Return all materials to 860-5218 or revise permit to approve of disposal of these materials on permit 860-5010.

ABATEMENT ACTIONS: (1) Required work completed, Violation #1 terminated 2/8/2005.
 (2) Extension granted for Violation #2 to 10/6/2006.

PERMIT NO: 860-5148 MSHA NO: 15-17021 MSHA DATE: 11/13/90
 VIOLATION NO: 43-1836 DATE VIOL. ISSUED: 5/9/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) High sediment content in discharge from Rt. 80 blowout site.
 (2) High sediment content in discharge from Rt. 80 blowout site.

CURRENT STATUS: TERMINATED STATUS DATE: 5/22/2006
 REQUIRED ACTIONS: (1)& (2) Take measures to prevent high sediment discharge from leaving the permit area.

ABATEMENT ACTIONS: Required work completed, violation terminated 5/22/06.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5148 MSHA NO: 15-17021 MSHA DATE: 11/13/90
 VIOLATION NO: 43-1434 DATE VIOL. ISSUED: 5/18/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Created off permit disturbance by constructing several mine "punch-outs" without a permit. (2) Allowed uncontrolled discharge from mine works.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Submit and obtain a valid permit for mine "punch-outs".
 (2) Repair damage caused by discharges. Revise KPDES permit to include discharges and prevent future uncontrolled discharges.
 ABATEMENT ACTIONS: An extension beyond 90 days has been requested of the Director.
 Extension granted by Director to 10/17/2006

PERMIT NO: 860-5154 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1838 DATE VIOL. ISSUED: 6/7/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: (1) Slide created an off-permit disturbance east of hollowfill #6.
 (2) Allowed slumpage to occur exposing reclaimed highwall. Various unstable slopes show signs of slumpage.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Return slide material to permit area. Stabilize, seed and mulch area. Permit off-permit disturbance. Regrade and revegetate areas of exposed highwall and unstable slopes.
 ABATEMENT ACTIONS: Extension granted to 11/6/2006

PERMIT NO: 860-5154 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1129 DATE VIOL. ISSUED: 11/23/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed slide to create an off-permit disturbance.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/12/2005
 REQUIRED ACTIONS: Return slide material to permit area where possible. Stabilize, seed and mulch area. Permit off-permit disturbance.
 ABATEMENT ACTIONS: Required work completed, violation terminated 10/12/2005

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1657 DATE VIOL. ISSUED: 6/7/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: Operator constructed sumps down gradient of discharge P-1 that are not within the permit boundary.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Secure and obtain a revision or amendment to include area disturbed by sumps and post additional bond as needed.
 ABATEMENT ACTIONS: Extension granted by regional office to 11/23/2006

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1656 DATE VIOL. ISSUED: 5/22/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: (1) Operator exceeded 50% extraction ratio at head of Holbrook Branch area and 6" KY-WV gas line. (2) Failed to include an unmined coal barrier within the approved mining plan.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Revise or amend permit to allow actual extraction ratios in affected areas. (2) Revise or amend permit to include unmined coal barrier.
 ABATEMENT ACTIONS: Extension granted to 10/23/2006

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1655 DATE VIOL. ISSUED: 4/27/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1), (2) & (3) Punch-out #1 (P1) is discharging water above allowable levels for total iron.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Ensure water discharged meets total iron limits. Implement plan outlined in attachment 18.1A of Minor Revision #6.
 Non-correctable for water already discharged.
 ABATEMENT ACTIONS: Extension granted to 7/27/2006
 An extension beyond 90 days has been requested of the Director.
 Extension granted to 9/27/2006

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1142 DATE VIOL. ISSUED: 2/9/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Operator placed coal refuse in area of permit not approved for such disposal.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/7/2006
 REQUIRED ACTIONS: Move refuse to approved disposal site or modify permit to allow disposal at present site.
 ABATEMENT ACTIONS: Extension granted by Director to 8/4/2006.
 Required work completed, violation terminated.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0185 DATE VIOL. ISSUED: 6/25/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Pond 6 discharge exceeds solids limits.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/6/2002
 REQUIRED ACTIONS: Bring Pond 6 discharge into compliance with solids limits.
 ABATEMENT ACTIONS: (1) & (2) Required work completed cessation order terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1119 DATE VIOL. ISSUED: 6/25/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Allowed pond discharge pipe to be partially blocked. (2) & (3) Pond 6 discharge exceeded solids limits. (4) Failed to follow approved operation plan (5) Allowed material into stream channel.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/4/2005
 REQUIRED ACTIONS: (1) Clear spillway pipe (2) & (3) Non-correctible.
 (4) Construct facilities as per plan or revise permit.
 (5) Clean material from stream channel.
 ABATEMENT ACTIONS: (1) Required work completed Violation 1 terminated.
 (2) & (3) Violations modified to Cessation Order 43-0185
 (5) Violation 5 terminated. (4) Violation 4 terminated.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1118 DATE VIOL. ISSUED: 6/4/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Drainage from contour mine and slide not passed through a sediment control structure.
 (2) Water leaving permit exceeds settleable solids limit.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/9/2004
 REQUIRED ACTIONS: (1) Direct drainage through sediment pond 6.
 (2) Bring discharge into compliance with settleable solids limits.
 ABATEMENT ACTIONS: Required work completed. Violation terminated.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1087 DATE VIOL. ISSUED: 6/1/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to properly construct and maintain stream crossing pipes at Faceup 4.
 (2) Allowed severe erosion on Access Road A roadway surface.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/4/2005
 REQUIRED ACTIONS: (1) Clean out or replace pipes and revise permit as needed.
 (2) Grade road and reconstruct ditch at top of road.
 ABATEMENT ACTIONS: (2) Required work for Violation 2 completed. Violation 2 abated.
 (1) Required work for Violation 1 completed. Violation 1 abated.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1025 DATE VIOL. ISSUED: 5/7/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Failed to backfill & grade deep mine faceup 1 to A.O.C.
 (3) Failed to maintain hollowfill 1 side drain.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/23/2004
 REQUIRED ACTIONS: (1) & (2) Grade faceup to totally eliminate highwall, seed, fertilize and mulch after grading. (3) Reconstruct hollowfill 1 side drain to repair recent washing.
 ABATEMENT ACTIONS: Partially abated. Violations 1 & 2 terminated.
 Required work completed, violation 3 terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5218 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1108 DATE VIOL. ISSUED: 1/6/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) A slide occurred off-permit; excavation work north of Pond 1 is in an area not under permit. (2) Slide material was disposed off-permit on Permit 860-5010 permitted area.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Stabilize, seed & mulch affected areas. Revise permit to include areas. (2) Return material to Permit 860-5218 or revise permit to allow disposal of material on 860-5010.
 ABATEMENT ACTIONS: Extension granted by the Director to 10/6/2006.

PERMIT NO: 860-5218 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0778 DATE VIOL. ISSUED: 7/22/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Allowed runoff exceeding settleable solids limits to by-pass the sediment control structure and enter Saltlick Creek.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/19/2004
 REQUIRED ACTIONS: Divert all runoff to pass through approved sediment control.
 ABATEMENT ACTIONS: Extension granted to 8/19/04.
 Required work completed, violation terminated.

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1842 DATE VIOL. ISSUED: 9/11/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee has failed to maintain entrance sign for Turtle Branch portals.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/12/2006
 REQUIRED ACTIONS: Clear obstructions from Turtle Branch entrance sign and conduct routine maintenance to ensure visibility of entrance sign.
 ABATEMENT ACTIONS: Required work completed; violation terminated 9/12/2006

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1443 DATE VIOL. ISSUED: 2/4/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Allowed discharge from Pond 3 which exceeds effluent limitations for settleable solids.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/4/2006
 REQUIRED ACTIONS: (1) & (2) Take measures necessary to bring Pond 3 discharge into compliance. Partially non-correctible since water was discharged.
 ABATEMENT ACTIONS: (1) & (2) Required work completed, violations abated 2/4/2006.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1437 DATE VIOL. ISSUED: 7/18/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to maintain diversion DD-9 according to approved plan.
 (2) Breach in DD-9 allowed surface drainage to by-pass pond

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
 REQUIRED ACTIONS: (1) Repair breach in DD-9, re-install rip-rap and clean out diversion.
 (2) Non-correctable since substandard water has already been discharged.

ABATEMENT ACTIONS: (1) Required work completed, violation (1) abated 7/19/2005.
 (2) Non-correctable.

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1432 DATE VIOL. ISSUED: 4/7/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Sediment level in Pond 4 exceeds acceptable clean-out level.
 (2) & (3) Allowed discharge from Pond 4 which exceeds effluent limitations.

CURRENT STATUS: TERMINATED STATUS DATE: 4/14/2005
 REQUIRED ACTIONS: (1) Remove and properly dispose of sediment from Pond 4.
 (2) & (3) Take measures necessary to bring Pond 4 discharge into compliance. Partially non-correctable since water was discharged.

ABATEMENT ACTIONS: (1) Required work completed, violation (1) abated 4/14/2005.
 (2) & (3) Required work completed, violations abated 4/7/05.

PERMIT NO: 860-5229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
 VIOLATION NO: 43-1128 DATE VIOL. ISSUED: 4/16/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed two off-permit disturbances and a non-permitted water seep from Punch-Out #2.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Revise permit to add off-permit disturbances. Install barricade at Punch-Out #2. Apply for KPDES permit for water seep by 6/17/04.

ABATEMENT ACTIONS: Extension granted by Director to 11/14/2006.

PERMIT NO: 860-5229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
 VIOLATION NO: 43-1102 (1-4 of 9) DATE VIOL. ISSUED: 3/25/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to maintain road and drainage. (2) Failed to clearly identify permit area. (3) Allowed excessive sediment build-up in pond #1. (4) Allowed highwall slump and erosion rills & gullies.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1)Construct road & drainage as per approved plan. (2) Install required perimeter markers. (3) Clean out pond #1. (4) Eliminate highwall, regrade, stabilize, seed and mulch area.

