



Permit Renewal Application

Hidden Valley Mine

C/015/007

September 15, 2011

File in:

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Date Folder 09/21/11 C/0150007

Greening



CONSOL ENERGY

C/015/007 Incoming

Consolidation Coal Company

P.O. Box 566

Sesser, IL 62884

(618) 625-2041

cc: Steve C.

*#3925
OK*

September 12, 2011

James Smith, 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 Mr. Smith:

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, 2012 through January 7, 2017. 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. 331474 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 August 26, 2011.

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 618-521-6884.

Sincerely,

Timothy Kirschbaum
Environmental Engineer

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09/21/11 C-0150007

Incoming

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SEP 21 2011

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Consolidation Coal Company

Mine: Hidden Valley

Permit Number:

ACT 015/007

Title: Permit Renewal

Description, Include reason for application and timing required to implement:

Current Permit expires January 7, 2012

Instructions: If you answer yes to any of the first eight questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?

Explain: _____

- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?
- Yes No 24. Does the application include confidential information and is it clearly marked and separated in the plan?

Please attach three (3) review copies of the application. If the mine is on or adjacent to Forest Service land please submit four (4) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Mark Stanley

Gen. Manager - Permitting

9-13-11

Mark Stanley
Signature (Right-click above choose certify then have notary sign below)

Print Name

Position

Date

Subscribed and sworn to before me this 13th day of September, 2011

Notary Public: Janice L Davis, state of Utah.

My commission Expires: October 19, 2013

Commission Number: 15980793

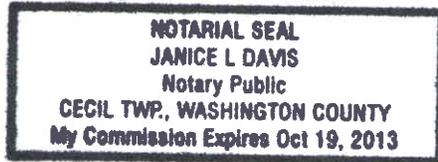
Address: 1000 CONSOL ENERGY DRIVE

City: CANONSBURG

State: PA

Zip: 15317

SS: _____



For Office Use Only:

Assigned Tracking Number:

Received by Oil, Gas & Mining

RECEIVED

SEP 21 2011

DIV. OF OIL, GAS & MINING

NOTICE

Notice is hereby given that Consolidation Coal Company, 1000 Consol Energy Drive, Canonsburg, Pennsylvania 15317, 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 18 and the W ½ of Section 17, Township 23S, Range 6E, of the Walker Flat Quadrangle;

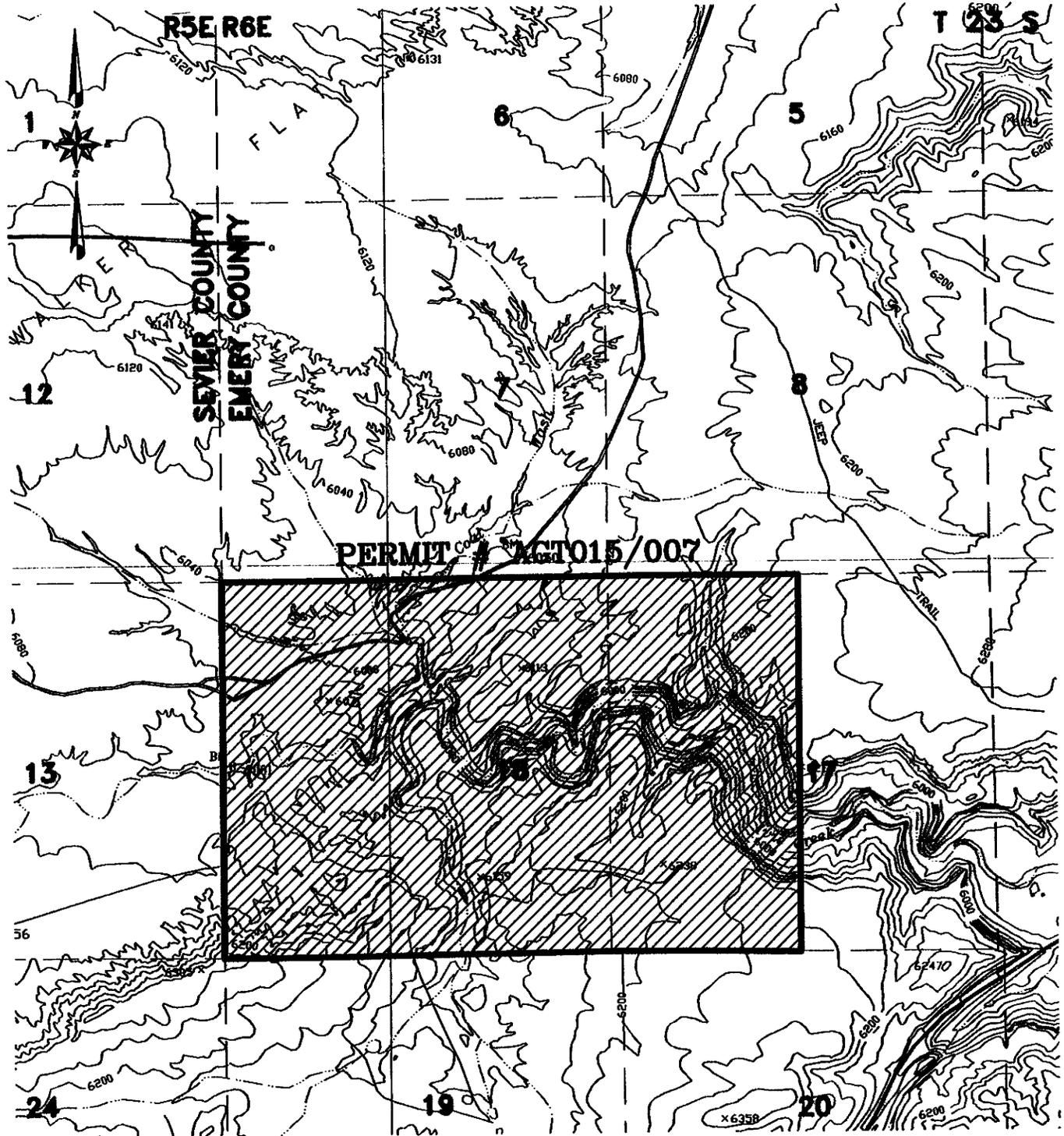
(Insert Map)

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.



Consolidation Coal Company
Hidden Valley Mine



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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
06/06/2011

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Marsh USA, Inc. Six PPG Place, Suite 400 Pittsburgh, PA 15222-5406	CONTACT NAME: _____	
	PHONE (A/C, No. Ext): _____	FAX (A/C, No): _____
E-MAIL ADDRESS: _____		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: N/A		N/A
INSURER B: N/A		N/A
INSURER C: Steadfast Insurance Company		26387
INSURER D: N/A		N/A
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** CLE-003200806-21 **REVISION NUMBER:** 9

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
C	GENERAL LIABILITY			BOG 9377215-07	11/05/2010	11/05/2011	EACH OCCURRENCE	\$ 1,000,000	
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ N/A	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ N/A	
	GENL AGGREGATE LIMIT APPLIES PER:							PERSONAL & ADV INJURY	\$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						GENERAL AGGREGATE	\$ 1,000,000	
	AUTOMOBILE LIABILITY							PRODUCTS - COMP/OP AGG	\$ 1,000,000
	<input type="checkbox"/> ANY AUTO								\$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS							\$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS							\$
	<input type="checkbox"/> UMBRELLA LIAB	<input type="checkbox"/> OCCUR							\$
<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				\$				
	DED	RETENTION \$				\$			
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY							WC STATUTORY LIMITS	OTHER	
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		<input type="checkbox"/> Y/N	N/A				E.L. EACH ACCIDENT	\$	
If yes, describe under DESCRIPTION OF OPERATIONS below							E.L. DISEASE - EA EMPLOYEE	\$	
							E.L. DISEASE - POLICY LIMIT	\$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

All operations usual to the business of the Insured at Hidden Valley Mine, Permit ID ACT 015/007. Use of explosives is covered under the CGL policy.

CERTIFICATE HOLDER

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

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
 of Marsh USA Inc.
 Paul Hoyt *Paul Hoyt*

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VERIFICATION CERTIFICATE FOR INDEFINITE TERM SURETY BOND

THIS IS TO CERTIFY that Bond Number 331474 issued by
Travelers Casualty and Surety Company of America, as Surety, dated the 12th
day of October, 1995, in the amount of _____
One Hundred And Twelve Thousand And 00/100 (\$ 112,000.00), on behalf
of Consolidation Coal Company, as Principal,
and in favor of State of Utah, as Obligee,
covers a term which began on the 12th day of October, 2010,
and ends only with the cancellation of said bond or other legal termination thereof; and that the said bond
remains in effect, subject to all its agreements, conditions and limitations.

Signed, sealed and dated this 30th day of August, 2011.

Travelers Casualty and Surety Company of America
Surety

By: Mary Y. Volmar
Mary Y. Volmar, Attorney-In-Fact

POWER OF ATTORNEY



Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
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. 223889

Certificate No. 004465339

KNOW ALL MEN BY THESE PRESENTS: 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 Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Barbara A. Thompson, Carolyn E. Wheeler, Novetta M. Anderson, Kellie McKinney, Leslie M. Patterson, Loretta M. Jones, Mary Y. Volmar, Tara W. Mealer, and Sandra Ward

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 10th day of August, 2011

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
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 10th day of August, 2011, 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., 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, 2016.



[Signature]
Marie C. Tetreault, Notary Public

CONSOL Energy and Related Companies - Violation History
August 26, 2008 - August 26, 2011

Attachment Page 1 of 64

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

PERMIT NO: U006685 (22) MSHA NO: U006685 MSHA DATE:
 VIOLATION NO: U006685 (22) DATE VIOL. ISSUED: 6/24/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain permit conditions in that Sed Pond 1 has been altered causing the principle spillway to no longer function and the emergency spillway to discharge.
 CURRENT STATUS: Extended STATUS DATE:
 REQUIRED ACTIONS: Re-construct principle spillway in accordance with design specs. Certify all changes to the structure. Ensure that emergency spillway has rock rip-rap placed at the outfall.
 ABATEMENT ACTIONS:

PERMIT NO: 060E475 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-1891 DATE VIOL. ISSUED: 10/14/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code OT: Permittee began exploration core drilling before the exploration was permitted.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/21/2008
 REQUIRED ACTIONS: Cease all core drilling until the time that the exploration permit has been issued.
 ABATEMENT ACTIONS: Violation Terminated - 10/21/2008.

PERMIT NO: 4605092 MSHA NO: 15-17065 MSHA DATE:
 VIOLATION NO: 43-2306 DATE VIOL. ISSUED: 5/11/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code SC: Failed to maintain sediment control structure #1 according to approved plan. This is in reference to sediment clean-out levels & obstructions found in principal spillway.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/8/2010
 REQUIRED ACTIONS: Implement approved sediment clean-out plan, remove obstructions from within principal spillway, reestablish rip-rap for emergency spillway and remove all tree growths from upstream & downstream embankments.
 ABATEMENT ACTIONS: Extended to 5/15/10

PERMIT NO: 8365238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0216 DATE VIOL. ISSUED: 4/13/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to provide adequate water quality for Clinton Handshoe.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/19/2010
 REQUIRED ACTIONS: The temporary water source must be brought within the approved guidelines for drinking water.
 ABATEMENT ACTIONS:

CONSOL Energy and Related Companies - Violation History

August 26, 2008 - August 26, 2011

Attachment Page 2 of 64

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

PERMIT NO: 8365238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0215 DATE VIOL. ISSUED: 1/29/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failure to minimize disturbance to hydrologic balance in permit area by mining Elkhorn #3 seam. Permittee has impacted the Clinton Handshoe well.
 CURRENT STATUS: Non-Correctable STATUS DATE:
 REQUIRED ACTIONS: Disturbance to the hydrologic balance has adversely affected the water quality of the Clinton Handshoe well and the impact cannot be reversed.
 ABATEMENT ACTIONS:

PERMIT NO: 8365238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-2278 DATE VIOL. ISSUED: 1/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code AP: Company and operator has allowed fugitive dust and/or coal dust to occur in an uncontrolled manner from the coal belt line and the coal stock pile area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/2/2009
 REQUIRED ACTIONS: Company must supply an adequate amount of water, consistently maintain the water sprinkler system, and follow the permitted and approved dust control plans at all times.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 8365238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-2277 DATE VIOL. ISSUED: 12/23/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code AP: Allowed fugitive dust in an uncontrolled manner.
 2) Code SC: Failed to maintain the principle spillway according to plan
 3) Code DS: Failed to properly maintain diversion ditches.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2009
 REQUIRED ACTIONS: 1) Control all fugitive dust.
 2) Remove debris from principle spillway.
 3) Regrade diversion ditches
 ABATEMENT ACTIONS: Required work complete: Violation 1 Terminated
 Required work completed; Violation 2 Terminated
 Required work completed; Violation 2 Terminated

PERMIT NO: 8365238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0827 DATE VIOL. ISSUED: 12/1/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code AP: Company and or operator has allowed fugitive dust to occur in an uncontrolled manner from the coal belt line and coal stock pile area.
 CURRENT STATUS: TERMINATED STATUS DATE: 12/15/2008
 REQUIRED ACTIONS: Add additional sprinklers to the coal belt line, coal stock pile area, and add additional gravel within the coal stock pile area.
 ABATEMENT ACTIONS: Required action completed: Violation terminated 12/15/2008

CONSOL Energy and Related Companies - Violation History

August 26, 2008 - August 26, 2011

Attachment Page 3 of 64

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

PERMIT NO:	8365238	MSHA NO:	15-18296	MSHA DATE:	10/31/00
VIOLATION NO:	43-0826	DATE VIOL. ISSUED:	9/25/2008	ISSUED BY:	KY DSMRE
VIOLATION DESCRIPTION:	1) Code UO: Failed to comply with all terms & conditions of permit. 2) Code BG: Failed to properly handle or dispose of toxic chemicals. 3) Code AP: Allowed fugitive dust to occur in an uncontrolled manner.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	1/5/2009		
REQUIRED ACTIONS:	1) Remove operator and/or comply with permit and/or subit operator change. 2) Remove and properly dispose of chemicals. 3) Follow the approved and permitted plans to prevent air born dust.				
ABATEMENT ACTIONS:	Violation 1&2: Terminated Violation 3: Terminated 10/22/2008				

PERMIT NO:	8600333	MSHA NO:		MSHA DATE:	
VIOLATION NO:	43-2298 (1-2)	DATE VIOL. ISSUED:	5/9/2009	ISSUED BY:	KY DSMRE
VIOLATION DESCRIPTION:	1) Code BG: A slide had developed along the downslope of increment 6 located within County Line Hollow. 2) Code WQ: Allowed substandard discharge to leave permitted area.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	9/29/2009		
REQUIRED ACTIONS:	1) Stabilize, seed and mulch all disturbed areas. Establish temp. sediment control for all disturbed areas. 2) Immediately cease all substandard discharge from permitted area.				
ABATEMENT ACTIONS:	Violation 1 Terminated 9-29-09 Violations 2-5 Terminated 5-20-09				

PERMIT NO:	8600333	MSHA NO:		MSHA DATE:	
VIOLATION NO:	43-2298 (5)	DATE VIOL. ISSUED:	5/9/2009	ISSUED BY:	KY DSMRE
VIOLATION DESCRIPTION:	5) Code OD: Off permit material has been deposited around a citizen's residence located near the head waters of County Line Hollow.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	5/20/2009		
REQUIRED ACTIONS:	5) Retrieve all off permit materials and return to permitted area. Seed and mulch all disturbed areas.				
ABATEMENT ACTIONS:	Required work completed; Violation terminated				

PERMIT NO:	8600333	MSHA NO:		MSHA DATE:	
VIOLATION NO:	43-2298 (3-4)	DATE VIOL. ISSUED:	5/9/2009	ISSUED BY:	KY DSMRE
VIOLATION DESCRIPTION:	3) Code EL: Allowed substandard discharge to leave permit area. 4) Code HR: Approximately one acre of drainage corridor located within County Line Hollow has been impacted by excess sediment.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	5/20/2009		
REQUIRED ACTIONS:	3) Immediately cease all substandard discharge from permit area. 4) Restore referenced drainage corridor to pre-existing condition.				
ABATEMENT ACTIONS:	Required work completed; Violation terminated				

CONSOL Energy and Related Companies - Violation History

August 26, 2008 - August 26, 2011

Attachment Page 4 of 64

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

PERMIT NO: 8605148 **MSHA NO:** 15-17021 **MSHA DATE:**
VIOLATION NO: 43-2308 (3-4) **DATE VIOL. ISSUED:** 5/11/2009 **ISSUED BY:** KY DSMRE
VIOLATION DESCRIPTION: 3) Code WQ: Discharge from blow-out area has exceeded max daily allowances for Iron. 4) Code EL: Discharge from blow-out area has exceeded max daily allowances for Iron.
CURRENT STATUS: TERMINATED **STATUS DATE:** 9/8/2010
REQUIRED ACTIONS: 3) Treat blow-out discharge to ensure compliance.
 4) Treat blow-out discharge to ensure compliance.
ABATEMENT ACTIONS:

PERMIT NO: 8605148 **MSHA NO:** 15-17021 **MSHA DATE:**
VIOLATION NO: 43-2308 (1-2) **DATE VIOL. ISSUED:** 5/11/2009 **ISSUED BY:** KY DSMRE
VIOLATION DESCRIPTION: 1) Code HR: A blow out has occurred within Sycamore Fork & deposited excessive amounts of sediment. 2) Code OD: A high velocity flow eroded portions of downslope below blow out area.
CURRENT STATUS: TERMINATED **STATUS DATE:** 9/8/2010
REQUIRED ACTIONS: 1) Construct & maintain an adequate wet seal. Remove all deposited material and return to pre-existing conditions. 2) Restore all referenced areas to pre-existing conditions. Reclaim eroded area.
ABATEMENT ACTIONS:

PERMIT NO: 8605154 **MSHA NO:** 15-17021 **MSHA DATE:**
VIOLATION NO: 43-1444 **DATE VIOL. ISSUED:** 7/27/2009 **ISSUED BY:** KY DSMRE
VIOLATION DESCRIPTION: Three to six feet of the discharge end of the principal spillway on sediment structure P-4A has eroded through to the embankment.
CURRENT STATUS: TERMINATED **STATUS DATE:** 9/16/2009
REQUIRED ACTIONS: Repair and/or replace the principal spillway. Ascertain all woody vegetation is removed from the embankment and the principal and emergency spillway areas.
ABATEMENT ACTIONS: Required work completed; violation terminated 9/16/09.

PERMIT NO: 8605202 **MSHA NO:** **MSHA DATE:** N/A
VIOLATION NO: 43-0803 **DATE VIOL. ISSUED:** 10/28/2008 **ISSUED BY:** KY DSMRE
VIOLATION DESCRIPTION: 1) Code EL: 2) Code WQ: Water is discharging from an underground mine area & leaving the permitted area. The water is not within allowable limits for Iron and pH.
CURRENT STATUS: TERMINATED **STATUS DATE:**
REQUIRED ACTIONS: 1) & 2): The discharge area should be added as a KPERS monitoring point. Appropriate actions should be taken to ensure the discharge is brought back within allowable limits.
ABATEMENT ACTIONS: Permit transferred to Deane Mining Co. 10-30-2008

CONSOL Energy and Related Companies - Violation History
August 26, 2008 - August 26, 2011

Attachment Page 5 of 64

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

PERMIT NO: 8605212 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-0473 DATE VIOL. ISSUED: 5/5/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code HR: Allowed uncontrolled discharge from mine works.
 2) Code OD: Allowed off permit disturbance to occur.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 1) Implement water monitoring plan. Submit & obtain revised KPDES
 permit. Repair all damage.
 2) Submit & obtain reclamation plan and a wet seal for blow out.

ABATEMENT ACTIONS:

PERMIT NO: 8605218 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2290 (1-2) DATE VIOL. ISSUED: 5/27/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code AC: Failed to maintain Access Road #1 accord to plan.
 Allowed severe erosion and surface water runoff.
 2) Code OD: Allowed dirt & debris to leave permitted area.

CURRENT STATUS: TERMINATED STATUS DATE: 8/10/2009
 REQUIRED ACTIONS: 1) Repair and unstop culverts and ditch lines. Seed & mulch
 affected areas.
 2) Clean up dirt & debris. Seed & mulch affected area.

ABATEMENT ACTIONS: Required work completed; Violation Terminated

PERMIT NO: 8605218 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2290 (3) DATE VIOL. ISSUED: 5/27/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 3) Code SC: Failed to properly maintain embankment of silt pond #1
 according to approved plans. Allowed water to over flow down
 embankment and caused erosion.

CURRENT STATUS: TERMINATED STATUS DATE: 8/10/2009
 REQUIRED ACTIONS: 3) Regrade area of embankment affected by erosion. Seed & mulch
 affected area.

ABATEMENT ACTIONS:

PERMIT NO: 8605221 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-2238 DATE VIOL. ISSUED: 6/11/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code EL 2) Code WQ: Exceeded effluent limitations by allowing
 substandard water to discharge from sediment structure #2 into
 Turtle Branch Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 6/12/2009
 REQUIRED ACTIONS: 1&2) Immediately initiate all reasonable measures to stop the discharge
 of the substandard water into Turtle Branch Creek and bring all
 additional discharges into compliance with KPDES standards.

ABATEMENT ACTIONS: Required work completed; Violation terminated

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

PERMIT NO: 8605221 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2129 DATE VIOL. ISSUED: 3/4/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code DS) Failure to submit critical stage certification and quarterly certification for temporary Side Hill Fill #4 for all quarters of '05, '06, '07 and '08. Failure to submit final certification for Side Hill Fill #4.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/2/2009
 REQUIRED ACTIONS: Submit the final certification for Side Hill Fill #4.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 8605221 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2128 DATE VIOL. ISSUED: 3/4/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code HR) Failure to minimize disturbance to hydrologic balance by diminishing the water supply of households located on Hummingbird Lane.
 CURRENT STATUS: Non-Correctable STATUS DATE: 3/4/2009
 REQUIRED ACTIONS: Violation non-correctable because permittee has adversely affected the water supply of homes on Hummingbird Lane.

ABATEMENT ACTIONS:

PERMIT NO: 8605221 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-2068 DATE VIOL. ISSUED: 12/29/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code EL: Discharge of substandard water from Pond #2.
 2) Code WQ: Discharge of substandard water from Pond #2.
 CURRENT STATUS: Non-Correctable STATUS DATE: 12/29/2008
 REQUIRED ACTIONS: 1) Non-Correctable
 2) Non-Correctable

ABATEMENT ACTIONS: Violation Non-Correctable

PERMIT NO: 8605221 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-1893 DATE VIOL. ISSUED: 12/18/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code: OM. Permittee has failed to follow approved plans in Amendment #4 by not reconstructing Ponds #3 & #4, which were approved to be slightly relocated and enlarged.
 CURRENT STATUS: VACATED STATUS DATE: 1/21/2009
 REQUIRED ACTIONS: Permittee must either construct Ponds #3 & #4 according to approved plans in the AM #4 or submit, obtain and secure a Revision reflecting the infield condition of said ponds.

ABATEMENT ACTIONS:

CONSOL Energy and Related Companies - Violation History

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

PERMIT NO: 8605229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
 VIOLATION NO: 43-2324 DATE VIOL. ISSUED: 8/3/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Mining activities have caused several large subsidence cracks and surface openings on CRI # 08-04-0065 Ralph Martin Property.

CURRENT STATUS: TERMINATED STATUS DATE: 8/30/2010
 REQUIRED ACTIONS: Prevent public access to cracks and openings. Take appropriate measures to restore land. Seed and mulch immediately after reclamation. Submit & obtain permit revision for mitigation plan.

ABATEMENT ACTIONS:

PERMIT NO: 8605260 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-0744 DATE VIOL. ISSUED: 7/7/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee has allowed beavers to clog up and block the function of the principle spillway pipe of sediment structure SS#1.

CURRENT STATUS: TERMINATED STATUS DATE: 8/17/2010
 REQUIRED ACTIONS: Unblock the principle spillway pipe of sediment structure SS#1.

ABATEMENT ACTIONS:

PERMIT NO: 8605260 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-0598 (1-2) DATE VIOL. ISSUED: 3/23/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code OD: An off permit slide has occurred.
 2) Code BG: Slumpage has occurred in the backfill area.

CURRENT STATUS: NON-CORRECTABLE STATUS DATE: 8/17/2010
 REQUIRED ACTIONS: 1) Retrieve all materials possible from affected area. Stabilize, seed, and mulch. Submit revision to permit off-permit areas.
 2) Regrade, stabilize, seed, and mulch affected area.

ABATEMENT ACTIONS:

PERMIT NO: 8605260 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-0598 (3-4) DATE VIOL. ISSUED: 3/23/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 3) Code AC: Failed to maintain Haulroad D and allowed material to fill and block ditches along Haulroads A and D.
 4) Code SC: Allowed principle spillway pipe of pond SS#2 to break.

CURRENT STATUS: TERMINATED STATUS DATE: 6/22/2010
 REQUIRED ACTIONS: 3) Stabilize and repair haulroad. Clean out ditches.
 4) Repair embankment and principle spillway pipe of pond SS#2.

ABATEMENT ACTIONS: 4) Terminated
 3) Terminated

CONSOL Energy and Related Companies - Violation History

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

PERMIT NO: 8605260 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-2381 DATE VIOL. ISSUED: 11/12/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee mined into the outcrop barrier at the following approximate locations, North of Face up #2, Northwest of Face up #3, North of Face up #4, and West of Face up #1.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/2/2009
 REQUIRED ACTIONS: An appropriate permitting action should be submitted and obtained addressing the removal of the unmined outcrop barrier.
 ABATEMENT ACTIONS: Required work completed; Violation terminated 09/02/2009.

PERMIT NO: 8679007 MSHA NO: 15-16577 MSHA DATE: N/A
 VIOLATION NO: 53-0426 DATE VIOL. ISSUED: 11/13/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code WD: Allowed water to flow over the downstream slope of the refuse impoundment. 2) Code DV: Failed to maintain perimeter diversions around the downstream face of the refuse impoundment.
 CURRENT STATUS: Non-Correctable STATUS DATE: 12/14/2009
 REQUIRED ACTIONS: 1) Reconstruct area of violation to divert all surface runoff to associated drain sites. 2) Reconstruct perimeter diversions & install rip-rap to prevent further erosions and washouts from occurring.
 ABATEMENT ACTIONS: Modified to Non-Correctable due to the issuance of transfer to permit #887-9022.

PERMIT NO: 8679007 MSHA NO: 15-16577 MSHA DATE: N/A
 VIOLATION NO: 53-0111 DATE VIOL. ISSUED: 10/8/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code: EL, 2) Code: WQ. Allowed substandard water to be discharged from KPDES Point #3 and enter into Waters of the Commonwealth, Razorblack Branch.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/23/2009
 REQUIRED ACTIONS: 1&2) Immediately take any and all measures to bring discharge of KPDES Point #3 into compliance with KPDES limitations.
 ABATEMENT ACTIONS:

PERMIT NO: 8679007 MSHA NO: 15-16577 MSHA DATE: N/A
 VIOLATION NO: 53-2870 DATE VIOL. ISSUED: 6/24/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code WQ: Failed to pass all surface drainage through sediment control. Allowed water to pass through breach in Diversion Ditch #3. 2) Code DV: Allowed large breach in Diversion Ditch #3.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/20/2009
 REQUIRED ACTIONS: 1&2) Install temp. sediment control. Reconstruct/repair breach. Retrieve as much material as possible without creating additional environmental damage. Seed & mulch disturbed areas.
 ABATEMENT ACTIONS: Extended to 8/23/09
 Required work completed; Violation Terminated

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

PERMIT NO: 8679007 MSHA NO: 15-16577 MSHA DATE: N/A
 VIOLATION NO: 53-2314 DATE VIOL. ISSUED: 2/3/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code EL: Permittee has allowed substandard water to be discharged from Pond #5. 2) Code WQ: Permittee has allowed substandard water to be discharged from Pond #5.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/6/2009
 REQUIRED ACTIONS: 1&2) Permittee shall take any and all measures necessary to bring discharge of Pond #5 into compliance with KPDES Permit Limitations.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 8679007 MSHA NO: 15-16577 MSHA DATE: N/A
 VIOLATION NO: 53-2305 DATE VIOL. ISSUED: 1/21/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee has failed to remove junk equipment, equipment parts, etc from an area designated as a "topsoil storage area."
 CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2009
 REQUIRED ACTIONS: Permittee shall immediately begin measures to remove all junk equipment, etc. from area in violation and dispose of in approved manner. Permittee must also seed and mulch all disturbed areas.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 8770166 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 43-2279 DATE VIOL. ISSUED: 2/2/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code AC: Permittee and/or operator has failed to properly maintain access road #1 according to approved plans. 2) Code OD: Permittee and operator has allowed mud and debris to be tracked off permit area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/11/2009
 REQUIRED ACTIONS: 1) Regrade the surface of access road.
 2) Remove, return and properly dispose of the mud and debris.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 8770189 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-0441 (7-8) DATE VIOL. ISSUED: 11/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 7) Code OT: Failed to leave a natural undisturbed barrier throughout the permitted area. 8) Code DV: Failed to construct diversion ditches according to approved plans.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 7) Reconstruct and maintain a barrier.
 8) Construct diversion ditches according to approved plans.
 ABATEMENT ACTIONS: 7) TERMINATED
 8) TERMINATED

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

PERMIT NO: 8770189 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2280 DATE VIOL. ISSUED: 2/2/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code AC: Permittee and/or operator has failed to properly maintain access road #1 according to approved plans. 2) Code OD: Permittee and operator has allowed mud and debris to be tracked off permit area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/11/2009
 REQUIRED ACTIONS: 1) Regrade the surface of access road.
 2) Remove, return and properly dispose of the mud and debris.
 ABATEMENT ACTIONS: Required work completed; Violation terminated.

PERMIT NO: O004283 MSHA NO: MSHA DATE:
 VIOLATION NO: O-42-83 (12) DATE VIOL. ISSUED: 3/30/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee was dumping mud and debris from the haulroad over the berm.
 CURRENT STATUS: Extended STATUS DATE:
 REQUIRED ACTIONS: Permittee shall remove all mud and debris from offsite areas and reseed the outslope of the berm.
 ABATEMENT ACTIONS:

PERMIT NO: O004283 MSHA NO: MSHA DATE:
 VIOLATION NO: O-42-83 (11) DATE VIOL. ISSUED: 3/16/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain a haulroad to meet the performance standards specified by the secretary, in that, the surface of the haul road is not graded to allow run-off to reach sediment control structures.
 CURRENT STATUS: EXTENDED STATUS DATE:
 REQUIRED ACTIONS: Permittee must gravel and grade the haul road to allow run-off to reach sediment control structures and prevent mud from staying on the road surface.
 ABATEMENT ACTIONS:

PERMIT NO: O088500 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (74) DATE VIOL. ISSUED: 3/2/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to meet effluent limits.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/28/2011
 REQUIRED ACTIONS: Bring all discharges into compliance.
 ABATEMENT ACTIONS: All discharges have been brought into compliance.

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

PERMIT NO: O088500 **MSHA NO:** 46-06089 **MSHA DATE:**
VIOLATION NO: O-8-85 (72) **DATE VIOL. ISSUED:** 3/15/2010 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Failed to maintain a haulroad to meet the performance standards specified in that mud was being tracked off the bonded area.

CURRENT STATUS: TERMINATED **STATUS DATE:** 4/15/2010
REQUIRED ACTIONS: Surface the haulroad with a material sufficiently durable for the anticipated volume of weight and speed of vehicles using the road.

ABATEMENT ACTIONS:

PERMIT NO: O088500 **MSHA NO:** 46-06089 **MSHA DATE:**
VIOLATION NO: O-8-85 (73) **DATE VIOL. ISSUED:** 3/15/2010 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Failed to maintain haulroad to meet performance standards specified in that the surface of the haulroad to Aldrich Branch Refuse Impoundment is not graded to allow runoff to reach sed control.

CURRENT STATUS: TERMINATED **STATUS DATE:** 4/15/2010
REQUIRED ACTIONS: Stop all haulage to the impoundment until the haulroad has been graveled and graded to allow runoff to reach the sediment control structures.

ABATEMENT ACTIONS:

PERMIT NO: O088500 **MSHA NO:** 46-06089 **MSHA DATE:**
VIOLATION NO: O-8-85 (71) **DATE VIOL. ISSUED:** 2/22/2010 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Failure to maintain haulroad with a sufficiently durable material, in that the road had ruts and mud that was being tracked onto the country road.

CURRENT STATUS: TERMINATED **STATUS DATE:** 3/2/2010
REQUIRED ACTIONS: Gravel and grade haulroad in Mudlick Branch along 65/1 and the truck dump areas.

ABATEMENT ACTIONS:

PERMIT NO: S009585 **MSHA NO:** 06089 **MSHA DATE:**
VIOLATION NO: S-95-85 (29) **DATE VIOL. ISSUED:** 6/7/2010 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Failed to maintain sediment control in that sediment ditch 95 did not have capacity and was allowing discolored water to leave the permitted area.

CURRENT STATUS: TERMINATED **STATUS DATE:** 6/9/2010
REQUIRED ACTIONS: Clean sediment ditch 95 to 100% capacity.

ABATEMENT ACTIONS:

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

PERMIT NO: S500802 MSHA NO: MSHA DATE:
 VIOLATION NO: S-5008-02 (1) DATE VIOL. ISSUED: 2/10/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit semi-annual certifications showing AOC compliance
 as required in section 10.1 of the final AOC guidance document.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Submit the appropriate certifications.

ABATEMENT ACTIONS:

PERMIT NO: S500905 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (17) DATE VIOL. ISSUED: 4/25/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from slides from the permitted area
 in drainage areas below sediment ditches 18-A and 28.

CURRENT STATUS: EXTENDED STATUS DATE: 5/31/2011
 REQUIRED ACTIONS: Restore the effected sediment ditches and recertify; Remove slide
 material and restore effected off-site areas. Show areas on P/D map
 Revegetate all disturbed areas accordingly.

ABATEMENT ACTIONS:

PERMIT NO: S500905 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (16) DATE VIOL. ISSUED: 1/25/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharge from Pond 2 spillway contributed to the discoloration of
 the Tributary to Miller Creek, altering the existing hydrologic balance.
 The staining was orange-red and extended approx. 500 yards.

CURRENT STATUS: WITHDRAWN STATUS DATE: 3/23/2011
 REQUIRED ACTIONS: Restore the hydrologic balance of the Miller Creek tributary and
 remove staining from the spillway at outfall 002.

ABATEMENT ACTIONS:

PERMIT NO: S500905 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (15) DATE VIOL. ISSUED: 10/22/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to clean out a sediment control structure when accumulations
 exceeded design capacity in the SC-24 area.

CURRENT STATUS: TERMINATED STATUS DATE: 11/1/2010
 REQUIRED ACTIONS: Remove all obstructions and re-establish sediment channel berms and
 outlopes using proper material. Recertify effected sediment
 channels.

ABATEMENT ACTIONS:

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

PERMIT NO: S500905 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (14) DATE VIOL. ISSUED: 2/2/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Blasted in violation of Sunrise/Sunset tables.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Blast only during approved hours.

ABATEMENT ACTIONS:

PERMIT NO: S500905 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (13) DATE VIOL. ISSUED: 11/24/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize the disturbance to the prevailing hydrologic balance in associated off-site areas of the mine site.

CURRENT STATUS: VACATED STATUS DATE:
 REQUIRED ACTIONS: Restore area to pre-disturbance character and implement measures to minimize off-site disturbances.

ABATEMENT ACTIONS: Extended to 3/22/2010.

PERMIT NO: S500905 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (12) DATE VIOL. ISSUED: 6/29/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to provide 0.125 ac/ft of sediment storage volume per acre.

CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2009
 REQUIRED ACTIONS: Construct sediment containment to 0.125 ac/ft as per regulations.

ABATEMENT ACTIONS:

PERMIT NO: S500905 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (11) DATE VIOL. ISSUED: 1/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to protect off-site areas during surface mining by not preventing waste accumulations outside the permit area, in that wet coal from trucks was despoiling black water onto highway 119.

CURRENT STATUS: TERMINATED STATUS DATE: 2/6/2009
 REQUIRED ACTIONS: Permittee is to load coal in a manner that will insure that it is not saturated with pit water. Permittee is to submit a statement on how material will be done to prevent this in the future.

ABATEMENT ACTIONS:

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

PERMIT NO: S500905 **MSHA NO:** 46-08904 **MSHA DATE:**
VIOLATION NO: S-5009-05 (10) **DATE VIOL. ISSUED:** 1/13/2009 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Permittee failed to prevent air pollution and fugitive dust in that a blast from permit shot dust over highway 119, 1200 feet north of the permit.

CURRENT STATUS: TERMINATED **STATUS DATE:** 2/6/2009
REQUIRED ACTIONS: Permittee is to place wind socks at edge of permit on operator and permittee work zones. Blasting is to only occur when wind direction is towards the permit.

ABATEMENT ACTIONS:

PERMIT NO: S500905 **MSHA NO:** 46-08904 **MSHA DATE:**
VIOLATION NO: S-5009-05 (9) **DATE VIOL. ISSUED:** 1/13/2009 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Permittee failed to prevent damage from occurring off permitted areas in that rocks were below SD 22 area of permit. Some of these were above residences but are stable at their present location.

CURRENT STATUS: TERMINATED **STATUS DATE:** 2/6/2009
REQUIRED ACTIONS: Remove rocks from offsite areas or place them in the nearby subsidence cracks of Bronzite mine.

ABATEMENT ACTIONS:

PERMIT NO: S500905 **MSHA NO:** 46-08904 **MSHA DATE:**
VIOLATION NO: S-5009-05 (8) **DATE VIOL. ISSUED:** 1/7/2009 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Permittee failed to construct and maintain sediment control systems in that pond 6 was unable to pass less than a 1 year storm event without erosion of the embankment around the spillway.

CURRENT STATUS: TERMINATED **STATUS DATE:** 2/6/2009
REQUIRED ACTIONS: Stabilize eroded area around the spillway and provide erosion protection. Reconstruct spillway riprap and grout upon completion.

ABATEMENT ACTIONS:

PERMIT NO: S501806 **MSHA NO:** **MSHA DATE:**
VIOLATION NO: S-5018-06 (4) **DATE VIOL. ISSUED:** 4/19/2011 **ISSUED BY:** WV DEP
VIOLATION DESCRIPTION: Failed to provide adequate erosion controls and failed to clean out sediment structures; Failure of the structures resulted in slips and off-site impacts.

CURRENT STATUS: EXTENDED **STATUS DATE:** 5/11/2011
REQUIRED ACTIONS: Replace effected temp. sediment ditches with permanent sediment controls with proper certification in the phase 1 of mining; Restore all effected off-site areas.

ABATEMENT ACTIONS:

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

PERMIT NO: S501806 MSHA NO: MSHA DATE:
 VIOLATION NO: S-5018-06 (3) DATE VIOL. ISSUED: 4/16/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to control erosion, sedimentation, and water runoff by allowing uncontrolled run-off which allowed drainage breakthroughs, resulting in some off-site impacts.
 CURRENT STATUS: EXTENDED STATUS DATE: 5/11/2011
 REQUIRED ACTIONS: Restore sediment capacities to all effected sediment controls. Complete total reclamation of VF1. Repair all structurally compromised sediment structures.
 ABATEMENT ACTIONS:

PERMIT NO: S501806 MSHA NO: MSHA DATE:
 VIOLATION NO: S-5018-06 (2) DATE VIOL. ISSUED: 12/1/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain sediment control system in drainage area 2, resulting in off-site disturbance.
 CURRENT STATUS: EXTENDED STATUS DATE:
 REQUIRED ACTIONS: Restore the affected off-site area, and properly apply drainage control as per permit and re-certify.
 ABATEMENT ACTIONS:

PERMIT NO: S501806 MSHA NO: MSHA DATE:
 VIOLATION NO: S-5018-06 (1) DATE VIOL. ISSUED: 8/18/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee conducted surface mining activities in a component drainage area without certifying a sediment control structure for said drainage area.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/19/2009
 REQUIRED ACTIONS: Permittee is to cease disturbances in component drainage areas of Valley Fill 1 until ponds are properly constructed & certified.
 ABATEMENT ACTIONS:

PERMIT NO: S503893 MSHA NO: 46-01938 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (22) DATE VIOL. ISSUED: 4/13/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Material was allowed to escape permit boundaries during sediment ditch construction.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/27/2010
 REQUIRED ACTIONS: Remove material from the off-site area.
 ABATEMENT ACTIONS:

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

PERMIT NO: S503893 MSHA NO: 46-01938 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (21) DATE VIOL. ISSUED: 10/14/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to progressively construct the permanent drainage to ensure stability of fill, control erosion and minimize water infiltration into VF DRF 1103.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/4/2010
 REQUIRED ACTIONS: Construct rock groins to coincide with constructed lifts, clean SD 1103, seed and mulch all disturbed areas.

ABATEMENT ACTIONS:

PERMIT NO: S503893 MSHA NO: 46-01938 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (20) DATE VIOL. ISSUED: 6/3/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to protect off-site areas from slides or damages during surface mining operations.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/24/2009
 REQUIRED ACTIONS: Permittee is to reconstruct portion of SC-II and re-install outfall 008; remove slide from off-site area and reclaim all disturbances.

ABATEMENT ACTIONS:

PERMIT NO: U005785 MSHA NO: MSHA DATE:
 VIOLATION NO: U-57-85 (30) DATE VIOL. ISSUED: 5/5/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to pass all runoff through approved sediment control in that the water was coming out of the ground beside the pipe and running off of bonded area.
 CURRENT STATUS: Vacated STATUS DATE: 10/8/2010
 REQUIRED ACTIONS: Permittee is to stop the run-off from leaving the permitted area.

ABATEMENT ACTIONS:

PERMIT NO: U500108 MSHA NO: 46-09307 MSHA DATE:
 VIOLATION NO: U-5001-08 (7) DATE VIOL. ISSUED: 6/23/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Allowed water from the underground works to co-mingle with surface drainage without the approval of the Director.
 CURRENT STATUS: Extended STATUS DATE:
 REQUIRED ACTIONS: Revise the permit to allow the co-mingling of waters.

ABATEMENT ACTIONS:

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

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: VA DMLR
 VIOLATION NO: KXH0006465 DATE VIOL. ISSUED: 2/3/2009 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: The Poly pipe that carries mine water from Buch#1 - VP3 failed to function as described in approved application. This resulted in an unauthorized discharge.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2009
 REQUIRED ACTIONS: Re-Evaluate the Chloride water transmission system and submit the evaluation to DMLR prior to the resumption of pumping.

ABATEMENT ACTIONS:

PERMIT NO: C0150015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10071 DATE VIOL. ISSUED: 10/6/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failed to provide water quality monitoring data.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/29/2010
 REQUIRED ACTIONS: Submit Emery Town Well reports by 11/10/2010.

ABATEMENT ACTIONS:

PERMIT NO: C0150015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10055 DATE VIOL. ISSUED: 6/15/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to maintain Diversion (Culvert A), located at the base of the access road to the refuse pile. Culvert 100% plugged.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/15/2010
 REQUIRED ACTIONS: Clean culvert.

ABATEMENT ACTIONS:

PERMIT NO: C0150015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10056 DATE VIOL. ISSUED: 6/15/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to maintain Diversion (Culvert) leading into Pond No. 9, 4th East Portal Area. Culvert 100% plugged.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/15/2010
 REQUIRED ACTIONS: Clean culvert.

ABATEMENT ACTIONS:

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

PERMIT NO: C0150015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10057 DATE VIOL. ISSUED: 6/15/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to maintain siltation structures associated with the 4th East Portal Area. Sil Fences #1 & #3 on the North and West side of the permit area are sun rotted and wind ripped. Varmint holes on the berm.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/15/2010
 REQUIRED ACTIONS: Replace Silt Fences #1 & #3. Repair varmint holes.

ABATEMENT ACTIONS:

PERMIT NO: C0150015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10048 DATE VIOL. ISSUED: 3/11/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to control noncoal waste in a controlled manner in the designated control structure.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: The noncoal waste items need to be cleaned up and placed in the designated control structures by March 16, 2010.

ABATEMENT ACTIONS:

PERMIT NO: O100100 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: O-1001-00 (7) DATE VIOL. ISSUED: 6/7/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to hydrologic balance in that the discharge from toe pond (Outlet20) spillway entered into Boggs Run causing heavy iron desposits.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/7/2010
 REQUIRED ACTIONS: Stop the discharge from the pond and take measures to prevent such a discharge from occurring again during heavy rain events.

ABATEMENT ACTIONS:

PERMIT NO: O101193 MSHA NO: 01968 MSHA DATE:
 VIOLATION NO: O-1011-93 (2) DATE VIOL. ISSUED: 7/20/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from damages in that you disturbed areas beyond permit boundaries. Specifically, disturbed area south of infrequently used access road 3.
 CURRENT STATUS: Extended STATUS DATE: 10/19/2010
 REQUIRED ACTIONS: Submit and obtain approval for a modification to permit to include all disturbed areas outside permit limits.

ABATEMENT ACTIONS:

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

PERMIT NO: O101193 MSHA NO: 01968 MSHA DATE:
 VIOLATION NO: O-1011-93 (1) DATE VIOL. ISSUED: 6/17/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit an application for permit renewal at least 120 days
 in prior to the expiration of the valid permit and failed to obtain
 approved permit renewal.
 CURRENT STATUS: TERMINATED STATUS DATE: 11/9/2010
 REQUIRED ACTIONS: Obtain approved permit renewal

ABATEMENT ACTIONS:

PERMIT NO: O201806 MSHA NO: MSHA DATE:
 VIOLATION NO: O-2018-06 (3) DATE VIOL. ISSUED: 9/8/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to hydrologic balance; discharge from
 sump at the beginning of the bellline access road from Boggs Run Rd.
 was in violation of 46-CRS-1-3-2(a) causing bad water.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/23/2009
 REQUIRED ACTIONS:

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: O201806 MSHA NO: MSHA DATE:
 VIOLATION NO: O-2018-06 (2) DATE VIOL. ISSUED: 2/18/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to hydrologic balance in that
 discharge in violation of 46-CRS-1-3-2(a) which caused condition not
 allowable in state water (Boggs Run) below Fill #3.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/26/2009
 REQUIRED ACTIONS: Clean out sedimentation sump at the toe of disturbance and
 contribute additional measures for erosion control and sedimentation
 retention.

ABATEMENT ACTIONS: Required work completed; Violation terminated
 Sedimentation controls were maintained and added to site.

PERMIT NO: U004684 MSHA NO: 46-01968 MSHA DATE:
 VIOLATION NO: U-46-84 (30) DATE VIOL. ISSUED: 3/21/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize the disturbance of the prevailing hydrologic balance
 at the mine site and in associated off-site areas. Failed to control
 the level of blackwater in sed pond 2.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/22/2011
 REQUIRED ACTIONS: Implement measures to make sure the pumps in sed pond 2 stay in
 working order. Remove blackwater from the small tributary
 running into Dunkard Creek.

ABATEMENT ACTIONS:

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

PERMIT NO: U007883 MSHA NO: 46-01433 MSHA DATE: n/a
 VIOLATION NO: U-78-83 (43) DATE VIOL. ISSUED: 12/22/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize the disturbance of the prevailing hydrologic balance to Paw Paw Creek by allowing black discharge into the stream.
 CURRENT STATUS: EXTENDED STATUS DATE:
 REQUIRED ACTIONS: Treat flow to minimize solids in the discharge or cease the discharge.

ABATEMENT ACTIONS: Required work completed, violation terminated

PERMIT NO: U007883 MSHA NO: 46-01433 MSHA DATE: n/a
 VIOLATION NO: U-78-83 (42) DATE VIOL. ISSUED: 4/16/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow permit conditions in that a pre-subsidence survey, or waiver was not conducted and approved for the Dodd's property.

CURRENT STATUS: TERMINATED STATUS DATE: 4/17/2009
 REQUIRED ACTIONS: Before mining begins in an area, verify that a pre-subsidence survey or waiver has been approved for each owner and resident listed in the U007883 permit.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U010483 MSHA NO: 46-01318 MSHA DATE:
 VIOLATION NO: U-104-83 (78) DATE VIOL. ISSUED: 5/19/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to the hydrologic balance. Company was cleaning sediment pond at Margaret Slope which cause coal fines to be stirred up and discharge into Bingamon Creek.
 CURRENT STATUS: Modified to NOV 79 STATUS DATE: 5/19/2011
 REQUIRED ACTIONS:

Cease discharge from the pond til coal fines and solids settle out.
 Company must notify DEP before pond discharges again.

ABATEMENT ACTIONS:

PERMIT NO: U010483 MSHA NO: 46-01318 MSHA DATE:
 VIOLATION NO: U-104-83 (79) DATE VIOL. ISSUED: 5/19/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to the hydrologic balance. Company was cleaning sediment pond at Margaret Slope which cause coal fines to be stirred up and discharge into Bingamon Creek.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS:

Cease discharge from the pond til coal fines and solids settle out.
 Company must notify DEP before pond discharges again.

ABATEMENT ACTIONS:

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

PERMIT NO: U010483 MSHA NO: 46-01318 MSHA DATE:
 VIOLATION NO: U-104-83 (77) DATE VIOL. ISSUED: 3/8/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to the hydrologic balance. Water entered back of polishing pond at the Oakdale portal, then ran across AMD sludge on the bottom of the pond, and exiting the pond.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/5/2011
 REQUIRED ACTIONS:
 Company must stop discharging water off their permitted area that has elevated iron concentrations.
 ABATEMENT ACTIONS:

PERMIT NO: U010483 MSHA NO: 46-01318 MSHA DATE:
 VIOLATION NO: U-104-83 (76) DATE VIOL. ISSUED: 5/22/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to certify that an approved drainage system was constructed as designed prior to commencement of surface-mining operations. 18A Bleeder Shaft.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/23/2009
 REQUIRED ACTIONS: Certify the following structures: Drainage System 18A Bleeder Shaft Access Road, Sed Detention Pond 18A Shaft Site, Relocated Stream Channel 18A Shaft, Diversion Ditches 1&2, Flumes 1&2 at 18A.
 ABATEMENT ACTIONS:

PERMIT NO: U010483 MSHA NO: 46-01318 MSHA DATE:
 VIOLATION NO: U-104-83 (75) DATE VIOL. ISSUED: 5/22/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining that caused a violation of applicable water quality standards. Water in Rob. Run was discolored by fine coal particles.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/22/2009
 REQUIRED ACTIONS: Cease discharge of black water containing coal fines immediately. Locate and correct the cause of the non-compliant discharge.
 ABATEMENT ACTIONS: Black water discharge ceased and was replaced by fresh water discharge. Culvert has been cleaned.

PERMIT NO: U010483 MSHA NO: 46-01318 MSHA DATE:
 VIOLATION NO: U-104-83 (74) DATE VIOL. ISSUED: 9/23/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit all information required by the director in the application for permit renewal prior to the expiration of the valid Article 3 Surface Mining Permit.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/15/2009
 REQUIRED ACTIONS: Complete requirements and obtain approval of permit renewal.
 ABATEMENT ACTIONS: Extension granted to 12/23/2008.
 Required work completed; Violation terminated

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

PERMIT NO:	U019183	MSHA NO:	46-01438	MSHA DATE:	00/00/00
VIOLATION NO:	U-191-83 (33)	DATE VIOL. ISSUED:	4/6/2011	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION:	Failed to follow the permit conditions in that you failed to maintain a valid NPDES permit. NPDES permit expired 12/31/10.				

CURRENT STATUS:	TERMINATED	STATUS DATE:	5/3/2011
REQUIRED ACTIONS:	Apply for an obtain an NPDES permit or obtain Phase III Final Release.		

ABATEMENT ACTIONS:

PERMIT NO:	U200306	MSHA NO:	46-01436	MSHA DATE:	
VIOLATION NO:	U-2003-06 (1)	DATE VIOL. ISSUED:	2/9/2010	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION:	Failed to minimize disturbance to hydrologic balance. Discharge from Pond #1 not originating from the spillway entered Boggs Run causing heavy sediment desposit.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	2/10/2010		
REQUIRED ACTIONS:	Stop the discharge and prevent any future discharge of this nature.				

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:	
VIOLATION NO:	244939	DATE VIOL. ISSUED:	4/13/2009	ISSUED BY:	PA DEP
VIOLATION DESCRIPTION:	Failed to notify PA DEP within 24 hours of being advised of water supply contamination, diminuation or interruption for the property of JoAnn Standish 2-11-5.4.				
CURRENT STATUS:	Non-Correctable			STATUS DATE:	
REQUIRED ACTIONS:					

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: O201193 MSHA NO: 46-08376 MSHA DATE: 12/22/93
 VIOLATION NO: O-2011-93 (21) DATE VIOL. ISSUED: 4/26/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to maintain effluent limits for AL @ Outfall 003.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS:

Operator needs to maintain effluent limits.

ABATEMENT ACTIONS:

PERMIT NO: O201193 MSHA NO: 46-08376 MSHA DATE: 12/22/93
 VIOLATION NO: O-2011-93 (20) DATE VIOL. ISSUED: 2/25/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to maintain effluent limits for AL @ Outfall 003.
 Sample was taken on 01/07/2009 during a complete inspection. Lab results shows 2.27 ppm and flow was < 10 GPM.

CURRENT STATUS: TERMINATED STATUS DATE: 11/6/2009
 REQUIRED ACTIONS:

Operator needs to maintain effluent limits.

ABATEMENT ACTIONS:

PERMIT NO: S200396 MSHA NO: 46-08133 MSHA DATE: 1/8/2002
 VIOLATION NO: S-2003-96 (41) DATE VIOL. ISSUED: 1/8/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to prevent the placement of spoil material on unbonded area below the current mining operation.

CURRENT STATUS: TERMINATED STATUS DATE: 3/11/2010
 REQUIRED ACTIONS: Recover as much spoil as safely possible. Grade and seed all disturbed areas.

ABATEMENT ACTIONS:

PERMIT NO: S200502 MSHA NO: 46-08377 MSHA DATE: 12/22/93
 VIOLATION NO: S-2005-02 (20) DATE VIOL. ISSUED: 4/26/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits for AI at Outfall 003.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Maintain effluent limits.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S200502 MSHA NO: 46-08377 MSHA DATE: 12/22/93
 VIOLATION NO: S-2005-02 (20) DATE VIOL. ISSUED: 3/17/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: On 2-25-10 at 1650, 3-2-10 at 1621 and 3-10-10 at 1601, scaled distance was calculated from the nearest protected structure as opposed to the nearest other structure.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/30/2010
 REQUIRED ACTIONS: Comply with Title 199, Series 1 Section 3.7.a.

ABATEMENT ACTIONS:

PERMIT NO: S200502 MSHA NO: 46-08377 MSHA DATE:
 VIOLATION NO: S-2005-02 (19) DATE VIOL. ISSUED: 3/11/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limit at Ponds 027 and 023 for Iron.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/14/2010
 REQUIRED ACTIONS: Continue to treat ponds to maintain effluent limits.

ABATEMENT ACTIONS:

PERMIT NO: S200502 MSHA NO: 46-08377 MSHA DATE:
 VIOLATION NO: S-2005-02 (18) DATE VIOL. ISSUED: 10/20/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow the approved plan in that they failed to immediately clean up a fuel spill coming out of the o&k shovel. 5-10 gallons was observed on the ground, with more discharging at time of inspection.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/22/2009
 REQUIRED ACTIONS: Stop fuel leak immediately.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S200502 MSHA NO: 46-08377 MSHA DATE:
 VIOLATION NO: S-2005-02 (17) DATE VIOL. ISSUED: 1/7/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to minimize the disturbance to the prevailing hydrologic balance at outfall 025 & 026.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/20/2009
 REQUIRED ACTIONS: Operator needs to construct additional sumps along internal haul roads and divert water from haul road to constructed sediment cells.

ABATEMENT ACTIONS: Required work completed; Violation terminated

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S200599 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2005-99 (7) DATE VIOL. ISSUED: 4/1/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to prevent the downslope placement of spoil material in that
 spoil from a contour cut as allowed to leave the mining area and
 flow through the windrow.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/6/2010
 REQUIRED ACTIONS: Recover spoil material, grade, and reseed the disturbed area.

ABATEMENT ACTIONS:

PERMIT NO: S200599 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2005-99 (5) DATE VIOL. ISSUED: 3/17/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Initiated a blast which caused flyrock to leave permitted area.

CURRENT STATUS: TERMINATED STATUS DATE: 3/30/2010

REQUIRED ACTIONS: 1. Provide a Causation and Prevention Plan to address how and why
 this occurred and measures you will take to prevent it in the future.
 2. Video all shots. 3. Report all incidents immediately.

ABATEMENT ACTIONS: Blaster properly completed the blast log.

PERMIT NO: S200599 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2005-99 (6) DATE VIOL. ISSUED: 3/17/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failure to properly complete a blast log. On 3-11-10 at 1608, a blast
 was initiated and log filled out. The blaster failed to fill in the blaster
 information on the back of the blast log.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/30/2010
 REQUIRED ACTIONS: Properly complete the blast log from 3-11-10 at 1608.

ABATEMENT ACTIONS:

PERMIT NO: S200599 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2005-99 (4) DATE VIOL. ISSUED: 9/10/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits in that Outlet #003 discharged
 water that exceeded the max limit for Al.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/10/2009
 REQUIRED ACTIONS: Take action to bring the Outlet into compliance.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S200605 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2006-05 (5) DATE VIOL. ISSUED: 3/11/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to follow the approved pre-plan and placed material outside the bonded area below temporary Diverstion Ditch #2.

CURRENT STATUS: TERMINATED STATUS DATE: 6/17/2010
 REQUIRED ACTIONS: Recover as much material as possible and vegetate area ASAP.

ABATEMENT ACTIONS:

PERMIT NO: S200605 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2006-05 (4) DATE VIOL. ISSUED: 7/10/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow approved mining and reclamation plan. All surface operations shall be conducted so as to comply with approved plan. Exceeded the allowed disturbed acreage of 30.8.

CURRENT STATUS: TERMINATED STATUS DATE: 11/9/2009
 REQUIRED ACTIONS: 1)Must revise and submit mining and reclamation plan to include disturbed acres on SM#4. 2) Provide inspector with a new progress map within 30 days.

ABATEMENT ACTIONS:

PERMIT NO: S200697 MSHA NO: 46-08133 MSHA DATE: 1/8/2002
 VIOLATION NO: S-2006-97 (38) DATE VIOL. ISSUED: 4/16/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to meet/maintain effluent limits in that water samples taken were non-compliant for Aluminum at Outlets 2 & 3.

CURRENT STATUS: TERMINATED STATUS DATE: 7/13/2010
 REQUIRED ACTIONS: Take action to meet effluent limits.

ABATEMENT ACTIONS:

PERMIT NO: S200798 MSHA NO: 46-08727 MSHA DATE: 12/22/93
 VIOLATION NO: S-2007-98 (21) DATE VIOL. ISSUED: 3/18/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to protect the disturbance to the prevailing hydrologic balance while cleaning a haul road sump. Grey water was discharging out of sump into an unnamed trib.of Bullpen Fork.

CURRENT STATUS: TERMINATED STATUS DATE: 3/21/2011
 REQUIRED ACTIONS: Protect hydrologic balance by using everything possible to prevent gray or muddy water from entering any trib while cleaning sumps.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S200798 MSHA NO: 46-08727 MSHA DATE: 12/22/93
 VIOLATION NO: S-2007-98 (20) DATE VIOL. ISSUED: 2/27/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to properly maintain haulroad sumps. Sump was discharging muddy water into Right Fork of Leatherwood.

CURRENT STATUS: TERMINATED STATUS DATE: 3/16/2009

REQUIRED ACTIONS: Clean haul road sumps and re-grade road so that water flows through all constructed sumps. Place hay bales at the exit channel of truck wash and maintain.

ABATEMENT ACTIONS:

PERMIT NO: S201298 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (4) DATE VIOL. ISSUED: 1/8/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to prevent the placement of spoil material on unbonded area below the current mining operation.

CURRENT STATUS: TERMINATED STATUS DATE: 3/17/2010

REQUIRED ACTIONS: Recover as much spoil as safely possible. Grade and seed all disturbed areas.

ABATEMENT ACTIONS:

PERMIT NO: S201298 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (3) DATE VIOL. ISSUED: 2/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow the approved pre-plan (permit) in that the highwall mining was being conducted in an area not approved for highwall mining.

CURRENT STATUS: TERMINATED STATUS DATE: 3/12/2009

REQUIRED ACTIONS: Cease highwall mining in the unapproved areas. Cover highwall mining holes to prevent access.

ABATEMENT ACTIONS:

PERMIT NO: S201298 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (2) DATE VIOL. ISSUED: 2/6/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow the approved Pre-Plan (Permit) in that several roads were built off bonded area.

CURRENT STATUS: TERMINATED STATUS DATE: 4/17/2009

REQUIRED ACTIONS: Submit Permit Revision to include all disturbed areas and incorporate these areas into the Reclamation Plan.

ABATEMENT ACTIONS: Required work completed; Violation terminated

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S201298 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (1) DATE VIOL. ISSUED: 2/5/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit surface and groundwater monitoring reports for the
 4th Quarter 2008.

CURRENT STATUS: TERMINATED STATUS DATE: 2/10/2009
 REQUIRED ACTIONS: Submit Article 3 water monitoring data for the 4th Quarter 2008.

ABATEMENT ACTIONS:

PERMIT NO: S201398 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (15) DATE VIOL. ISSUED: 1/28/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has failed to protect off-site area from a slide in
 Peachorchard Hollow.

CURRENT STATUS: TERMINATED STATUS DATE: 3/26/2010
 REQUIRED ACTIONS: Operator needs to recover as much material from the slide area as
 possible. Maintain/repair temporary ditch and vegetate ASAP.

ABATEMENT ACTIONS:

PERMIT NO: S201398 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (14) DATE VIOL. ISSUED: 8/27/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has failed to pass all runoff from the disturbed area through
 sedimentation control structure.

CURRENT STATUS: TERMINATED STATUS DATE: 12/8/2009
 REQUIRED ACTIONS: Operator needs to maintain and repair temporary diversion ditch and
 certify.

ABATEMENT ACTIONS:

PERMIT NO: S201398 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (13) DATE VIOL. ISSUED: 2/19/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has placed spoil material on the downslope. Spoil material
 is located between Valley Fill #1 and below the coalburg seam.

CURRENT STATUS: TERMINATED STATUS DATE: 3/20/2009
 REQUIRED ACTIONS: Operator needs to recover material, reclaim and vegetate area.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S201398 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (12) DATE VIOL. ISSUED: 2/19/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has failed to follow permit conditions in that, operator has exceeded the 300' wing dumping of spoil material in Valley Fill 3.

CURRENT STATUS: TERMINATED STATUS DATE: 3/20/2009
 REQUIRED ACTIONS: Operator must follow the approved preplan and fix areas disturbed by the excess wing dumping.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S201398 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (10) DATE VIOL. ISSUED: 1/30/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to handle material that is potentially toxic and/or acid producing within 30 days after initial exposure. Area above Valley Fill #4 and the right side of Valley Fill #1.

CURRENT STATUS: TERMINATED STATUS DATE: 4/15/2009
 REQUIRED ACTIONS: Must follow the approved preplan. Any and all material determined to be toxic/acid producing will be placed in the backfill within 30 days after exposure. Remove all pit cleanings from Valley Fill #1 & #4.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S201398 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (9) DATE VIOL. ISSUED: 1/30/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to keep operations current; mining operations and reclamation operations were not coordinated to minimize total disturbance and did not keep reclamation contemporaneous as possible.

CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2009
 REQUIRED ACTIONS: Must reclaim areas to keep reclamation operations current and coordinate mining operations to minimize total disturbance. Must backfill and grade highwall at the head of Valley Fill #1.

ABATEMENT ACTIONS:

PERMIT NO: S201398 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (11) DATE VIOL. ISSUED: 1/30/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: During construction, operator has failed to maintain in such a manner as to prevent water from discharging over the face of the Valley Fill (Fill #4)

CURRENT STATUS: TERMINATED STATUS DATE: 4/15/2009
 REQUIRED ACTIONS: Operator needs to configure the top of the Fill to prevent water from discharging over the face and construct groin ditches to minimize erosion.

ABATEMENT ACTIONS: Required work completed; Violation terminated

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Entity to whom violation(s) were issued: Fola Coal Company, LLC

PERMIT NO: S200995 MSHA NO: 46-08377 MSHA DATE:
VIOLATION NO: S-2009-95 (56) DATE VIOL. ISSUED: 3/19/2009 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Operator cast flyrock beyond bounds of the permit area on ridge #3.

CURRENT STATUS: TERMINATED STATUS DATE: 4/2/2009
REQUIRED ACTIONS: Operator needs to recover as much shot material as possible
Area needs stabilized and vegetated.

ABATEMENT ACTIONS:

26-Aug-11

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

PERMIT NO: 1201231 MSHA NO: MSHA DATE:
VIOLATION NO: GZC0002750 DATE VIOL. ISSUED: 9/1/2009 ISSUED BY: VA DMLR
VIOLATION DESCRIPTION: Failed to submit surface water monitoring reports for May 2009, for
Pond 01.

CURRENT STATUS: TERMINATED STATUS DATE: 10/23/109
REQUIRED ACTIONS:

ABATEMENT ACTIONS: Permittee submitted other water monitoring reports as required, but
no sample was taken for May. Therefore, there is no remedial action
required for this violation.

26-Aug-11

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

PERMIT NO: KYG910009 MSHA NO: MSHA DATE:
VIOLATION NO: DATE VIOL. ISSUED: 2/9/2011 ISSUED BY:
VIOLATION DESCRIPTION: Failed to submit the 4th quarter 2010 biomonitoring report
to the Division of Water

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Submit the required report.

ABATEMENT ACTIONS:

26-Aug-11

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

PERMIT NO: 03951601 MSHA NO: 36-00821 MSHA DATE:
VIOLATION NO: DATE VIOL. ISSUED: 3/9/2011 ISSUED BY: PA DEP
VIOLATION DESCRIPTION: Clogged collection ditch

CURRENT STATUS: PENDING
REQUIRED ACTIONS:

STATUS DATE:

ABATEMENT ACTIONS:

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

PERMIT NO: U501393 MSHA NO: 46-08292 MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (10) DATE VIOL. ISSUED: 7/28/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to clean out a sediment control structure when the accumulation reached 60% capacity.

CURRENT STATUS: TERMINATED STATUS DATE: 7/29/2010
 REQUIRED ACTIONS: Clean the sediment control structures on the haulroad steep to 100% capacity with proper disposal of accumulations.

ABATEMENT ACTIONS:

PERMIT NO: U501393 MSHA NO: 46-08292 MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (9) DATE VIOL. ISSUED: 2/18/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas by depositing waste accumulations outside the permit area and onto State Route 119.

CURRENT STATUS: TERMINATED STATUS DATE: 2/19/2010
 REQUIRED ACTIONS: Clean and remove all material accumulations from Upper Sheppardstown Rd. from State Route 119 through the Spring Branch access to the mine site.

ABATEMENT ACTIONS:

PERMIT NO: U501393 MSHA NO: 46-08292 MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (8) DATE VIOL. ISSUED: 11/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to control or prevent air pollution attendant to erosion and siltation, including road dust as well as dust occurring on other exposed surfaces in accordance with prudent engineering practices.

CURRENT STATUS: TERMINATED STATUS DATE: 11/23/2009
 REQUIRED ACTIONS: Clean and remove all material accumulations from Upper Sheppardstown Road from Rt. 119 through the Spring Branch access to the mine site.

ABATEMENT ACTIONS:

PERMIT NO: U501393 MSHA NO: 46-08292 MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (7) DATE VIOL. ISSUED: 4/21/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain effluent limits as set forth in the approved NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 7/22/2009
 REQUIRED ACTIONS: Maintain water so that all effluent limits are met. Submit measures to DEP that will be incorporated to prevent future flows outside of set limits.

ABATEMENT ACTIONS:

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

PERMIT NO: U003383 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (68) DATE VIOL. ISSUED: 1/13/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to provide a survey of the condition of all non-commercial building or residential dwellings and related structures that may be damaged in the 30 degree angle-of-draw of the 7A Longwall Panel.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/28/2011
 REQUIRED ACTIONS: Conduct and submit to WVDEP a Pre-Subsidence Survey.

ABATEMENT ACTIONS: The pre-subsidence survey for Kevin Evans has been conducted, compiled, and mailed to the WV DEP office in Phillippi, WV.

PERMIT NO: U003383 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (67) DATE VIOL. ISSUED: 11/13/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limitations set forth in the NPDES permit. Fish Creek Portal outlet 002 discharging 3.51 pH and +10ppm Fe.
 CURRENT STATUS: TERMINATED STATUS DATE: 11/14/2008
 REQUIRED ACTIONS: Treat the discharge in order to meet effluent limits or eliminate discharge.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

PERMIT NO: U003383 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (66) DATE VIOL. ISSUED: 11/12/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limitations set forth in the NPDES permit. Fish Creek Portal outlet 002 discharging 3.51 pH and +10ppm Fe.
 CURRENT STATUS: Violation modified to Cessation Order #67 STATUS DATE: 11/13/2008
 REQUIRED ACTIONS: Treat the discharge in order to meet effluent limits or eliminate discharge.

ABATEMENT ACTIONS: Violation modified to Cessation Order #67

PERMIT NO: U003383 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (65) DATE VIOL. ISSUED: 10/8/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limitations set forth in the NPDES Program or other water quality standards.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/30/2008
 REQUIRED ACTIONS: Set forth measures to eliminate leaching of product into nearby drainage system. Remove contaminated medium and dispose of properly.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

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

PERMIT NO: U200707 MSHA NO: 46-01437 MSHA DATE:
 VIOLATION NO: U-2007-07 (2) DATE VIOL. ISSUED: 10/16/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off site areas from damage resulting from mine operations. Pre-grouting for shaft development resulted in concrete entering into an unnamed trib. Of North Fork.
 CURRENT STATUS: TERMINATED STATUS DATE: 12/4/2009
 REQUIRED ACTIONS: 1) Cease grouting operations to avoid further stream contamination. 2) Develop a plan to deal with damage to both streams and have said plan approved by DEP personnel. 3) Implement approved plan.
 ABATEMENT ACTIONS:

PERMIT NO: U200707 MSHA NO: 46-01437 MSHA DATE:
 VIOLATION NO: U-2007-07 (1) DATE VIOL. ISSUED: 6/24/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off site areas from damage resulting from mine operations. Used unbonded access road to enter site.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/1/2009
 REQUIRED ACTIONS: Revegetate access route that's been disturbed or obtain IBR to allow use of area.
 ABATEMENT ACTIONS: Unbonded access road blocked off, disturbed area seeded, mulched.

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: O300500 MSHA NO: 46-08889 MSHA DATE:
 VIOLATION NO: O-3005-00 (7) DATE VIOL. ISSUED: 2/3/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation
 of effluent limitations as governed by the NPDES permit at outfall 001.

CURRENT STATUS: WITHDRAWN STATUS DATE:
 REQUIRED ACTIONS: Maintain effluent limits at outfall 001.

ABATEMENT ACTIONS:

PERMIT NO: O300500 MSHA NO: 46-08889 MSHA DATE:
 VIOLATION NO: O-3005-00 (6) DATE VIOL. ISSUED: 10/20/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water form areas disturbed by surface mining in violation
 of effluent limitations as governed by your NPDES permit at
 Outlet001. Aluminum 0.259
 CURRENT STATUS: Terminated STATUS DATE: 12/16/2009
 REQUIRED ACTIONS: Maintain effluent limits at Outlet 001.

ABATEMENT ACTIONS:

PERMIT NO: O300500 MSHA NO: 46-08889 MSHA DATE:
 VIOLATION NO: O-3005-00 (5) DATE VIOL. ISSUED: 4/22/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water form areas disturbed by surface mining in violation
 of effluent limitations as governed by your NPDES permit at
 Outlet001. Aluminum 0.474
 CURRENT STATUS: TERMINATED STATUS DATE: 5/20/2009
 REQUIRED ACTIONS: Maintain effluent limits at Outlet 001.

ABATEMENT ACTIONS: Maintained Effluent Limits at Outfall 001

PERMIT NO: O300700 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3007-00 (20) DATE VIOL. ISSUED: 4/7/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from slides or damage occurring during
 surface mining operations by depositing spoil material outside
 the permit area.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/12/2011
 REQUIRED ACTIONS: Move material that is off bonded back onto bonded areas, stabilize
 areas, and mulch and seed areas. At next permitting action, add
 these areas to the bonded permit.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: O300700 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3007-00 (19) DATE VIOL. ISSUED: 7/22/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failure to control dust on mouth of Haulroad.

CURRENT STATUS: TERMINATED STATUS DATE: 7/23/2010
 REQUIRED ACTIONS: Control dust.

ABATEMENT ACTIONS:

PERMIT NO: O300700 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3007-00 (18) DATE VIOL. ISSUED: 4/30/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain haulroad as per approved application and/or the regulations in that various sumps were full and/or various pipes were crushed and/or and and/or all comments as listed in the annual cert.

CURRENT STATUS: TERMINATED STATUS DATE: 5/27/2009
 REQUIRED ACTIONS: Maintain haulroad as per approved application and/or the regulations and address any and/or all comments in the annual certification.

ABATEMENT ACTIONS: Company has addressed all maintenance issues of the haulroad and has submitted a new annual certification.

PERMIT NO: O300700 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3007-00 (17) DATE VIOL. ISSUED: 11/13/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to erect and maintain permanent monument throughout the life of the permit at points of ingress and egress on the permit area from public roads and highways.

CURRENT STATUS: TERMINATED STATUS DATE: 11/26/2008
 REQUIRED ACTIONS: Erect and maintain permanent monument (sign) at points in ingress and egress on the permit area from public roads and highways.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

PERMIT NO: S201199 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2011-99 (60) DATE VIOL. ISSUED: 2/4/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits for pH and Mn at Outfall 009 and Outfall 019

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Operator needs to maintain effluent limits.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S201199 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2011-99 (59) DATE VIOL. ISSUED: 3/29/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits for pH and Mn at Outfall 019.

CURRENT STATUS: TERMINATED STATUS DATE: 4/21/2010
 REQUIRED ACTIONS: Continue to treat water and clean sediment channels to maintain effluent limits.

ABATEMENT ACTIONS:

PERMIT NO: S300207 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (14) DATE VIOL. ISSUED: 7/31/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failure to maintain Effluent Limits at NPDES Outfall #007.

CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2009
 REQUIRED ACTIONS: Maintain Effluent Limits at NPDES Outfall 007.

ABATEMENT ACTIONS:

PERMIT NO: S300207 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (13) DATE VIOL. ISSUED: 4/29/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits in areas disturbed by surface mining at outlet 012 in that you violated the effluent limits as governed by the standards set forth in your NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 5/26/2009
 REQUIRED ACTIONS: Maintain effluent limits at outlet 012.

ABATEMENT ACTIONS: Treated water to maintain Effluent Limits

PERMIT NO: S300207 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (12) DATE VIOL. ISSUED: 3/11/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off site areas from slides and/or damage in the vicinity of sediment ditches 5 & 6 during surface mining operations in that you placed and/or caused spoil material outside the permit area.

CURRENT STATUS: TERMINATED STATUS DATE: 3/11/2009
 REQUIRED ACTIONS: Gather and remove spoil material or any part of the operations from outside the permitted area. Stabilize, seed and mulch all affected area and add the slide area to your current pending IBR application.

ABATEMENT ACTIONS: Extended to 4/09/2010

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (31) DATE VIOL. ISSUED: 12/7/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation
 of effluent limits as governed by the NPDES permit at Outfall 017.

CURRENT STATUS: TERMINATED STATUS DATE: 12/7/2010
 REQUIRED ACTIONS: Maintain effluent limits at NPDES outfall 017.

ABATEMENT ACTIONS:

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (30) DATE VIOL. ISSUED: 4/22/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation
 of effluent limits as governed by the NPDES permit at Outfall 017.

CURRENT STATUS: TERMINATED STATUS DATE: 5/5/2010
 REQUIRED ACTIONS: Maintain effluent limits at NPDES outfall 017.

ABATEMENT ACTIONS:

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (29) DATE VIOL. ISSUED: 3/31/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or maintain sediment control structures:
 Sed Ditch 1, 2, 3, 4, 6, 9, 14, 15, 16 and 17.

CURRENT STATUS: TERMINATED STATUS DATE: 9/9/2010
 REQUIRED ACTIONS: Maintain sediment control on the above mentioed Sediment Ditches
 Clean, stop all leaking, and repair outer beams.

ABATEMENT ACTIONS: All sediment control structures have been cleaned and maintained.

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (28) DATE VIOL. ISSUED: 3/29/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation
 of effluent limitations as governed by your NPDES permit at Outfalls
 027, 028, 029 and 030.

CURRENT STATUS: TERMINATED STATUS DATE: 4/7/2010
 REQUIRED ACTIONS: Maintain effluent limits at outfalls.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (27) DATE VIOL. ISSUED: 4/21/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow approved application in that you failed to construct Valley Fills A, B, C & D so as to minimize infiltration of surface water in that you allowed water to flow over the face of the Fills.
 CURRENT STATUS: WITHDRAWN STATUS DATE: 7/21/2009
 REQUIRED ACTIONS: Construct Valley Fills A, B, C & D with all associated drainage structures as per your approved application and/or remove all material from Valley Fills and regrade to natural ground, seed & mulch affected areas.
 ABATEMENT ACTIONS:

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (26) DATE VIOL. ISSUED: 4/21/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or maintain sediment control structures, Pond 1 and sediment ditches near outlets 001, 002 & 004 in that structures are full and/or have reached capacity.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/17/2010
 REQUIRED ACTIONS: Construct and/or maintain sediment control structures, Pond 1 & sediment ditches near Outlets 001, 002, & 004 as per the regulations and/or your approved application.
 ABATEMENT ACTIONS:

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (25) DATE VIOL. ISSUED: 1/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from slides and/or damage during surface mining in that you placed and/or caused to be placed spoil material on part of the outside permitted area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/1/2009
 REQUIRED ACTIONS: Gather and/or remove spoil material and/or any part of the operation from outside of the permitted area, stabilize and seed all affected area and construct and/or maintain any sediment control structures affected.
 ABATEMENT ACTIONS:

PERMIT NO: S300301 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (24) DATE VIOL. ISSUED: 10/8/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to conduct surface coal mining and reclamation operations only on land specifically designated as the permit area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/17/2010
 REQUIRED ACTIONS: Reclaim, stabilize, seed & mulch all affected areas of disturbance outside approved bonded area & submit an IBR to cover all disturbances.
 ABATEMENT ACTIONS: Extension granted to 03/08/2010.

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S300400 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (81) DATE VIOL. ISSUED: 4/18/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from slides or damage occurring during surface-mining operations by depositing spoil material outside the permit area.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Move material that is off-bonded back onto bonded areas.

ABATEMENT ACTIONS:

PERMIT NO: S300400 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (80) DATE VIOL. ISSUED: 3/16/2011 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain sediment control structures.
 CURRENT STATUS: EXTENDED STATUS DATE:
 REQUIRED ACTIONS: Maintain Sediment Control structures as per the regulations of your approved application

ABATEMENT ACTIONS:

PERMIT NO: S300400 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (79) DATE VIOL. ISSUED: 4/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or certify outcrop barriers on the permit and/or parts thereof in which the natural barrier was mined and/or removed as per the regulations.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/22/2009
 REQUIRED ACTIONS: Construct and/or certify all parts of the permit in which the natural barriers were removed, if natural barriers were not removed on all and/or parts of the permit then certify which of those barriers remain.

ABATEMENT ACTIONS:

PERMIT NO: S300400 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (78) DATE VIOL. ISSUED: 4/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow approved application in that you failed to construct Valley Fill D so as to minimize infiltration of surface water. Failed to construct and/or use temp. ditches, sumps.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/22/2009
 REQUIRED ACTIONS: Construct Valley Fill D with all associated drainage structures as per approved application and/or remove all material from valley fill and regrade, seed & mulch.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S300400 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (77) DATE VIOL. ISSUED: 3/25/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain and/or construct sediment ditch 11 as per the regulations and/or your approved application in that the ditch is leaking.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/30/2009
 REQUIRED ACTIONS: Maintain and/or construct sediment ditch 11 as per the regulations and/or your approved application.
 ABATEMENT ACTIONS:

PERMIT NO: S300400 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (76) DATE VIOL. ISSUED: 1/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or maintain sediment control structures and/or other water retention structures as per the regulations and/or approved application in that sediment ditch has developed a breach.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/21/2009
 REQUIRED ACTIONS: Construct and/or maintain sediment control structures and/or other water retention structures as per the regulations and/or your approved application.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

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Entity to whom violation(s) were issued: Southern West Virginia Resources, LLC

PERMIT NO: O004283 MSHA NO: MSHA DATE:
 VIOLATION NO: O-42-83 (10) DATE VIOL. ISSUED: 1/26/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain a haul road to meet the performance standards specified by the secretary, in that, the surface of the haul road is not graded to allow run-off to reach sediment control structures.
 CURRENT STATUS: Extended STATUS DATE: 2/23/2010
 REQUIRED ACTIONS: Must gravel and grade the haulroad to allow run-off to reach the sediment control structures and to prevent mud from staying on the road surface.
 ABATEMENT ACTIONS:

PERMIT NO: O004283 MSHA NO: MSHA DATE:
 VIOLATION NO: O-42-83 (9) DATE VIOL. ISSUED: 3/26/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain sediment control structure cell 5 at 59+00, in that runoff from this cell was draining from the bottom of the sump instead of through the outlet pipe through which it was designed to flow.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/28/2009
 REQUIRED ACTIONS: Maintain this sump so that it functions properly.
 ABATEMENT ACTIONS:

PERMIT NO: O088500 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (70) DATE VIOL. ISSUED: 12/14/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to control or prevent additional contributions of suspended solids to stream flow in that blacktop from County Rt. 65/1 was washing into Big Branch.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/2/2010
 REQUIRED ACTIONS: Submit an IBR to bond County Rt. 65/1. Gravel and grade haulroads.
 ABATEMENT ACTIONS:

PERMIT NO: O088500 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (69) DATE VIOL. ISSUED: 10/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to pass all runoff thru approved sediment control in that runoff from the security station upstream to where the road in bonded was allowed to flow off the bonded area and cross State Rt. 65/1.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Must pass all runoff thru approved sediment control.
 ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Southern West Virginia Resources, LLC

PERMIT NO: O088500 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (67) DATE VIOL. ISSUED: 10/5/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: CO #66 modified to NOV #67.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Submit revision to the slurry transport system. Initiate and provide weekly samples of upstream & downstream Pigeon creek sites to inspector. Clean up Big Branch. Provide weekly progress reports.
 ABATEMENT ACTIONS:

PERMIT NO: O088500 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (66) DATE VIOL. ISSUED: 10/1/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Slurry line broke and runoff is flowing into Big Branch.

CURRENT STATUS: Modified to NOV 67 STATUS DATE: 10/5/2009
 REQUIRED ACTIONS: Repair slurry line, cease the pumping from the freshwater impound, initiate treatment of the associated sediment control structures to contain the slurry, and clean slurry from affected areas.
 ABATEMENT ACTIONS:

PERMIT NO: O088500 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (65) DATE VIOL. ISSUED: 5/26/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to certify Pond H in accordance with the plans, designs, and specifications set forth in the approved IBR.

CURRENT STATUS: WITHDRAWN STATUS DATE: 5/29/2009
 REQUIRED ACTIONS: Permittee must complete and certify Pond H before completing any more construction on the Aldrich Branch truck dump.
 ABATEMENT ACTIONS:

PERMIT NO: O088500 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (64) DATE VIOL. ISSUED: 2/24/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain a haul road to meet performance standards. Surface of the haul road is not graded to allow run-off to reach sediment control structure.

CURRENT STATUS: TERMINATED STATUS DATE: 3/26/2009
 REQUIRED ACTIONS: Permittee must gravel and grade the haulroad to allow run-off to reach the sediment control structures and to prevent mud from staying on the road surface.
 ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Terry Eagle Coal Company, L.L.C.

PERMIT NO: O303786 MSHA NO: 46-02245 MSHA DATE:
 VIOLATION NO: O-3037-86 (40) DATE VIOL. ISSUED: 6/10/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from area disturbed by surface mining at Outlet 006
 in violation of water quality standards. Caused deposits and/or sludge
 banks and/or discoloration of the creek
 CURRENT STATUS: TERMINATED STATUS DATE: 6/24/2009
 REQUIRED ACTIONS: Cease discharge of water and/or treat the water that is discharging
 from Outlet 006 so as to stop the deposits and/or sludge banks on the
 bottom of the creek and/or discoloration.
 ABATEMENT ACTIONS: Company ceased discharging water from Outlet 006

PERMIT NO: O303786 MSHA NO: 46-02245 MSHA DATE:
 VIOLATION NO: O-3037-86 (39) DATE VIOL. ISSUED: 3/11/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining at Outlet
 006 in violation of water quality standards. You caused and/or placed
 deposits and/or sludge on the bottom of the creek.
 CURRENT STATUS: Terminated STATUS DATE: 3/11/2009
 REQUIRED ACTIONS: Cease the discharge of water and/or treat the water from Outlet 006
 so as to stop the placing of deposits on the bottom of the creek and/
 or staining of the creek.
 ABATEMENT ACTIONS:

PERMIT NO: O303786 MSHA NO: 46-02245 MSHA DATE:
 VIOLATION NO: O-3037-86 (38) DATE VIOL. ISSUED: 2/18/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining at Outlet
 006 in violation of water quality standards. You caused and/or placed
 deposits and/or sludge on the bottom of the creek.
 CURRENT STATUS: Modified to CO STATUS DATE: 3/11/2009
 REQUIRED ACTIONS: Cease the discharge of water and/or treat the water from Outlet 006
 so as to stop the placing of deposits on the bottom of the creek and/
 or staining of the creek.
 ABATEMENT ACTIONS:

PERMIT NO: O303786 MSHA NO: 46-02245 MSHA DATE:
 VIOLATION NO: O-3037-86 (37) DATE VIOL. ISSUED: 1/6/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining at Outlet
 006 in violation of water quality standards. You caused and/or placed
 deposits and/or sludge on the bottom of the creek.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/5/2009
 REQUIRED ACTIONS: Cease the discharge of water and/or treat the water from Outlet 006
 so as to stop the placing of deposits on the bottom of the creek and/
 or staining of the creek.
 ABATEMENT ACTIONS:

26-Aug-11

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Entity to whom violation(s) were issued: Terry Eagle Coal Company, L.L.C.

PERMIT NO: S601089 MSHA NO: 46-07782 MSHA DATE: 10/17/1989
VIOLATION NO: S-6010-89 (38) DATE VIOL. ISSUED: 3/1/2011 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Failed to maintain sediment control structures. Sed Ditch #E-10-A
has developed a large hole.

CURRENT STATUS: EXTENDED STATUS DATE: 3/29/2011
REQUIRED ACTIONS: Repair hole.

ABATEMENT ACTIONS:

PERMIT NO: S601089 MSHA NO: 46-07782 MSHA DATE: 10/17/1989
VIOLATION NO: S-6010-89 (37) DATE VIOL. ISSUED: 4/20/2010 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Failed to maintain sediment control structures. Sed Ditch #E-10-A
has developed a hole. Pond W-2 has a breach.

CURRENT STATUS: TERMINATED STATUS DATE: 6/25/2010
REQUIRED ACTIONS: Repair hole. Seal Pond W-2.

ABATEMENT ACTIONS:

26-Aug-11

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Entity to whom violation(s) were issued: Terry Eagle Coal Company, LLC

PERMIT NO: P056900 MSHA NO: MSHA DATE:
VIOLATION NO: P-569 (39) DATE VIOL. ISSUED: 1/22/2010 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation
of effluent limits and approved NPDES permit at outlet 004.

CURRENT STATUS: TERMINATED STATUS DATE: 1/26/2010
REQUIRED ACTIONS: Maintain effluent limits as per approved NPDES permit and/or
approved application.

ABATEMENT ACTIONS:

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CONSOL Energy and Related Companies - Violation History

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Entity to whom violation(s) were issued: Wolfpen Knob Development Company

PERMIT NO: O105291 MSHA NO: MSHA DATE:
VIOLATION NO: O-1052-91 (1) DATE VIOL. ISSUED: 12/2/2009 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Failed to provide proof of insurance on an annual basis.

CURRENT STATUS: TERMINATED STATUS DATE: 1/25/2010
REQUIRED ACTIONS: Submit current insurance certificate

ABATEMENT ACTIONS:
