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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter
Governor
Dee C. Hansen
Executive Director
Dianne R. Nielson, Ph.D.
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340

INSPECTION REPORT

INSPECTION DATE & TIME: 12/17 & 18/91 10:30am - 3:00pm, 8:00am - 12:30pm
Permittee and/or Operator's Name: Consolidation Coal Co.and The Pittsburg and Midway Coal Co.
Business Address: P.O. Box 527; Emery Utah 84522 *County:* Emery
Mine Name: Emery Deep Mine *Permit Number:* ACT/015/015
Type of Mining Activity: Underground X *Surface* _ *Other* _
Company Official(s): Dee Bray *State Officials(s):* Priscilla Burton
Federal Official(s): none
Partial: Complete: X *Date of last Inspection:* 11/21/91
Weather Conditions: overcast, 20's
Acreage: Permitted- 5,180 *Disturbed-* 40 *Regraded-* 2.7 *Seeded-* 2.7 *Bonded-* 207
Enforcement Action: none

COMPLIANCE WITH PERMITS AND PERFORMANCE STANDARDS

	YES	NO	N/A	COMMENTS
1. PERMITS	(X)	( )	( )	(X)
2. SIGNS AND MARKERS	(X)	( )	( )	(X)
3. TOPSOIL	(X)	( )	( )	( )
4. HYDROLOGIC BALANCE:				
a. STREAM CHANNEL DIVERSIONS	( )	( )	( )	( )
b. DIVERSIONS	(X)	( )	( )	(X)
c. SEDIMENT PONDS AND IMPOUNDMENTS	(X)	( )	( )	(X)
d. OTHER SEDIMENT CONTROL MEASURES	(X)	( )	( )	(X)
e. SURFACE AND GROUNDWATER MONITORING	(X)	( )	( )	( )
f. EFFLUENT LIMITATIONS	(X)	( )	( )	(X)
5. EXPLOSIVES	( )	( )	(X)	( )
6. DISPOSAL OF DEVELOPMENT WASTE & SPOIL	(X)	( )	( )	( )
7. COAL PROCESSING WASTE	( )	( )	(X)	( )
8. NONCOAL WASTE	(X)	( )	( )	(X)
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL VALUES	(X)	( )	( )	(X)
10. SLIDES AND OTHER DAMAGE	( )	( )	(X)	( )
11. CONTEMPORANEOUS RECLAMATION	( )	( )	(X)	( )
12. BACKFILLING AND GRADING	(X)	( )	( )	(X)
13. REVEGETATION	(X)	( )	( )	( )
14. SUBSIDENCE CONTROL	(X)	( )	( )	( )
15. CESSATION OF OPERATIONS	( )	( )	(X)	( )
16. ROADS				
a. CONSTRUCTION	(X)	( )	( )	(X)
b. DRAINAGE CONTROLS	(X)	( )	( )	( )
c. SURFACING	(X)	( )	( )	( )
d. MAINTENANCE	( )	(X)	( )	(X)
17. OTHER TRANSPORTATION FACILITIES	( )	( )	(X)	( )
18. SUPPORT FACILITIES				
UTILITY INSTALLATIONS	(X)	( )	( )	( )

1. PERMITS

a. Consol presently has a surety bond with Chubb Insurance Group (Tulsa OK). The bond (#8093-71-80) amount is $3,454,443.00 and covers 207 acres. Consol has secured bonding with the Seaboard Surety Co (#188617) for the same amount and has requested (correspondence 5/28/91 and 6/10/91) that the Chubb bonding be released by the Division.

b. A Reclamation Agreement between the Division and Consolidation Coal Co. (Consol) remains to be signed. The Division is rewording the agreement and will forward a copy of the agreement to the Company for signatures. When this is accomplished, the Chubb bonding can be released.

c. On file at the Emery Deep mine is a copy of the liability insurance ACORD form from Lumbermens Mutual Casualty. This ACORD form is dated 11/7/91 and complies with the Division letter of June 17, 1991.

d. A current permit was issued on January 8, 1991. I provided Consolidation Coal with copies for their file. ***The permit remains unsigned by Consol. A signed copy of the permit must be forwarded to our office by January 17, 1991.*** *Four stipulations were placed on the permit in Attachment A which has been attached to this inspection report. Condition #2 specifies that the operator received a permit under the right of successive renewal, no new facilities proposed in the updated Mining and Reclamation Plan (MRP) were approved. Therefore,* ***the present MRP is used for monitoring activity at the site in-so-far as it matches the previous MRP.***