ABATEMENT ACTIONS: Required work completed. Violations 2 & 3 abated.
 Extension granted by Director for Violations (1) & (4) to 11/14/2006.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1429 (1 - 5) DATE VIOL. ISSUED: 3/9/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to: (1) post/maintain signs&markers; (2) build; maintain & certify roads; (3) properly remove & store topsoil; (4) properly build & certify hollow fills; (5) contemporaneously reclaim highwall.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) properly post/maintain signs&markers; (2) build; maintain & certify roads; (3) properly remove & store topsoil; (4) properly build & certify hollow fills; (5) backfill & grade exposed highwall to AOC.
 ABATEMENT ACTIONS: (1) Required work completed, violation (1) terminated 4/21/2005. Violations (3) & (4) terminated 6/10/05. Required work completed, Extension granted for Violations (2) & (5) to 10/9/2006.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1429 (7 & 8) DATE VIOL. ISSUED: 3/9/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (7) & (8) Allowed discharge from Sediment Structures 1 & 2 that exceeded effluent limitations. Violations are partially correctable.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/5/2005
 REQUIRED ACTIONS: (7) & (8) Take measures necessary to bring water discharging from both ponds into compliance.
 ABATEMENT ACTIONS: (7) & (8) Work completed, these violations terminated 4/5/2005.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1429 (6,9,10,11) DATE VIOL. ISSUED: 3/9/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (6) Permittee allowed off-site disturbances; Failed to: (9) properly install bench & silt structures (10) construct diversion DD-BS-1; (11) timely seal auger holes.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (6) Return off-site material; reclaim and permit off site areas. (9) Properly construct & certify structures; (10) Construct diversion DD-BS-1; (11) Properly seal auger holes.
 ABATEMENT ACTIONS: Violation (11) terminated 6/10/05. Required work completed. Violation (9) terminated 2/9/2006. Required work completed Extension granted for (6) & (10) to 10/9/2006.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1100 DATE VIOL. ISSUED: 3/3/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Failed to post/maintain signs at permit access points. (2) Failed to properly maintain Sediment Structures 1 and 2.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2005
 REQUIRED ACTIONS: (1) Install permit ID signs at each point of access from public roads. (2) Clean out principal spillways of Sediment Structures 1 and 2.
 ABATEMENT ACTIONS: (1) Required work completed. Violation (1) terminated. (2) Required work completed. Violation (2) terminated 2/18/05.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-8005 MSHA NO: 15-17021 MSHA DATE: 11/30/90
 VIOLATION NO: 43-1441 DATE VIOL. ISSUED: 11/29/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Permittee has allowed substandard water to leave the permit.

CURRENT STATUS: TERMINATED STATUS DATE: 11/29/2005
 REQUIRED ACTIONS: Take measures necessary to bring water back into compliance.
 Non correctable for substandard water that has already entered the receiving stream.

ABATEMENT ACTIONS:

PERMIT NO: 860-8005 MSHA NO: 15-17021 MSHA DATE: 11/30/90
 VIOLATION NO: 43-1433 DATE VIOL. ISSUED: 5/8/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Permittee has allowed substandard water to leave the permit.

CURRENT STATUS: TERMINATED STATUS DATE: 5/9/2005
 REQUIRED ACTIONS: Take measures necessary to bring water back into compliance.
 Non correctable for substandard water that has already entered the receiving stream.

ABATEMENT ACTIONS:

PERMIT NO: 860-9000 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1840 DATE VIOL. ISSUED: 7/27/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: Permit is receiving material from 860-9007 for use with french drain installation on increment #1.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Secure and obtain a revision allowing the transport of material from 860-9007 to this permit

ABATEMENT ACTIONS: Extension granted to 9/26/2006

PERMIT NO: 860-9000 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1438 DATE VIOL. ISSUED: 7/26/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Slurry pool level at 1127' which exceeds 1125' permit limit.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Pump clear water from slurry pond to reduce elevation of slurry water to 1125" permit limit. Secure & obtain Minor Revision #8 to reflect field conditions.

ABATEMENT ACTIONS: Extension granted to 9/29/2006.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-9000 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0358 DATE VIOL. ISSUED: 12/18/2003 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to pump maximum amount of clear water from slurry impoundment as directed by DSMRE Division of Field Services.

CURRENT STATUS: TERMINATED STATUS DATE: 1/20/2004
 REQUIRED ACTIONS: Install and maintain pump to pump off maximum amount of clear water from slurry impoundment. Pass pumped water through sediment control.

ABATEMENT ACTIONS: Required work was completed - violation terminated.

PERMIT NO: 860-9007 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1841 DATE VIOL. ISSUED: 7/27/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: (1) Material is being hauled off this permit to 860-9000 for use in french drain construction in increment #1.
 (2) Permittee has blasted rock behind coarse refuse fill for removal.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Secure and obtain a revision to allow material transport.
 (2) Follow approved blasting plan.

ABATEMENT ACTIONS: Modified (2) to follow approved plan 8/18/2006
 (1) & (2) Extension granted to 9/26/2006

PERMIT NO: 867-0400 MSHA NO: 15-17657 MSHA DATE: N/A
 VIOLATION NO: 53-0410 DATE VIOL. ISSUED: 9/29/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee allowed a slide to occur and create an off-site disturbance.

CURRENT STATUS: TERMINATED STATUS DATE: 4/25/2005
 REQUIRED ACTIONS: Remove slide material. Stabilize, seed and mulch area. Revise permit to include area.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/25/2005.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-0116 DATE VIOL. ISSUED: 9/29/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed off-permit disturbance. Area is under sediment control.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Area is stabilized. Seed & mulch disturbed area. Revise permit to include area.

ABATEMENT ACTIONS: Extension granted to 10/30/2006.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-0109 DATE VIOL. ISSUED: 4/11/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed off-permit disturbance. Area is under sediment control.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Stabilize, seed & mulch disturbed area. Revise permit to include area.

ABATEMENT ACTIONS: Extension granted by Director to 11/8/2006.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1869 DATE VIOL. ISSUED: 9/16/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to maintain pond #5 as approved.

CURRENT STATUS: TERMINATED STATUS DATE: 10/18/2004
 REQUIRED ACTIONS: Repair principle spillway to ensure proper discharge of structure.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1865 DATE VIOL. ISSUED: 6/10/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permitttee created off permit disturbances on Increments 12 & 24.

CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2005
 REQUIRED ACTIONS: Stabilize, seed and mulch areas and modify permit to include disturbed areas.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1863 DATE VIOL. ISSUED: 5/17/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permitttee created three off permit disturbances.

CURRENT STATUS: TERMINATED STATUS DATE: 12/15/2004
 REQUIRED ACTIONS: Reclaim and modify permit to include disturbed areas.

ABATEMENT ACTIONS: Extension request granted by Director to 12/20/2004.
 Required work completed, violation terminated 12/15/2004.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-0407 MSHA NO: 15-17657 MSHA DATE: 04/06/1995
 VIOLATION NO: 53-1861 DATE VIOL. ISSUED: 3/12/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Allowed material to pass off permit area.
 (2) Permittee created a steep slope in Left Fork

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2005
 REQUIRED ACTIONS: (1) Return material to permit area. Seed, mulch & revise permit.
 (2) Stabilize area. Seed and mulch.

ABATEMENT ACTIONS: Extension granted by Director to 4/21/2005.
 (2) Violation 2 work performed and violation terminated.
 (1) Violation 1 work performed; violation terminated.

PERMIT NO: 867-0409 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-0115 DATE VIOL. ISSUED: 9/29/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee and operator has exceeded 1500 linear feet of mining
 disturbance without achieving reclamation as required by permit.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Conduct reclamation to conform with distance and time frames
 required by permit.

ABATEMENT ACTIONS: Extension granted to 10/27/2006.

PERMIT NO: 867-0409 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-0104 DATE VIOL. ISSUED: 5/27/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee caused off permit disturbance on Increment 1.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Submit permit revision or amendment to include disturbed area
 within 30 days.

ABATEMENT ACTIONS: Extension granted by Director to 10/2/2006.

PERMIT NO: 867-0428 MSHA NO: 15-18541 MSHA DATE: N/A
 VIOLATION NO: 53-1868 DATE VIOL. ISSUED: 9/29/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee allowed a slide to occur and create an off-site
 disturbance.

CURRENT STATUS: TERMINATED STATUS DATE: 6/27/2005
 REQUIRED ACTIONS: Stabilize, seed and mulch disturbed area. Revise permit.

ABATEMENT ACTIONS: Required work completed, violation terminated on 6/27/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-0447 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-2109 DATE VIOL. ISSUED: 7/25/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: (1) Permittee caused an off-permit disturbance on sediment pond P-2 extending to boundaries on increment 12, approx. 0.35 acres.
 (2) Permittee has failed to follow approved sed control plan
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: (1) Permittee must seed and mulch disturbed areas and pursue Major Revision 2 to include disturbed areas.
 (2) Permittee must submit sediment pond certificates and Revision 2
 ABATEMENT ACTIONS: Extension granted to 9/22/2006

PERMIT NO: 867-0447 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1555 DATE VIOL. ISSUED: 9/12/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee created two off site disturbances. Prospect holes were drilled off permit.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Revise permit to include disturbed areas. Properly grout drill holes.
 ABATEMENT ACTIONS: Extension granted to 10/13/2006

PERMIT NO: 867-0447 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-0837 DATE VIOL. ISSUED: 4/20/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Discharge from embankment pond 2 exceeds suspended solids permit limits and creates an imminent danger.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/21/2005
 REQUIRED ACTIONS: (1) & (2) Immediately take all measures needed to cease substandard discharge.
 ABATEMENT ACTIONS: Required work completed. Order terminated on 4/21/2005.

PERMIT NO: 867-0447 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1009 DATE VIOL. ISSUED: 4/20/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) & (2) Allowed discharge from embankment pond 2 that exceeded total suspended solids permit limits.
 (3) Allowed pond 2 to exceed permitted storage level.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/13/2005
 REQUIRED ACTIONS: (1) & (2) Immediately take all measures needed to cease substandard discharge. (3) Remove and dispose of pond sediment according to approved plan by 4/28/2005.
 ABATEMENT ACTIONS: (1) & (2) Required work completed. Violations terminated 4/21/2005.
 Violation (3) terminated 6/13/2005. Required work completed.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1014 DATE VIOL. ISSUED: 3/30/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Permittee failed to submit quarterly hollow fill certifications.
 (2) Permittee failed to submit final, quarterly and annual pond certifications
 CURRENT STATUS: TERMINATED STATUS DATE: 1/4/2006
 REQUIRED ACTIONS: (1) Submit all certifications currently due.
 (2) Submit all certifications currently due. Some certification violations are non correctable since time frames have elapsed.
 ABATEMENT ACTIONS: Required work completed, violation terminated 1/4/2006.

