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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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Handwritten initials: PAL, b, JLO, OK

INSPECTION REPORT

Partial XXX Complete ___ Exploration ___
Inspection Date: 10/22/2002 Time: 10:30am-2:00pm
Date of Last Inspection: 09/10/2002

Mine Name: Emery Deep Mine County: Emery Permit Number: C/015/015
Permittee and/or Operator's Name: Consolidation Coal Company
Business Address: P.O. Box 566, Sesser IL 62884/P.O. Box 527, Emery, Utah 84522
Company Official(s): Seth McCourt
State Official(s): Stephen J. Demczak Federal Official(s): None
Weather Conditions: Cloudy, Cooled
Type of Mining Activity: Underground XXX Surface ___ Prep Plant ___ Other ___
Existing Acreage: Permitted 5180 Disturbed 247 Regraded ___ Seeded ___
Status: Active

REVIEW OF PERMIT, PERFORMANCE STANDARDS & PERMIT CONDITION REQUIREMENTS

- 1. Substantiate the elements on this inspection by checking the appropriate performance standard.
a. For complete inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check N/A.
b. For partial inspections check only the elements evaluated.
2. Document any noncompliance situation by referencing the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

Table with 5 columns: EVALUATED, N/A, COMMENTS, NOV/ENF. Rows include categories like PERMITS, CHANGE, TRANSFER, RENEWAL, SALE; SIGNS AND MARKERS; TOPSOIL; HYDROLOGIC BALANCE; DIVERSIONS; SEDIMENT PONDS AND IMPOUNDMENTS; etc.

INSPECTION REPORT
(Continuation Sheet)

PERMIT NUMBER: C/015/015

DATE OF INSPECTION: Oct. 22, 2002

(COMMENTS ARE NUMBERED TO CORRESPOND WITH TOPICS LISTED ABOVE)

1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE

The permittee has two permitting actions submitted to the Division. These are the 4th East Portals and the Power Pole to the 4th East Portals. The Division has reviewed these amendments and is waiting for the permittee's response.

3. TOPSOIL

The permittee failed to protect vegetation and topsoil in the undisturbed area on September 12, 2002. A semi-trailer was parked on the undisturbed area in which topsoil and vegetation has never been removed. A Notice of Violation 02-39-1-2, 1 of 2 was issued.

On October 22, 2002 two cars and one truck were parked in the same exact undisturbed area location as NOV 02-39-1-2, 1 of 2. Therefore, the inspector issued NOV 02-39-2-1 for failure to protect vegetation and topsoil in the undisturbed area. The abatement for this violation is that the permittee will remove all vehicles immediately from the undisturbed area and submit an amendment to the Division to reclaim the affected area or salvage all topsoil from the undisturbed area. Once the Division approves the amendment, the permittee has seven consecutive days to implement and complete the plan.

4A. HYDROLOGIC BALANCE: DIVERSIONS

One of the motor vehicles was parked in the undisturbed diversion. The diversion was dry at the time of the inspection and NOV 02-39-2-1 was issued for not protecting the undisturbed area.

4B. HYDROLOGIC BALANCE: SEDIMENT PONDS AND IMPOUNDMENTS

The permittee has constructed spillways in the sediment ponds since the last inspection. This was a request by the Division hydrologist.

The pond contained a small amount of water and no hazardous conditions were noticed during the inspection.

4C. HYDROLOGIC BALANCE: OTHER SEDIMENT CONTROL MEASURES

Silt fences were inspected and complied with the R645 Coal Rules.

7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS

The permittee has refuse material from the face-up of the 4th East Portals. The permittee was given 7 days to have the material removed from the 4th East Portals and transported to Emery Mine's refuse pile. The inspector notified the permittee on October 22, 2002 about the removal of the refuse material from the 4th East Portals.

8. NONCOAL WASTE

The area was clear of non-coal waste material.

INSPECTION REPORT
(Continuation Sheet)

PERMIT NUMBER: C/015/015

DATE OF INSPECTION: Oct. 22, 2002

13. REVEGETATION

The undisturbed area for which NOV 02-39-2-1 was written. The permittee has the option to reclaim the disturbed portion of this area. A plan must be submitted and approved by the Division prior to implementation.

18. SUPPORT FACILITIES/UTILITY INSTALLATIONS

The permittee is in the process of constructing the surface facilities of the 4th East Portal facilities. Installing the conveyor system appears to be the next major under taking.

Inspector's Signature: _____


Stephen J. Demczak #39

Date: November 1, 2002

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas & Mining.

cc: James Fulton, OSM
Tim Kirschbaum, Consol, Illinois
Steve Behling, Consol, Emery
Price Field office

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