Consol responded to Condition # 3 (see correspondence Kevin Cheeks 5/1/91) and received approval from the Division on 5/6/91. Pages 21 and 22 of Ch VIII of the MRP were amended.

e. UPDES Permit, UT 0022616, was issued 12/7/90 and will expire 5/31/94. A copy was obtained for the Division files. Four discharge points are listed. Consol will be applying for a fifth discharge point when the spillway at pond #3 is modified to have an open channel spillway. However, application for this fifth discharge has not yet been made. The four discharge points are as follows: 001 = Pond #1 ; 002 = Pond #2; 003 = Pond #6; 004 = alternative discharge from pond #6. Two active points of discharge are 001 and 003.

A second Permit, UT 0024040, was issued for ponds constructed or proposed in conjunction with the proposed preparation plant. Two outfalls in this permit are as follows: 001 = Pond #5 (existing); 002 = slurry pond (proposed).

f. The following corrections were noted and are required to be made in the MRP by January 17, 1991:

1. Update Plate VI-10 Drainage Control Map does not show a culvert on the ancillary road (located at approximately 7.00+ on Plate II-1 Substation Access Road).

2. Update section R614-301-420 (Air Quality) to contain a description of coordination and compliance efforts that Consol has undertaken with the Utah Dept. of Health, Division of Air Quality.

g. A copy of the Spill Prevention Control and Countermeasure Plan was viewed. This plan was filed with the EPA and describes the procedures to safeguard the 6,000 gal diesel, 8.000 gal stoker oil, and 300 gal oil tanks within the above ground bulk storage containment structure. ***(Cracks were noted in this structure during the inspection.)***

2. SIGNS AND MARKERS
AVS CHECK:
Condition #4 of the permit required that Consol provide to the Division information on the resolution of Virginia Cessation Order 89-11-17-1 within 30 days of a judgement of Consol's appeal to the Board of Lands. Information on this and one other Cessation Order was received from Dee Bray. I have provided this to the Division's Compliance Officer (J Helfrich).

The sign at the entrance to the disturbed area from the County Road provides the correct mine address and telephone number as per the page six of the MRP. Mr. Bray was unaware of any sale or transfer of permit rights or leases since the permit was written.

4. HYDROLOGIC BALANCE

Christiansen Wash and Quitchupah Creek were both flowing under frozen surfaces.

4.b. DIVERSIONS
Most maintenance items noted in the last inspection report have been completed. ***Several additional locations needing maintenance were noted as follows (Plate VI-10):***

1) Ditch #2 below the CROM coal stockpile the channel need dressing up to direct flow over the rip rap and down to ditch #1.

2) The berm around topsoil pile T-1 requires maintenance. Maintenance was not performed as mentioned in the previous inspection report due to equipment failure. The grader is being repaired. Mr. Bray assured me that the work would be complete in January.

3) Ditch #1 along the north side of the waste rock and CROM piles requires maintenance to form a ditch similar to the one portrayed in appendix VI-6, Chap VI, vol 2 of 2.

4.c. SEDIMENT PONDS AND IMPOUNDMENTS

Certified designs and As-Builts are available at the mine office. The last quarterly inspection was performed on 12/3/91 for each pond. An inspection for annual certificaton was conducted on 11/20/91 for ponds 1 through 6. Applicaton for the addition of an emergency open spillway for pond #3 was received by the Division on December 6, 1991 and is presently under review.

4.d. OTHER SEDIMENT CONTROL MEASURES
Clean up of accumulated coal particulates along the primary haul road is required to prevent the contributions of this sediment to the adjacent test plot ASCA area. If the area is not regularly cleared of coal and sediment, a silt fence will be required.

4.3. SURFACE AND GROUNDWATER MONITORING
Third quarter water monitoring information was received by the Division on November 4, 1991. I obtained copies of field notes which have not previously been submitted with water monitoring information. ***Mr. Bray is referred to the October 30, 1991 correspondence from Lowell Braxton for future water monitoring submittals (including field parameters).***

4.f. EFFLUENT LIMITATIONS
Recent sampling of UPDES point 001 (pond #1) exceeded the oil and grease limitation. A value of 117 mg/L was reported for the September 30th sample. Consol has complied with provision "J" of the UPDES permit, requiring notification of the

exceedence to State Health (seed letter 11/8/91). Furthermore, the in-mine pump (suspected of contributing oil to the pond) has been turned off and is undergoing maintenance. In the interim, no discharge is occuring from point 001.

12. BACKFILLING AND GRADING

Consol received approval on 11/26/91 but has not yet backfilled the pit left after excavation of the leaking underground storage tanks.

16.a. & d. ROADS CONSTRUCTION AND MAINTENANCE

Certified sections of road within the disturbed area require maintenance to bring them up to the certification standards as shown on Plate IV-8 and the Coal Stockpile Road As-Built (3/8/91). *Road certifications were reviewed.*

Copy of this Report:
Mailed to: Bernie Freeman(OSM), Dee Bray, (Consol)
Given to: Joe Helfrich, Daron Haddock (DOGM)
Inspector's Signature: Priscilla Burton *, #37*
Date: 12/19/91

Attachment A

STIPULATIONS
Consolidation Coal Company
ACT/015/015

CONDITION #1

Before conducting new mining under prime farmland areas, the permittee's proposed methods of soil reconstruction shall be reviewed by the Secretary of Agriculture, through the Utah State Conservationist of the U. S. Soil Conservation Service, under the requirements of R614-302-315.300.

CONDITION #2

Only those existing and proposed facilities approved under or during the previous permit term are approved by this 1991 permit renewal. Other proposed facilities referenced in the September 1990 Mining and Reclamation Plan (MRP) are not approved at this time and will require specific written approval by the Division prior to construction or implementation.

CONDITION #3

Within 90 days of permit renewal, the operator in conjuction with DOGM and The Division of Wildlife resources, shall provide updated seed mixes.

✓ received letter 5/1/91 Kevin Checks

CONDITION #4

With respect to final judgement regarding the appeal of Citation C89-11-17-1, Consolidation Coal Company will provide the Division, (DOGM) written verification of payment of any amounts incurred by Consolidation Coal Company within 30 days of said judgement. Failure to do so will result in permit disapproval.

outcome pending - received info. during inspection 10/17/91

Part I,9)B) Unabated Cessation Orders and/or Notices of Violation

1) Cessation Order #89-11-17-01

2) January 17, 1989

3) State Permit - None - Abandoned Site

4) MSHA Permit - 46-01319

5) Consolidation Coal Company

6) Office of Surface Mining Reclamation and Enforcement

7) Failure to Properly Abandon and Reclaim Slurry and Coarse Refuse Areas

8) Petition for Review of CO 5/15/89
Administrative Law Judge McGuire, Arlington, VA
Petition Denied 6/14/90
Appeal to Board of Land Appeals 7/12/90
[redacted]

9) Consolidation Coal Company and OSMRE have entered into a compliance agreement, and corrective measures are being taken in accordance with that agreement.

these pages for J Helfrich - not for incorporation into insp. report.

Part I,9)B) Unabated Cessation Orders and/or Notices of Violation

1) Cessation Order #90-III-019-001

2) November 7, 1990

3) State Permit S-71-82

4) MSHA Permit 46-06760

5) Fremont Coal Company

6) Office of Surface Mining Reclamation and Enforcement

7) Failure to eliminate all highwalls
(State agency previously declined to issue violation response to Ten-Day Notice, SMRE issued violation on 10/12/90

8) Application for Review of NOV - 10/17/90
(decision pending)
Application for Temporary Relief from NOV 10/17/90
Application for Temporary Relief from CO 11/9/90
Administrative Law Judge Torbett, Pittsburgh, PA
Temporary relief denied 11/15/90
Appealed denial of temporary relief 11/27/90 to Federal District Court, Southern District of West Virginia, in Huntington (decision pending)
Application for review of CO 11/30/90
Administrative Law Judge Torbett, Knoxville, TN
(decision pending)

9) No action has been taken because the state of West Virginia which has primacy under SMCRA, did not agree with OSMRE that there was a violation related to highwall elimination, and therefore that no remedial action was necessary.