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1862 DATE VIOL. ISSUED: 4/27/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Permittee allowed substandard water to enter stream.
 (2) Permittee discharged water that exceeded KPDES limits for total suspended solids.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/27/2004
 REQUIRED ACTIONS: (1) Violation is non-correctible.
 (2) Violation is non-correctible.
 ABATEMENT ACTIONS: (1) Terminated since violation is non-correctible.
 (2) Terminated since violation is non-correctible.

PERMIT NO: 867-5184 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1866 DATE VIOL. ISSUED: 7/9/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed off-site slide to occur on upper side of haul road.
 CURRENT STATUS: TERMINATED STATUS DATE: 12/15/2004
 REQUIRED ACTIONS: Grade, stabilize, seed and mulch area. Modify permit to include disturbance.
 ABATEMENT ACTIONS: Extension modified to 10/7/04, prior extension exceeded 90 days.
 Extension granted by Director to 12/17/2004.
 Required work completed, violation terminated 12/15/2004.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-2242 DATE VIOL. ISSUED: 5/22/2006 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: Permittee failed to submit quarterly and critical stage certifications for construction of Hollow-fill 1.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Non-remedial for quarterly and critical stage certifications.
 Permittee must submit final certification of Hollow-fill 1.
 ABATEMENT ACTIONS: Extension granted to 9/18/2006

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-0071 DATE VIOL. ISSUED: 6/25/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Allowed off-permit slide below bench southeast of Pond #2.

CURRENT STATUS: TERMINATED STATUS DATE: 2/23/2005
 REQUIRED ACTIONS: Stabilize, seed and mulch slide. Provide temporary sediment control.
 Revise permit to include slide. Submit revision within 30 days.

ABATEMENT ACTIONS: Required work completed, violation terminated 2/23/2005.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-0838 DATE VIOL. ISSUED: 6/25/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1), (2) & (3) Pond 2 discharged sub-standard water.
 (4) Failed to place durable material on certain roads.
 (5) Pond 2 exceeds clean out level.

CURRENT STATUS: TERMINATED STATUS DATE: 12/6/2004
 REQUIRED ACTIONS: (1) & (2) Cease substandard discharge. (3) Non-correctable
 (4) Resurface roads with durable material.
 (5) Clean out Pond 2 by 11/29/04.

ABATEMENT ACTIONS: (3) Violation non-correctable. (1) & (2) Terminated - work completed.
 (4) & (5) Violations terminated - work complete.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-0399 DATE VIOL. ISSUED: 5/28/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Diversion Ditch DD-8 has failed allowing water to by-pass
 sediment control structure.

CURRENT STATUS: TERMINATED STATUS DATE: 6/1/2004
 REQUIRED ACTIONS: Stop all by-pass discharge, provide temporary sediment control
 and re-establish diversion to approved design conditions.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-0072 DATE VIOL. ISSUED: 10/7/2003 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Diversion Ditch #DD-7 failed allowing water to by-pass pond.
 (2) Off-site disturbance allowed rocks to leave portal area.

CURRENT STATUS: TERMINATED STATUS DATE: 10/19/2004
 REQUIRED ACTIONS: (1) Repair diversion. Seed and mulch disturbed area. Provide
 temporary sediment control.
 (2) Retrieve all rocks and place back onto permitted area.

ABATEMENT ACTIONS: (1) Required work completed. Violation (1) terminated 3/10/2004.
 (2) Required work completed. Violation (2) terminated 10/19/2004.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-5198 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 53-0839 DATE VIOL. ISSUED: 1/28/2005 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee allowed water to discharge and not pass through approved sediment control.

CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2006
 REQUIRED ACTIONS: Revise permit to include discharge point and include in water monitoring plan.

ABATEMENT ACTIONS: Extension granted by Director to 6/27/2006.
 Required work completed, violation terminated.

PERMIT NO: 867-5225 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-1026 DATE VIOL. ISSUED: 4/6/2006 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to comply with subsidence control plan by > 50% extraction under 8" gas line.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Revise permit to approve subsidence change or submit a mitigation plan for affected area.

ABATEMENT ACTIONS: Extension has been granted to 10/5/2006.

PERMIT NO: 867-8041 MSHA NO: 15-16577 MSHA DATE: 03/06/1989
 VIOLATION NO: 53-1051 DATE VIOL. ISSUED: 5/6/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Violation 53-0398 noted discharge of substandard water from Pond 6A.
 Order modified 5/14/04 to withdraw Violations (2) and (3).

CURRENT STATUS: TERMINATED STATUS DATE: 5/6/2004
 REQUIRED ACTIONS: Cease any and all discharge of substandard water from entering Rockhouse Creek.

ABATEMENT ACTIONS: Required work has been completed, cessation order terminated.

PERMIT NO: 867-8041 MSHA NO: 15-16577 MSHA DATE: 03/06/1989
 VIOLATION NO: 53-0398 DATE VIOL. ISSUED: 5/6/2004 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Discharged black water into Rockhouse Cr during pond cleanout.
 (2) Allowed substandard water to enter Rockhouse Cr.
 (3) Substandard water was discharged into creek.

CURRENT STATUS: TERMINATED STATUS DATE: 5/6/2004
 REQUIRED ACTIONS: (1) Cease black water discharge.
 (2) Cease discharge of substandard water into creek.
 (3) Non-correctible. Water had already entered creek.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: O-5036-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: O-5036-93 (2) DATE VIOL. ISSUED: 7/19/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct Pond 4 prior to disturbance at Haulroad 2.
 Failed to construct designed stream crossing at Haulroad 6.

CURRENT STATUS: TERMINATED STATUS DATE: 10/14/2004
 REQUIRED ACTIONS: Construct Pond 4 and stream crossing as per approved plans.
 Submit certification for Pond 4 after construction.

ABATEMENT ACTIONS: Extension granted to 10/15/2004.
 Required work completed, violation terminated.

PERMIT NO: O-5036-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: O-5036-93 (1) DATE VIOL. ISSUED: 7/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Cease bridge construction activity.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2004
 REQUIRED ACTIONS: Construct required sediment control structures and install pipes
 at second creek crossing.

ABATEMENT ACTIONS: Order was modified to Notice of Violation O-5036-93 (2)

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (7) DATE VIOL. ISSUED: 4/10/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and certify drainage control structures prior to
 disturbances in areas MM, DD and II.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Properly construct and certify sediment control structures in areas
 MM, DD and II.

ABATEMENT ACTIONS: Compliance deadline extended to 4/26/2006.

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (6) DATE VIOL. ISSUED: 4/10/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly construct Fill #1102 to prevent water from
 discharging over the face of the fill.

CURRENT STATUS: TERMINATED STATUS DATE: 4/20/2006
 REQUIRED ACTIONS: Construct and maintain Fill #1102 to prevent drainage of water
 over face of fill. Also provide proper rock filled side drains.

ABATEMENT ACTIONS: Required work completed; violation terminated on 4/20.2006.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (5) DATE VIOL. ISSUED: 3/14/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas by building a chain link fence and gate on the NW side of old US 52

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Remove the fence and gate or permit it with an IBR

ABATEMENT ACTIONS:

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (4) DATE VIOL. ISSUED: 2/2/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain complete and accurate blasting logs for shot numbers 1-8.

CURRENT STATUS: TERMINATED STATUS DATE: 2/9/2006
 REQUIRED ACTIONS: Permittee is to attach corrected, accurate and complete blasting logs to deficient copy of each blasting log.

ABATEMENT ACTIONS: Required work completed, violation terminated 2/9/2006.

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (3) DATE VIOL. ISSUED: 10/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Off-permit disturbance

CURRENT STATUS: TERMINATED STATUS DATE: 11/16/2005
 REQUIRED ACTIONS: Maintain slide are by revegetation or best management practices.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (2) DATE VIOL. ISSUED: 2/1/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain haulroad by allowing grey, slimy silt to be tracked onto old US 52.

CURRENT STATUS: TERMINATED STATUS DATE: 2/3/2005
 REQUIRED ACTIONS: Clean up tracked material and resurface haulroad with durable material to prevent tracking onto highway.

ABATEMENT ACTIONS: Removed material from highway with a street sweeper.
 Haulroad scraped and fresh gravel applied. More gravel ordered for 2/2/05. Required work completed, violation terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (1) DATE VIOL. ISSUED: 12/6/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly maintain Haulroad #2, allowing a slide to block a ditch and cause Sump R1-3 to discharge sediment off permit.

CURRENT STATUS: TERMINATED STATUS DATE:

REQUIRED ACTIONS: Repair slide area, cleanout ditch and sump and reclaim off-site area where siltation has occurred.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (18) DATE VIOL. ISSUED: 4/10/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain Haulroad A-13-1 by allowing a slide to block the drainage ditch and direct muddy runoff into Miller Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 4/20/2006

REQUIRED ACTIONS: Stop muddy water discharge, cleanout ditch and ditch sumps. Take actions necessary to prevent future occurrences.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/20/2006.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (17) DATE VIOL. ISSUED: 12/1/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed off-site disturbance to occur.

CURRENT STATUS: TERMINATED STATUS DATE: 1/17/2006

REQUIRED ACTIONS: Reclaim off-site disturbance area. Show disturbance area or IBR or Revision map.

ABATEMENT ACTIONS: Required work completed, violation terminated 1/17/2006.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (15) DATE VIOL. ISSUED: 10/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly construct and certify sediment ditches.

CURRENT STATUS: TERMINATED STATUS DATE: 1/3/2006

REQUIRED ACTIONS: Construct and certify sediment ditches in 1,000 ft. sections as required.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (16) DATE VIOL. ISSUED: 10/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to provide progress maps within 30 days as required by order.

CURRENT STATUS: TERMINATED STATUS DATE: 11/15/2005
 REQUIRED ACTIONS: Provide progress maps to inspector by 11/11/2005.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (14) DATE VIOL. ISSUED: 8/30/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to calculate the proper scale distance and correct explosive weight for shot #393.

CURRENT STATUS: TERMINATED STATUS DATE: 9/1/2005
 REQUIRED ACTIONS: Conduct blasting using correct scale distance formula and conduct seismic monitoring when required.

ABATEMENT ACTIONS: Required work completed, violation terminated 9/1/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (13) DATE VIOL. ISSUED: 7/7/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly construct and maintain Fill 1301 to provide adequate drainage control.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
 REQUIRED ACTIONS: Grade, berm and construct fill to provide proper drainage control.

ABATEMENT ACTIONS: Required work completed, violation terminated 7/19/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (12) DATE VIOL. ISSUED: 5/26/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to conduct periodic seismograph monitoring as required by permit revision #1.

CURRENT STATUS: TERMINATED STATUS DATE: 7/7/2005
 REQUIRED ACTIONS: Immediately begin required seismograph monitoring.

ABATEMENT ACTIONS: Required work completed, violation terminated 7/7/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (11) DATE VIOL. ISSUED: 5/2/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed off-permit disturbance from a slide of sediment from breached riprap outlet 013.

CURRENT STATUS: TERMINATED STATUS DATE: 8/3/2005
 REQUIRED ACTIONS: Repair riprap outlet; seed and mulch disturbance. Note disturbance on next P&D map submittal.

ABATEMENT ACTIONS: Required work completed, violation terminated 8/3/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (10) DATE VIOL. ISSUED: 2/17/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain a blasting log as required by the secretary.

CURRENT STATUS: TERMINATED STATUS DATE: 3/21/2005
 REQUIRED ACTIONS: Report all 218 shots accurately on a corrected MR-37 form.

ABATEMENT ACTIONS: Required work completed, violation terminated 3/21/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (9) DATE VIOL. ISSUED: 2/14/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly maintain access roads to valley fills.

CURRENT STATUS: TERMINATED STATUS DATE: 4/4/2005
 REQUIRED ACTIONS: Re-establish road berms, repair erosion cuts, re-surface with durable material. Establish sumps and ditchline to control flow. Install temporary sediment control as needed.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/26/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (7) DATE VIOL. ISSUED: 2/10/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to sample, analyze and report required quarterly surface and groundwater monitoring sites.

CURRENT STATUS: TERMINATED STATUS DATE: 4/29/2005
 REQUIRED ACTIONS: Conduct and report required quarterly surface and groundwater monitoring.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/29/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (8) DATE VIOL. ISSUED: 2/10/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit required valley fill certifications.

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2005
 REQUIRED ACTIONS: Submit required certifications.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/13/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (6) DATE VIOL. ISSUED: 1/14/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect offsite area near outlet 003 from slides.

CURRENT STATUS: TERMINATED STATUS DATE: 4/14/2005
 REQUIRED ACTIONS: Reclaim and revegetate slide area.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/14/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (5) DATE VIOL. ISSUED: 12/29/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit an NPDES application for an unapproved outlet upstream of Outlet 017.

CURRENT STATUS: TERMINATED STATUS DATE: 2/25/2005
 REQUIRED ACTIONS: Submit an application for unapproved outlet.

ABATEMENT ACTIONS: Required permit revision and NPDES modification submitted.
 Violation terminated 2/25/05.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (4) DATE VIOL. ISSUED: 9/9/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize hydrologic impacts by allowing discolored discharge from Pond 1301 (001).

CURRENT STATUS: TERMINATED STATUS DATE: 1/5/2005
 REQUIRED ACTIONS: Install additional sumps, install turbidity curtain and utilize flocculent.

ABATEMENT ACTIONS: Required work completed - violation terminated 1/5/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (3) DATE VIOL. ISSUED: 8/3/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize hydrologic impacts to Lt Fork of Miller's Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 8/31/2004
 REQUIRED ACTIONS: Properly construct creek crossings, cover with rock. Surface road at all low spots where water is standing.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (1) DATE VIOL. ISSUED: 7/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Cease bridge construction at Road A-13-1 and cease tree cutting.

CURRENT STATUS: TERMINATED STATUS DATE: 7/20/2004
 REQUIRED ACTIONS: Construct proper sediment control structures in specified areas.

ABATEMENT ACTIONS: Required work completed, order terminated.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (2) DATE VIOL. ISSUED: 7/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Access road A-13-1 not built in approved location.

CURRENT STATUS: TERMINATED STATUS DATE: 8/31/2004
 REQUIRED ACTIONS: Submit and diligently pursue permit modification showing changes to access road A-13-1.

ABATEMENT ACTIONS:

PERMIT NO: S-5040-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5040-93 (4) DATE VIOL. ISSUED: 5/3/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee blasting caused off-site disturbance in that spoil and debris kicked out to an area downslope of the Coalburg outcrop.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Reclaim the disturbed area and provide a progress map showing off-site disturbance.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5040-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5040-93 (3) DATE VIOL. ISSUED: 3/14/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee blasting exceeded airblast limits for shots #77B,#92, #104 and #125 and exceeded peak particle velocity limit for shot #125.

CURRENT STATUS: TERMINATED STATUS DATE: 3/14/2006
 REQUIRED ACTIONS: Violation is non-remedial. Operator must ensure that future blasting is conducted within permit limits.

ABATEMENT ACTIONS: Violation is non-remedial.

PERMIT NO: S-5040-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5040-93 (2) DATE VIOL. ISSUED: 2/3/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee caused off-site disturbances.

CURRENT STATUS: TERMINATED STATUS DATE: 5/10/2006
 REQUIRED ACTIONS: Reclaim slide area and clean affected portions of Parker Creek. Reclaim logging areas. Submit a progress map showing off-site disturbance areas.

ABATEMENT ACTIONS: Required work completed, violation terminated 5/10/2006.

PERMIT NO: S-5040-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5040-93 (1) DATE VIOL. ISSUED: 10/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly construct and certify sediment control structures as required.

CURRENT STATUS: TERMINATED STATUS DATE: 1/17/2006
 REQUIRED ACTIONS: Properly construct and certify sediment control structures as required by permit.

ABATEMENT ACTIONS: Required work completed, violation terminated 1/17/2006.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
 VIOLATION NO: U-5038-86 (12) DATE VIOL. ISSUED: 2/1/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee indiscriminately dumped or discarded petroleum products by failing to plug the secondary containment drain of the diesel fuel tank.

CURRENT STATUS: TERMINATED STATUS DATE: 3/9/2006
 REQUIRED ACTIONS: Plug secondary containment drain. Remove and properly dispose of any contaminated soils.

ABATEMENT ACTIONS: Required work completed. Violation terminated 3/9/2006.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
 VIOLATION NO: U-5038-86 (11) DATE VIOL. ISSUED: 4/21/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed a slide and well drilling to create off-site disturbances.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
 REQUIRED ACTIONS: Bond off-site disturbances. Stabilize, seed and mulch disturbances.

ABATEMENT ACTIONS: Required work completed, violation terminated 7/19/2005.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
 VIOLATION NO: U-5038-86 (10) DATE VIOL. ISSUED: 2/1/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly maintain haulroad by allowing coal fines and silt to be tracked onto US 119 northbound.

CURRENT STATUS: TERMINATED STATUS DATE: 2/3/2005
 REQUIRED ACTIONS: Cease hauling until silt and fines are removed and the surface is not slick.

ABATEMENT ACTIONS: Permittee put gravel in loadout and pit area.
 Pressure washed and groomed haulroad.
 Required work completed, violation terminated.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
 VIOLATION NO: U-5038-86 (9) DATE VIOL. ISSUED: 1/13/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Placed prohibited materials (silt, mud etc.) on a durable rock fill and into the surface core drain.

CURRENT STATUS: TERMINATED STATUS DATE: 2/9/2005
 REQUIRED ACTIONS: Clean out and re-establish rock core drain, remove prohibited materials to an approved area.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
 VIOLATION NO: U-5038-86 (8) DATE VIOL. ISSUED: 1/13/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct & maintain sediment control plan as approved.

CURRENT STATUS: TERMINATED STATUS DATE: 5/18/2005
 REQUIRED ACTIONS: Construct and maintain all sediment control systems and diversions in accordance with approved plan.

ABATEMENT ACTIONS: Required work completed, violation terminated 5/16/2005.

CONSOL Energy and Related Companies - Violation History**September 28, 2003 - September 28, 2006**

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO:	U-5038-86	MSHA NO:	46-06760	MSHA DATE:	1/16/1987
VIOLATION NO:	U-5038-86 (7)	DATE VIOL. ISSUED:	1/13/2005	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION:	Failed to minimize disturbance to hydrologic balance in that mine yard drainage by-passed pond 04 and discharged as grey water to stream.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	1/25/2005		
REQUIRED ACTIONS:	Cease grey water discharge and direct drainage to pond 04.				

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consol Pennsylvania Coal Company

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: NOV 10-19 DATE VIOL. ISSUED: 11/6/2003 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to perform water supply surveys for ten wells before mining
 approached within 1,000 feet of each water supply.

CURRENT STATUS: TERMINATED STATUS DATE: 3/10/2004
 REQUIRED ACTIONS:

Complete water supplies as required.

ABATEMENT ACTIONS:

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: NOV 1-9 DATE VIOL. ISSUED: 11/5/2003 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to perform water supply surveys for nine wells before mining
 approached within 1,000 feet of each water supply.

CURRENT STATUS: TERMINATED STATUS DATE: 3/10/2004
 REQUIRED ACTIONS:

Complete water supplies as required.

ABATEMENT ACTIONS:

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: DATE VIOL. ISSUED: 10/7/2003 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to perform a pre-mining subsidence property surveys.

CURRENT STATUS: TERMINATED STATUS DATE: 10/7/2003
 REQUIRED ACTIONS: Non-correctable

ABATEMENT ACTIONS:

PERMIT NO: U-2006-01 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: U-2006-01 (1) DATE VIOL. ISSUED: 3/23/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit surface and groundwater discharges for the
 4th quarter of 2003.

CURRENT STATUS: TERMINATED STATUS DATE: 4/22/2004
 REQUIRED ACTIONS: Submit required reports for the 1st quarter of 2004.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 1200308 MSHA NO: 44-01717 MSHA DATE: n/a
 VIOLATION NO: AJC0000397 DATE VIOL. ISSUED: 12/17/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Failed to submit annual certifications for Ponds E-2A-004 & 005

CURRENT STATUS: TERMINATED STATUS DATE: 1/27/2005
 REQUIRED ACTIONS: Submit pond certifications as required.

ABATEMENT ACTIONS: Required work completed, violation terminated 1/27/05.

PERMIT NO: 1201367 MSHA NO: 44-05745 MSHA DATE: n/a
 VIOLATION NO: TMM0003807 DATE VIOL. ISSUED: 10/22/2004 ISSUED BY: VA DMLR

VIOLATION DESCRIPTION: (1) Failed to provide secondary containment for hydraulic fluids and lubricants. (2) Failed to properly maintain Sump 2 discharge pipe.

CURRENT STATUS: TERMINATED STATUS DATE: 11/2/2004
 REQUIRED ACTIONS: (1) Store all oils, antifreeze, etc. on-site in secondary containment.
 (2) Maintain haulroad sump 2 as per approved design.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
 VIOLATION NO: WHW0004188 DATE VIOL. ISSUED: 7/14/2005 ISSUED BY: VA DMLR

VIOLATION DESCRIPTION: Operator allowed black water to discharge from Pond #18 that showed a solids content of 20,537 mg/l for a 7/7/2005 sample. Revision Order WHW 0004189 issued on 7/15/2005.

CURRENT STATUS: TERMINATED STATUS DATE: 7/14/2005
 REQUIRED ACTIONS: Violation is non-correctable since follow-up sample collected on 7/8/2005 from Pond #18 was clear. Revise permit to update internal drainage control to prevent black water discharges at Pond #18

ABATEMENT ACTIONS: Violation is non-correctable.

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
 VIOLATION NO: TIM0004654 DATE VIOL. ISSUED: 7/8/2005 ISSUED BY: VA DMLR

VIOLATION DESCRIPTION: Operator allowed black water to discharge from Pond #18.

CURRENT STATUS: TERMINATED STATUS DATE: 7/8/2005
 REQUIRED ACTIONS: Violation is non-correctable since follow-up sample collected on 7/8/2005 from Pond #18 was clear.

ABATEMENT ACTIONS: Violation is non-correctable.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 30733707(R) MSHA NO: 36-04175 MSHA DATE: 12/22/83
 VIOLATION NO: 041022 DATE VIOL. ISSUED: 4/20/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: (1)Sludge in Colvin AMD settling pond exceeded cleanout level.
 (2)Allowed sludge discharge and caused iron staining in creek.
 (3) Modified pond without approval. (4) Site lacks warning system.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/8/2004
 REQUIRED ACTIONS: (1) Clean out pond. (2) Submit plan to prevent damage to hydrologic
 system. (3) Submit plans for pond modification. (4) Submit plan
 outlining warning device and backup system to be employed.
 ABATEMENT ACTIONS: Required actions completed.

PERMIT NO: 30733707(R) MSHA NO: 36-04175 MSHA DATE: 12/22/83
 VIOLATION NO: 041019 DATE VIOL. ISSUED: 3/26/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to maintain treatment facility in that discharge from sump
 by Sed Pond #2 discharged low pH water at a rate of 5 gpm to
 Whitely Creek.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/2/2004
 REQUIRED ACTIONS: Repair sump pump and properly maintain facilities.
 ABATEMENT ACTIONS: Required work completed.

PERMIT NO: 30841312 MSHA NO: 46-01968 MSHA DATE: n/a
 VIOLATION NO: 201653 DATE VIOL. ISSUED: 10/27/2005 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to notify department of water loss.
 CURRENT STATUS: TERMINATED STATUS DATE: 11/2/2005
 REQUIRED ACTIONS: Submit required notice within five days.
 ABATEMENT ACTIONS: Required report submitted on 11/2/2005.

PERMIT NO: 30841313 MSHA NO: 36-04281 MSHA DATE: 08/13/86
 VIOLATION NO: 195020 DATE VIOL. ISSUED: 6/1/2005 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to perform a pre-mining structure survey at Wanda (Cowger)
 Crouser residence
 CURRENT STATUS: TERMINATED STATUS DATE: 6/10/2005
 REQUIRED ACTIONS: Violation is non-correctible
 I
 ABATEMENT ACTIONS: Violation terminated since it is non-correctible.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 70 MSHA NO: 11-00610 MSHA DATE: 00/00/00
 VIOLATION NO: 19-1-04 DATE VIOL. ISSUED: 7/9/2004 ISSUED BY: IL DMM
 VIOLATION DESCRIPTION: fail to submit permit renewal in timely manner

CURRENT STATUS: TERMINATED STATUS DATE: 7/9/2004
 REQUIRED ACTIONS: Renewal submitted late. No abatement possible.

ABATEMENT ACTIONS: submitted renewal, violation notice terminated

PERMIT NO: 71 MSHA NO: 11-00613 MSHA DATE: 00/00/00
 VIOLATION NO: 47-5-04 DATE VIOL. ISSUED: 10/8/2004 ISSUED BY: IL OMM
 VIOLATION DESCRIPTION: Allowed 0.2 bonded reclaimed acres to be re-disturbed and topsoil lost due to access road construction..

CURRENT STATUS: TERMINATED STATUS DATE: 11/8/2004
 REQUIRED ACTIONS: Submit reclamation change to permit road by 10/26/04. Soil, grade seed and mulch disturbed areas along the road by 11/11/04.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: N 06-39-2-1 DATE VIOL. ISSUED: 2/16/2006 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Permittee constructed coal sampling building and two small conveyors without Division approval.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Permittee must submit a permit amendment to receive approval for sample building and conveyors.
 Revise text and maps accordingly.

ABATEMENT ACTIONS:

PERMIT NO: D-2100 MSHA NO: 33-03214 MSHA DATE: 1/1/74
 VIOLATION NO: 21074 DATE VIOL. ISSUED: 4/28/2005 ISSUED BY: OH DMRM
 VIOLATION DESCRIPTION: Drainage not going to Pond 10

CURRENT STATUS: TERMINATED STATUS DATE: 5/2/2005
 REQUIRED ACTIONS: Establish drainage to Pond 10 according to approved plan.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: Multi-media Inspect MSHA NO: 46-01433 MSHA DATE: n/a
 VIOLATION NO: DATE VIOL. ISSUED: 10/22/2003 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: (1) Failed to do waste determination for expired self rescue units.
 (2) Improperly disposed expired self rescue units.
 (3) Failed to clean used oil and contaminated debris at storage area.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Take appropriate measures to correct violations listed above.

ABATEMENT ACTIONS:

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: O-1001-00 (6) DATE VIOL. ISSUED: 6/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Pond 020 is discharging high suspended solids to Boggs Run.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2005
 REQUIRED ACTIONS: Stop discharge of high suspended solids to Boggs Run.

ABATEMENT ACTIONS: Required work completed, violation terminated on 6/29/2005.

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: O-1001-00 (5) DATE VIOL. ISSUED: 5/19/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain haulroad.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/16/2005
 REQUIRED ACTIONS: Cleanout haulroad ditches and sumps to certifiable condition.

ABATEMENT ACTIONS: Required work completed, violation terminated on 6/16/2005.

PERMIT NO: O-150-83 MSHA NO: 46-05449 MSHA DATE: n/a
 VIOLATION NO: O-150-83 (15) DATE VIOL. ISSUED: 12/2/2003 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to clean Sediment Pond 16 after sediments exceeded 60%
 of design capacity.
 CURRENT STATUS: TERMINATED STATUS DATE: 12/11/2003
 REQUIRED ACTIONS: Clean out Sediment Pond 16 to 100% of design capacity.

ABATEMENT ACTIONS: Required work completed - violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: P-2011-04 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: P-2011-04 (1) DATE VIOL. ISSUED: 6/18/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly seal prospect drill holes at the completion of drilling.

CURRENT STATUS: TERMINATED STATUS DATE: 8/10/2004
 REQUIRED ACTIONS: Plug all holes according to approved plan.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: S-4004-03 MSHA NO: 46-09001 MSHA DATE: NA
 VIOLATION NO: S-4004-03 (1) DATE VIOL. ISSUED: 2/19/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator allowed vehicles to track dirt and rock onto county highway.

CURRENT STATUS: TERMINATED STATUS DATE: 2/23/2004
 REQUIRED ACTIONS: Clean county road and surface the haulroad in places specified.

ABATEMENT ACTIONS: Required actions completed. Violation terminated.

PERMIT NO: U 10-25-92 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: U 10-25-98 (13) DATE VIOL. ISSUED: 6/22/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: (1) Failed to properly install sediment control system
 (2) Failed to maintain silt fence

CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2006
 REQUIRED ACTIONS: (1) Install and certify an approved sediment control system for disturbed areas
 (2) Cease surface mining activity that could increase in run-off solids

ABATEMENT ACTIONS: Required work completed; violation terminated 6/29/2006

PERMIT NO: U-100-83 MSHA NO: 46-01431 MSHA DATE: n/a
 VIOLATION NO: U-100-83 (2) DATE VIOL. ISSUED: 10/11/2003 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect the hydrologic balance by allowing drainage from the Whetstone Injection Borehole to enter surface waters.

CURRENT STATUS: TERMINATED STATUS DATE: 10/13/2003
 REQUIRED ACTIONS: Repair borehole checkvalve to prevent backflow from entering the surface drainage. Cease all pumping until repairs are made.

ABATEMENT ACTIONS: Required work completed, violation terminated on 10/13/03.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-1045-91 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: U-1045-91 (1) DATE VIOL. ISSUED: 6/9/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit required sediment pond certification.

CURRENT STATUS: TERMINATED STATUS DATE: 8/6/2004
 REQUIRED ACTIONS: Submit annual certification in accordance state regulations.

ABATEMENT ACTIONS: Extension granted to 8/6/2004.
 Required work completed, violation terminated.

PERMIT NO: U-104-83 MSHA NO: 46-013318 MSHA DATE: n/a
 VIOLATION NO: U-104-83 (70) DATE VIOL. ISSUED: 8/24/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: (1) Disturbed 1250 feet of access road to 12-A-1-CCR borehole
 (2) Access road is not on bonded area

CURRENT STATUS: STATUS DATE:
 REQUIRED ACTIONS: (1) & (2) Include off-permit disturbance into the permitted area by
 obtaining IBR or surface permit with bond or stop using access roads.

ABATEMENT ACTIONS:

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: U-104-83 (69) DATE VIOL. ISSUED: 10/25/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee conducted full extraction in area not allowed.

CURRENT STATUS: TERMINATED STATUS DATE: 12/23/2005
 REQUIRED ACTIONS: Refrain from full extraction in remaining areas as designated by
 permit documents.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: U-104-83 (68) DATE VIOL. ISSUED: 2/17/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee caused off-permit disturbances totalling 0.5 acres at
 IBR#49 rockdust borehole site.

CURRENT STATUS: TERMINATED STATUS DATE: 9/9/2005
 REQUIRED ACTIONS: Remove spoil from drainway. Revise permit to include off-permit
 disturbance.

ABATEMENT ACTIONS: Required work completed, violation terminated 9/9/2005.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: U-104-83 (63) DATE VIOL. ISSUED: 9/8/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Cease discharge at NPDES outfall 002 (Pond 1) of water that is not adequately treated.

CURRENT STATUS: TERMINATED STATUS DATE: 9/8/2004
 REQUIRED ACTIONS: Cease discharge of Pond 1 or treat water to meet effluent limits.

ABATEMENT ACTIONS: Discharge ceased, order modified to NOV #64.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: U-104-83 (62) DATE VIOL. ISSUED: 6/11/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed blackwater discharge at NPDES discharge 002 (Pond 1).

CURRENT STATUS: TERMINATED STATUS DATE: 6/11/2004
 REQUIRED ACTIONS: Cease discharge of Pond 1 or treat water to meet effluent limits.

ABATEMENT ACTIONS: Discharge ceased, order terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: U-104-83 (61) DATE VIOL. ISSUED: 5/19/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed slurry spill off site causing damage to land and stream.

CURRENT STATUS: TERMINATED STATUS DATE: 6/18/2004
 REQUIRED ACTIONS: Clean-up spilled slurry to the extent possible without causing additional environmental harm.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: U-104-83 (59) DATE VIOL. ISSUED: 5/18/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed slurry spill off site causing damage to land and stream.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Cease pumping via "mudcat" pipeline until break in line is repaired.

ABATEMENT ACTIONS: Required work completed. Cessation order was modified to notice of Violation #61

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
 VIOLATION NO: NW-RB-100803-00 DATE VIOL. ISSUED: 11/8/2003 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: (1) Failed to properly dispose of solid waste.
 (2) Improperly handled petroleum containers and contaminated
 soils that could impact groundwater quality.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Clean up solid waste, petroleum containers and petroleum
 contaminated soils.

ABATEMENT ACTIONS:

PERMIT NO: U-119-83 MSHA NO: 46-01453 MSHA DATE: 00/00/00
 VIOLATION NO: U-119-83 (27) DATE VIOL. ISSUED: 11/5/2003 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to conduct required inspections and submit certifications
 on rock disposal area.
 CURRENT STATUS: TERMINATED STATUS DATE: 12/12/2003
 REQUIRED ACTIONS: Prepare and submit required inspection reports and submit
 certifications.

ABATEMENT ACTIONS: Required reports and certifications have been submitted.

PERMIT NO: U-70-83 MSHA NO: 46-01452 MSHA DATE: n/a
 VIOLATION NO: U-70-83 (37) DATE VIOL. ISSUED: 10/12/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed Booth pump line flange to fail and discharge water to
 Indian Creek which does not meet water quality standards.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/12/2004
 REQUIRED ACTIONS: Repair flange.

ABATEMENT ACTIONS: Flange repaired, violation terminated.

PERMIT NO: U-78-83 MSHA NO: 46-01433 MSHA DATE: n/a
 VIOLATION NO: U-78-83 (36) DATE VIOL. ISSUED: 12/5/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit and obtain the right to subside on Tract 07-21-8
 before mining within a 30 degree angle of the property.
 CURRENT STATUS: TERMINATED STATUS DATE: 12/15/2005
 REQUIRED ACTIONS: Obtain and submit the required right to subside. Update appropriate
 permit maps to show subsidence right.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Eighty-Four Mining Company

PERMIT NO: 63743702 MSHA NO: 36-00958 MSHA DATE: 12/20/76
 VIOLATION NO: 051009 DATE VIOL. ISSUED: 3/11/2005 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Permittee discharged black water into Pigeon Creek. Allowed accumulation of black material in creek.

CURRENT STATUS: TERMINATED STATUS DATE: 3/18/2005

REQUIRED ACTIONS: Immediately stop discharge of black material. Submit a plan to show that future discharges will be prevented and how accumulated sediments will be cleaned up.

ABATEMENT ACTIONS: Required work completed, violation abated.

PERMIT NO: 63831302 MSHA NO: 36-00958 MSHA DATE: 12/20/76
 VIOLATION NO: 041037 DATE VIOL. ISSUED: 6/1/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Allowed airblast levels to exceed 133 db two times during May at Mowl Shaft.

CURRENT STATUS: TERMINATED STATUS DATE: 7/14/2004

REQUIRED ACTIONS: Control airblasts so that levels do not exceed established limits.

ABATEMENT ACTIONS:

PERMIT NO: 63831302 MSHA NO: 36-00958 MSHA DATE: 12/20/76
 VIOLATION NO: 041021A DATE VIOL. ISSUED: 5/17/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Allowed airblast levels to exceed 133 db five times during March and April at Mowl Shaft.

CURRENT STATUS: TERMINATED STATUS DATE:

REQUIRED ACTIONS: Control airblasts so that levels do not exceed established limits.

ABATEMENT ACTIONS:

PERMIT NO: 63831302 MSHA NO: 36-00958 MSHA DATE: 12/20/76
 VIOLATION NO: 041016A2 DATE VIOL. ISSUED: 5/17/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Allowed airblast levels to exceed 133 db seven times during January and February at Mowl Shaft

CURRENT STATUS: TERMINATED STATUS DATE:

REQUIRED ACTIONS: Control airblasts so that levels do not exceed established limits.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Eighty-Four Mining Company

PERMIT NO: 63831302 MSHA NO: 36-00958 MSHA DATE: 12/20/76
VIOLATION NO: SA1229 DATE VIOL. ISSUED: 11/17/2003 ISSUED BY: PA DEP
VIOLATION DESCRIPTION: Mining activities caused subsidence damage to land and buildings
of the Hothouse Floral Co.

CURRENT STATUS: TERMINATED STATUS DATE: 1/19/2004
REQUIRED ACTIONS: Repair damage done by subsidence or compensate the owner for
the cost of repairing the damage.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401232 MSHA NO: 44-01009 MSHA DATE: 2/18/68
 VIOLATION NO: RXC0000646 DATE VIOL. ISSUED: 5/8/2006 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Allowed the discharge at Outfall 001 to exceed maximum limit for total suspended solids for a sample collected on 4-27-06.

CURRENT STATUS: TERMINATED STATUS DATE: 5/8/2006
 REQUIRED ACTIONS: non-remedial

ABATEMENT ACTIONS: Non-remedial; violation terminated on date of issuance.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TIM0004939 DATE VIOL. ISSUED: 2/9/2006 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator allowed coal to spill on outcrops of railroad tracks along Prater Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 2/23/2006
 REQUIRED ACTIONS: Remove all spilled coal possible and properly dispose of coal.
 Take measures necessary to prevent re-occurrence.

ABATEMENT ACTIONS: Required work completed. Violation terminated.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TIM0004915 DATE VIOL. ISSUED: 1/23/2006 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Discharge from pond 5 had a TSS discharge violation.

CURRENT STATUS: TERMINATED STATUS DATE: 1/30/2006
 REQUIRED ACTIONS: Take necessary measures to bring discharge into compliance.

ABATEMENT ACTIONS: Required work completed, Violation terminated 1/30/2006.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TIM0004764 DATE VIOL. ISSUED: 9/23/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Pond 001 discharge exceeded suspended solids limits on 9/8/2005 with a value of 110 mg/l.

CURRENT STATUS: TERMINATED STATUS DATE: 9/23/2005
 REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial, violation terminated on 9/23/2005.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TIM0004695 DATE VIOL. ISSUED: 8/19/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Coal stockpile pushed adjacent to state road prevents surface drainage from reporting to appropriate ponds.

CURRENT STATUS: TERMINATED STATUS DATE: 9/14/2005
 REQUIRED ACTIONS: Remove coal so that proper drainage is restored.

ABATEMENT ACTIONS: Required work completed, violation terminated on 9/14/2005.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TIM0004696 DATE VIOL. ISSUED: 8/19/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Sediment structures 001 and 001A are full and require cleaning.

CURRENT STATUS: TERMINATED STATUS DATE: 9/14/2005
 REQUIRED ACTIONS: Clean sediment from structures 001 and 001A to restore design sedimentation capacity.

ABATEMENT ACTIONS: Required work completed, violation terminated on 9/14/2005.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TIM0004553 DATE VIOL. ISSUED: 4/26/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: (1) Discharge from pond 5 had a TSS discharge violation.
 (2) Revision Order NumberTIM0004552

CURRENT STATUS: TERMINATED STATUS DATE: 4/26/2005
 REQUIRED ACTIONS: (1) Non-remedial.
 (2) RON TIM0004552 requires design and installation of a secondary containment system to prevent black water discharge.

ABATEMENT ACTIONS:

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TIM0004324 DATE VIOL. ISSUED: 12/9/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Basin 6 and bench basins A, B, C & D have not been modified as required in revision 1002227.

CURRENT STATUS: TERMINATED STATUS DATE: 5/5/2005
 REQUIRED ACTIONS: Do corrective measures as outlined in revision 1002227.

ABATEMENT ACTIONS: Outfall 006 is being added back to the permit with revision 1002762 and reconstruction of pond 6. Violation terminated 5/5/2005.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: RYH0003396 DATE VIOL. ISSUED: 6/3/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator allowed coal spillage at the clean coal stockpile area beside pond 6 & railroad track embankment to Big Prater Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 8/2/2004
 REQUIRED ACTIONS: Remove all spillage possible and properly dispose of materials.
 Take all measures necessary to prevent re-occurrence.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: RYH0003395 DATE VIOL. ISSUED: 6/3/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator allowed Basin 6 and bench basins A, B, C & D to exceed cleanout levels.

CURRENT STATUS: TERMINATED STATUS DATE: 8/2/2004
 REQUIRED ACTIONS: Clean out listed basins and properly dispose of the accumulated sediment.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0004588 DATE VIOL. ISSUED: 5/30/2006 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator inadvertently destroyed a 3 foot section of berm below ponds #1 and #2.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Repair berm in accordance with approved plans.

ABATEMENT ACTIONS:

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0004182 DATE VIOL. ISSUED: 6/28/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Allowed discharges from Outfalls 002 & 005 to exceed maximum total suspended solids limits.

CURRENT STATUS: TERMINATED STATUS DATE: 6/28/2005
 REQUIRED ACTIONS: Violation is non-remedial.

ABATEMENT ACTIONS: Violation terminated since it is non-remedial.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: TMM0004140 DATE VIOL. ISSUED: 6/9/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Allowed black water discharge from permitted outfalls.

CURRENT STATUS: TERMINATED STATUS DATE: 6/9/2005
 REQUIRED ACTIONS: Violation is non-remedial.

ABATEMENT ACTIONS: Violation terminated since it is non-remedial.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0004086 DATE VIOL. ISSUED: 4/29/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Allowed black water discharge from Outfall 002.

CURRENT STATUS: TERMINATED STATUS DATE: 4/29/2005
 REQUIRED ACTIONS: Cease all activities contributing to black water discharge. Clean haul road ditch lines and resurface entire length of haul road.

ABATEMENT ACTIONS: Hauling activities ceased at 9:35 AM. Discharge cleared up at 11:35 AM
 Personnel were directed to initiate ditch cleaning and order stone.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0004050 DATE VIOL. ISSUED: 4/8/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: (1) Operator placed refuse around prep plant in areas not approved.
 (2) Operator failed to maintain sediment control and allowed discharge of froth/float/coal solids at outfall 003.

CURRENT STATUS: TERMINATED STATUS DATE: 6/7/2005
 REQUIRED ACTIONS: (1) Remove refuse to approved disposal site.
 (2) Revision Order WHW0004051 requires that a revised sediment control plan for the prep plant be submitted and implemented.

ABATEMENT ACTIONS: Required work completed, violation terminated 6/7/2005.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0004007 DATE VIOL. ISSUED: 3/11/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Technical Report 2405 shows that discharges from Outfalls 002 & 003 exceed In Stream Water Quality Standards for chlorides.

CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2005
 REQUIRED ACTIONS: Initiate a settlement agreement addressing the violation.

ABATEMENT ACTIONS: Required work completed, violation abated on 8/4/2005.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003981 DATE VIOL. ISSUED: 2/14/2005 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Failed to pass all surface drainage from disturbed area through approved siltation structure before leaving the permit area.

CURRENT STATUS: TERMINATED STATUS DATE: 2/14/2005
 REQUIRED ACTIONS: No remedial action required because the operator repaired the ditch during the inspection.

ABATEMENT ACTIONS: Required work completed. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003873 DATE VIOL. ISSUED: 12/6/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Allowed discharges from Outfalls 002 & 003 to exceed Total Suspended Solids permit limits as determined by a samples collected on 12/6/2004 whose TSS were 208 & 234 mg/l.

CURRENT STATUS: TERMINATED STATUS DATE: 12/6/2004
 REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003794 DATE VIOL. ISSUED: 10/13/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Discharge samples exceeded average total suspended solids limit for the second quarter 2004.

CURRENT STATUS: TERMINATED STATUS DATE: 10/13/2004
 REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003641 DATE VIOL. ISSUED: 7/14/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Allowed black water from the thickener to overflow and seep into Garden Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 7/26/2004
 REQUIRED ACTIONS: Direct drainage from thickener to approved sediment control structure.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003409 DATE VIOL. ISSUED: 2/6/2004 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator failed to properly maintain haulroad.

CURRENT STATUS: TERMINATED STATUS DATE: 3/8/2004
 REQUIRED ACTIONS: Remove haulroad sump and ditch sediments. Grade and adequately surface the roadway.

ABATEMENT ACTIONS: Required work completed. Violation terminated 3/8/2004.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003318 DATE VIOL. ISSUED: 12/11/2003 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator allowed sediment basins #1 and #2 to exceed the allowable clean out level.

CURRENT STATUS: TERMINATED STATUS DATE: 12/19/2003
 REQUIRED ACTIONS: Clean ponds to sufficiently maintain adequate volume for design storm event.

ABATEMENT ACTIONS: Violation terminated. Required work completed.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003322 DATE VIOL. ISSUED: 12/11/2003 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator allowed black water from the prep plant thickener underflow system to enter the receiving stream via an opened valve. Valve was closed immediately once it was discovered.

CURRENT STATUS: TERMINATED STATUS DATE: 12/12/2003
 REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
 VIOLATION NO: WHW0003320 DATE VIOL. ISSUED: 12/11/2003 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: Operator reported third quarter 2003 water quality that exceeded total suspended solids average permit limits of 35 mg/l with a reported value of 44.5 mg/l.

CURRENT STATUS: TERMINATED STATUS DATE: 12/11/2003
 REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Violation terminated.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: P-590 MSHA NO: 46-0244 MSHA DATE: 03/16/73
 VIOLATION NO: P-590 (22) DATE VIOL. ISSUED: 11/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit SWROA as required.

CURRENT STATUS: TERMINATED STATUS DATE: 12/12/2005
 REQUIRED ACTIONS: Prepare and submit a SWROA to comply with all applicable requirements.

ABATEMENT ACTIONS: Required work completed ; violation terminatedn 12/12/2005.

PERMIT NO: P-674 MSHA NO: 46-03080 MSHA DATE: 4/20/73
 VIOLATION NO: P-674 (12) DATE VIOL. ISSUED: 1/14/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain a valid NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2004
 REQUIRED ACTIONS: Obtain a valid NPDES permit.

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

PERMIT NO: UO-30 MSHA NO: 46-05480 MSHA DATE: 08/20/84
 VIOLATION NO: UO-30 (6) DATE VIOL. ISSUED: 1/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain a valid NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2004
 REQUIRED ACTIONS: Obtain a valid NPDES permit.

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

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Entity to whom violation(s) were issued: Itmann Coal Company

PERMIT NO: O-11-85 MSHA NO: 46-02252 MSHA DATE: 08/23/85
VIOLATION NO: O-11-85 (3) DATE VIOL. ISSUED: 6/23/2004 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Failed to meet effluent limits by discharging black water into the
Guyandotte River.

CURRENT STATUS: TERMINATED STATUS DATE: 6/23/2004

REQUIRED ACTIONS: Maintain drainage system or chemically treat water so as to
maintain effluent limits.

ABATEMENT ACTIONS: Required actions taken, discharge from impoundment is clear.

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Entity to whom violation(s) were issued: Keystone Coal Mining Corporation

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
 VIOLATION NO: 051011 DATE VIOL. ISSUED: 2/16/2005 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: NPDES discharge exceeded manganese limits.

CURRENT STATUS: TERMINATED STATUS DATE: 3/16/2005
 REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed, violation abated 3/16/2005.

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
 VIOLATION NO: 041039 DATE VIOL. ISSUED: 6/4/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to comply with Compliance Order 041033 in that NPDES discharge 013 sample 5/18/04 exceeded manganese limits.

CURRENT STATUS: TERMINATED STATUS DATE: 6/28/2004
 REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed. Violation lifted.

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
 VIOLATION NO: 041033 DATE VIOL. ISSUED: 5/18/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: NPDES discharge 013 sample 4/21/04 exceeded manganese limits.

CURRENT STATUS: TERMINATED STATUS DATE: 6/28/2004
 REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed. Violation lifted.

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
 VIOLATION NO: 041023 DATE VIOL. ISSUED: 4/26/2004 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: NPDES discharge 012 exceeded manganese limits as shown by sample collected on 3/4/04.

CURRENT STATUS: TERMINATED STATUS DATE: 4/21/2004
 REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed. Violation abated.

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Entity to whom violation(s) were issued: Laurel Run Mining Company

PERMIT NO: O-1039-90 MSHA NO: 46-03080 MSHA DATE: 05/09/90
 VIOLATION NO: O-1039-90 (3) DATE VIOL. ISSUED: 1/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain a valid NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2004
 REQUIRED ACTIONS: Obtain a valid NPDES permit.

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

PERMIT NO: U-139-83 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: U-139-83 (12) DATE VIOL. ISSUED: 6/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to pass all runoff through a sediment control system.

CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2005
 REQUIRED ACTIONS: Install and maintain sediment control for all disturbed areas.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-139-83 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: U-139-83 (11) DATE VIOL. ISSUED: 6/28/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed black water discharge from Pond 1

CURRENT STATUS: TERMINATED STATUS DATE: 6/28/2005
 REQUIRED ACTIONS: Stop black water discharge from Pond 1 and only allow discharges that comply with permit limits.

ABATEMENT ACTIONS: Discharge from Pond 1 stopped and pipe sealed

PERMIT NO: U-5013-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (4) DATE VIOL. ISSUED: 8/17/2006 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to display warning signs at blasting site.

CURRENT STATUS: TERMINATED STATUS DATE: 8/22/2006
 REQUIRED ACTIONS: Permittee is to post warning signs.

ABATEMENT ACTIONS: Required work completed; violation terminated 8/22/2006

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (27) DATE VIOL. ISSUED: 7/26/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to timely certify Sediment Pond AB and Ditch 12 (sec A - E)

CURRENT STATUS: TERMINATED STATUS DATE: 9/14/2005
 REQUIRED ACTIONS: Certify sediment control structures as required.

ABATEMENT ACTIONS: Required work completed. Violation terminated 9/14/2005.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (25) DATE VIOL. ISSUED: 6/23/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to keep reclamation concurrent at Conners Run Refuse pile.

CURRENT STATUS: TERMINATED STATUS DATE: 10/14/2005
 REQUIRED ACTIONS: Finish grading, topsoil, seed and mulch the 770' bench and the
 outslope immediately above the ditch.

ABATEMENT ACTIONS: Required work completed, violation terminated 10/14/05.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (26) DATE VIOL. ISSUED: 6/23/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly spread and compact refuse in layers as approved
 by permit.

CURRENT STATUS: TERMINATED STATUS DATE: 12/6/2005
 REQUIRED ACTIONS: Smooth and compact all rough areas on refuse pile. Place refuse
 in lifts not to exceed 2 feet in thickness.

ABATEMENT ACTIONS: Required work completed. Violation terminated 12/6/2005.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (24) DATE VIOL. ISSUED: 3/17/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain drainage system

CURRENT STATUS: TERMINATED STATUS DATE: 4/19/2005
 REQUIRED ACTIONS: Clean culvert and remove berm as noted to allow proper drainage.

ABATEMENT ACTIONS: Required work complete. Violation terminated 4/19/05.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (23) DATE VIOL. ISSUED: 1/14/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharge from Pond 2 (outlet006) failed to meet NPDES permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 1/18/2005
 REQUIRED ACTIONS: Stop flow from Pond 2 or treat discharge to meet permit limits.

ABATEMENT ACTIONS: Required work complete. Pond pumped down and no longer
 discharging non-compliant water. Violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (22) DATE VIOL. ISSUED: 9/17/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharge from Pond 2 (outlet006) failed to meet NPDES permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 9/20/2004
 REQUIRED ACTIONS: Stop flow from Pond 2 or treat discharge to meet permit limits.

ABATEMENT ACTIONS: Required work complete. Pond discharge meets permit limits.
 Violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (21) DATE VIOL. ISSUED: 9/10/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharge from Pond 2 (outlet006) failed to meet NPDES permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 9/14/2004
 REQUIRED ACTIONS: Stop flow from Pond 2 or treat discharge to meet permit limits.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (20) DATE VIOL. ISSUED: 4/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to properly maintain Graveyard Run access road.

CURRENT STATUS: TERMINATED STATUS DATE: 5/17/2004
 REQUIRED ACTIONS: Repair slips, ditch, road surface and culverts of Graveyard run
 access road.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (19) DATE VIOL. ISSUED: 4/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct certain Conners Run Refuse area ditches and diversions according to approved plan.

CURRENT STATUS: TERMINATED STATUS DATE: 7/9/2004
 REQUIRED ACTIONS: Install and certify ditches and diversion in accordance with approved plan or "as-built".

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: O-1023-92 (18) DATE VIOL. ISSUED: 4/13/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to certify that Haulroad 1 was built as per approved plans.

CURRENT STATUS: TERMINATED STATUS DATE: 7/9/2004
 REQUIRED ACTIONS: Install and certify Haulroad 1 in accordance with approved plan or "as-built".

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-1026-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: U-1026-92 (3) DATE VIOL. ISSUED: 4/14/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed indiscriminate dumping of non-coal wastes at site.

CURRENT STATUS: TERMINATED STATUS DATE: 5/17/2004
 REQUIRED ACTIONS: Pick up all litter and junk around the site.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-1026-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: U-1026-92 (2) DATE VIOL. ISSUED: 4/14/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to certify the Blakes Ridge diversion ditches and access roads.

CURRENT STATUS: TERMINATED STATUS DATE: 5/10/2005
 REQUIRED ACTIONS: Install and certify ditches and diversion in accordance with approved plan or "as-built".

ABATEMENT ACTIONS: Required work completed, violation terminated 5/10/2005.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (49) DATE VIOL. ISSUED: 5/27/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain sediment control structures by allowing a breach in abutment channel D2.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
 REQUIRED ACTIONS: Repair slip, re-install channel D2 and re-certify channel D2.

ABATEMENT ACTIONS: Required work complete, violation terminated 7/19/2005.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (48) DATE VIOL. ISSUED: 5/10/2005 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: NPDES Outlet 005 effluent exceeded suspended solids permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 5/11/2005
 REQUIRED ACTIONS: Provide necessary treatment to achieve effluent limits.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (47) DATE VIOL. ISSUED: 6/24/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: NPDES Outlet 409 effluent exceeded fecal coliform permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 8/16/2004
 REQUIRED ACTIONS: Provide necessary treatment to achieve effluent limits.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (46) DATE VIOL. ISSUED: 4/8/2004 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Pump discharge near outlet 408 exceeded total suspended solids effluent limit.

CURRENT STATUS: TERMINATED STATUS DATE: 4/9/2004
 REQUIRED ACTIONS: Provide necessary treatment or cease pump discharge.

ABATEMENT ACTIONS: Pump discharge ceased. Violation terminated.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO:	U-33-83	MSHA NO:	46-01437	MSHA DATE:	n/a
VIOLATION NO:	U-33-83 (45)	DATE VIOL. ISSUED:	4/8/2004	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION: Failed to properly maintain diversion ditch CD-1.					

CURRENT STATUS:	TERMINATED	STATUS DATE:	3/18/2005
REQUIRED ACTIONS:	Repair ditch to approved design and recertify.		

ABATEMENT ACTIONS: Required work completed, violation terminated 3/18/2005.

PERMIT NO:	U-33-83	MSHA NO:	46-01437	MSHA DATE:	n/a
VIOLATION NO:	U-33-83 (44)	DATE VIOL. ISSUED:	10/24/2003	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION: Failed to submit annual certified impoundment inspection reports.					

CURRENT STATUS:	TERMINATED	STATUS DATE:	11/25/2003
REQUIRED ACTIONS:	Obtain required certifications and submit.		

ABATEMENT ACTIONS: Annual certifications have been submitted and approved.

NOTICE

Notice is hereby given that Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/007 to operate the Hidden Valley Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit area, as shown on the map below, is located on U.S. Geological Survey 7.5 minute quadrangle map as follows:

Sections 17 and 18, Township 23S, Range 6E, of the Walker Flat Quadrangle;

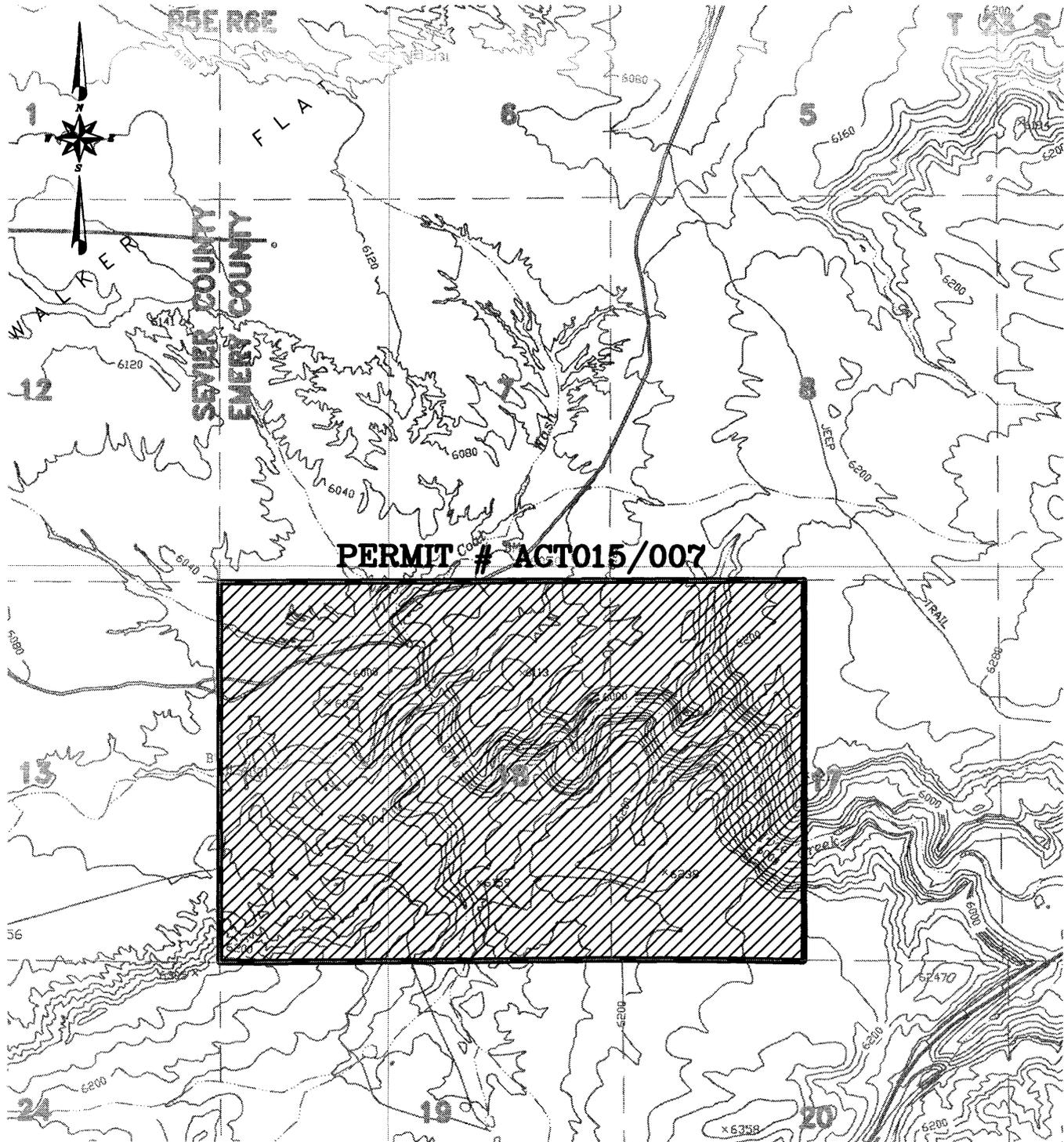
(Insert Map)

Copies of the application for this permit are available for inspection at:

Emery County Recorder's Office
Emery County Courthouse
Castle Dale, Utah 84513

Utah Division of Oil, Gas and Mining
Coal Program
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Written comments on this application should be submitted to the State of Utah, Division of Oil, gas & Mining at the above address. Such comments should be filed within thirty (30) days from the date of the last publication of this notice.



PERMIT # ACT015/007

**Consolidation Coal Company
Hidden Valley Mine**



QUADRANGLE LOCATION

BASE MAP:
U.S.G.S 7.5 MINUTE QUADRANGLE'S.
WALKER FLAT 1968, PHOTO REVISED 1978.



SCALE: 1"=2000'
CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL