

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

October 30, 2003

Mr. Lowell Braxton, Director
Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801Re: Emery Deep Mine Permit C/015/015
Deficiency responses
Amendment to MRP to abate NOV N03-39-1-1

Dear Mr. Braxton:

Please consider these deficiency responses to the amendment dated September 12, 2003, to the Mine Reclamation Plan for the 4th East Portal of the above mentioned mine. The deficiencies and responses are attached.

A copy of the Notice of Intent to DAQE will be forwarded to your office when complete. It will be submitted during the week of 11/2/03.

If you have any questions concerning this request, please call me at (618) 625-6850.

Sincerely,

John Gefferth
Permit CoordinatorCC: James Byars – Emery Mine
Jonathan Pachter - CONSOL Energy
Dan Baker – C & P Coal (attachments)

JAG/jag em.mrpamnd.defresp.doc

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DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: Consolidation Coal Company

Mine: Emery Deep Mine

Permit Number: 015/015

Title: 4th East Portal Extension

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

Add	Replace	Remove	Description
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter I, Appendix I-1, "Ownership & Control Information" update corporate structure
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter I, Appendix I-3, "List of Permits", update permit listings
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter I, Appendix I-4, "List of Violations", update violations for last three years
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter II, Pages 17a thru 17f, 18, 25 and 28
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter III, Table of Plates, Pages 2, 4b, 5, 6, 12 and 21
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter III, Appendix IV-B, "Bond Amount Computation", A-1 thru A-20
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter IV, Pages 7, 7a & 7b
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter IV, Appendix IV-7-G, Page 10a of 10Chapter IV, Figure IV-15
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Chapter IV, Pages 10b of 10 thru 10f of 10
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Appendix IV.B.1, Bond Amount Computation, 4 th East Portal Extension
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter IV, Figure IV-15 & Figure IV-16
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter VI, Appendix VI-6, Pages 52a-1 thru 52a-8
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter VI, Appendix VI-6, SEDCAD Model "Full Containment 10yr/24hr Design Storm Sediment Pond #9"
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter VI, Appendix VI-6, SEDCAD Model "Emergency Spillway 25yr/24hr Design Storm Sediment Pond #9"
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter VII, Table of Appendices
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter VII, Appendice VII-3, Pages C-12, C-13, C-14
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter VII, Appendice VII-4, "Letter form Mt. Nebo Consultants"
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter VIII.C.1, Page 20
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter VIII, Appendice VIII-3, "Letter from Mt. Nebo" & "Sensitive Species Survey"
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Chapter X, Part A, in Total and Move to Confidential Information File
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter X, Part B: Climate - CD of weather data & example sheet data
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter X, Part C, Table of Contents & Page 5a
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Chapter X, Part C, Appendix X.C-3, "Norwest Study on Fugitive Dust Controls at 4th East
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter II, Plate II-3, "4 East Portal Surface Facilities"
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter III, Plate III-1, "4 East Portal Disturbance Area"
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter III, Plate III-5, "4 East Portal Site Pre & Postmining Topography"
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter IV, Plates IV-3, Sheets 1 & 2 of 2, "4 East Portal Plan And Cross Sections"
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Chapter IV, Plates IV-3, Sheets 3 of 3, "4 East Portal Plan And Cross Sections"

<p>Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.</p>	<p>Received by Oil, Gas & Mining</p> <p style="font-size: 24pt; font-weight: bold;">RECEIVED</p> <p style="font-size: 18pt; font-weight: bold;">OCT 31 2003</p> <p>DIV. OF OIL, GAS & MINING</p>
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APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Consolidation Coal Company

Mine: Emery Deep

Permit Number: 015/015

Title: 4th East Portal Extension

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

Amendment to extend permit area to include area affected by wind blown coal fines.

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 1. Change in the size of the Permit Area? Acres: <u>1.5</u> Disturbed Area: <u>1.0</u> <input checked="" type="checkbox"/> increase <input type="checkbox"/> decrease. |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Is the application submitted as a result of a Division Order? DO# _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 4. Does the application include operations in hydrologic basins other than as currently approved? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6. Does the application require or include public notice publication? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 7. Does the application require or include ownership, control, right-of-entry, or compliance information? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 9. Is the application submitted as a result of a Violation? NOV # <u>03-39-1-1</u> |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 10. Is the application submitted as a result of other laws or regulations or policies?
<i>Explain:</i> _____ |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 11. Does the application affect the surface landowner or change the post mining land use? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2) |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 13. Does the application require or include collection and reporting of any baseline information? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 15. Does the application require or include soil removal, storage or placement? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 16. Does the application require or include vegetation monitoring, removal or revegetation activities? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 17. Does the application require or include construction, modification, or removal of surface facilities? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 18. Does the application require or include water monitoring, sediment or drainage control measures? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 19. Does the application require or include certified designs, maps or calculation? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 20. Does the application require or include subsidence control or monitoring? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 21. Have reclamation costs for bonding been provided? |
| <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream? |
| <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 23. Does the application affect permits issued by other agencies or permits issued to other entities? |

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) 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.

Jonathan M. Pachter
Print Name

Jonathan M. Pachter 10/28/03
Sign Name, Position, Date
manager, Environmental Permitting

Subscribed and sworn to before me this 28th day of October, 2003

George R. Meyer
Notary Public

My commission Expires: Sept. 6, 2004
Attest: State of PENNSYLVANIA } ss:
County of ALLEGHENY

Notarial Seal
George R. Meyer, Notary Public
Upper St. Clair Twp., Allegheny County
My Commission Expires Sept. 6, 2004
Member, Pennsylvania Association of Notaries

For Office Use Only:

Assigned Tracking Number:

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OCT 31 2003

DIV. OF OIL, GAS & MINING

**RESPONSES TO DOGM TECHNICAL ANALYSIS OF CONSOL
EMERY MINE AMMENDMENT DATED 9/12/03.**

Regulations

R645-103-234, THE PERMITTEE MUST PROVIDE AN AFFIDAVIT OF PUBLICATION FROM THE LEGAL NOTICE PLACED IN THE LOCAL NEWSPAPER FOR THE PLANNING AND ZONING COMMISSION MEETING HELD IN GREEN RIVER ON SEPTEMBER 10, 2003.

The Planning Zone Commission meeting was not advertised in the paper. Consol placed a public notice in the Emery County Progress on 10/14/03. The Affidavit of Publication, dated September October 14, 2003 is attached.

R645-301-112.320, THE NARRATIVE ON CHAPTER I, PAGE 6 NEEDS TO BE REWRITTEN TO REFLECT THE CHANGE IN OWNERSHIP OF CONSOL ENERGY, INC AS PRESENTED IN APPENDIX I-1.

Please refer to revised Chapter I, Page 6.

R645-301-115.300 AND R645-103-234.100, THE COUNTY ENCROACHMENT PERMIT MUST BE PROVIDED.

Attached please find a copy of the approved County Encroachment permit #200331, dated September 16, 2003.

R645-301-121.200, (1) THE PERMITTEE MUST CLARIFY WHETHER THE SHUT-OFF MECHANISM FOR THE WATER CANNON WILL BE WIND SPEED AS STATED ON THE SENTENCE ON PAGE 9 OR WHETHER THE SHUT-OFF THRESHOLD WILL BE PILE SATURATION AS STATED BY MR. GEFFERTH ON OCTOBER 7, 2003 (2) THE PERMITTEE MUST CLARIFY THE LOCATION OF THE INTERMOUNTAIN ANTIQUITIES SITE FORM (APPENDIX A OF APPENDIX 5-7 CHAPTER X). (3) THE PERMITTEE MUST CHANGE ALL REFERENCES TO WARM AND COOL SEASON SEED MIXES, IN THE AMENDMENT AND MRP, TO REFLECT THE DESIGNATION IN THE MRP (RESTATING THE SEED IN THE MIX MAY BE HELPFUL SHOULD SEED MIXES CHANGE OVER TIME). THE FOLLOWING ARE A FEW EXAMPLES OF LOCATIONS WHERE WARM AND COOL DESCRIPTORS ARE USED IN THE APPLICATION: (A) AMENDMENT, CHAPTER III, NO PAGE NUMBER, SECTION "WORKSHEET -REVEGETATION". (B) AMENDMENT, CHAPTER III, PAGE 21. (C) AMENDMENT, CHAPTER IV, PAGES 7, 7A. (D) AMENDMENT, CHAPTER IV, MAP "RECONFIGURED TOPSOIL STOCKPILE ABATEMENT". (4) THE PERMITTEE MUST ORGANIZE AND CORRECT THE EDITORIAL MISTAKES THIS AMENDMENT. (5) THERE ARE TWO PLATES WITH THE LABEL PLATE IV-15.

- (1) Please refer to page 9 Appendix X. C-3
- (2) Additional information is included in Appendix A of Appendix 5-7 Chapter X.
- (3) All references to warm and cool season seed mixes have been changed.
- (4) Editorial mistakes have been corrected where found.
- (5) Two Plate IV- 15's have been renamed Figure IV – 15 and Figure IV – 16.

R645-301-132, THE QUALIFICATIONS OF NORWEST CORPORATION MUST ACCOMPANY THE SUBMITTAL.

The Qualifications of Norwest Corporation and separate vita of key employees has been inserted as Appendix J of Appendix X. C-3.

R645-301-141, MAPS ACCOMPANYING THE APPLICATION MUST INCLUDE THE COUNTY ROAD 907 THAT WAS COMPLETED IN 2002. I.E CULTURAL RESOURCE PLATE X.A-1, 4 EAST PORTAL DISTURBANCE AREA PLATE III-1, PRE AND POSTMINING TOPOGRAPHY, PLATE III-5.

The County Road 907 has been placed on all maps referenced above.

R645-301-142, THE RELATIONSHIP OF THE 248.5 ACRE BONDED AREA (EXHIBIT D) TO THE 289.6 ACRE POTENTIAL SURFACE OPERATIONS AREA AND THE 86.2 ACRES OF PROPOSED NEAR DISTURBANCE AREA (TABLE III-2) SHOULD BE DESCRIBED AND THE INFORMATION DETAILED IN TABLE III-2 MUST BE ACCOMPANIED BY MAPS OUTLINING THE AREAS DESCRIBED. (PLATES III-1 THROUGH III-4A ARE NOT LABELED WITH THESE AREAS AS MENTIONED ON PAGE 1 OF CHAPTER III).

The acre discrepancy is incorrect lines on the Bonding status map. The map will be corrected and resubmitted to the surety company. Once approved, a copy will be sent to your office. The acres in table III-2 of Chapter III are correct.

R645-301-144, PLATE I-1 AND EXHIBIT D OF THE RECLAMATION AGREEMENT MUST INDICATE SECTION NUMBERS WITHIN THE TOWNSHIP AND RANGE AND MUST INCLUDE CURRENT INFORMATION SUCH AS COUNTY ROAD #907.

Section numbers can be found on Plate I-1 and Exhibit D in the corners of all sections. Additional section numbers have been placed in the center of all sections. County road 905 has been added.

R645-301-144.100, THE MINING AND RECLAMATION PLAN MUST INDICATE THE DOCUMENTS BY TYPE AND DATE OF EXECUTION AND SPECIFIC LANDS TO WHICH THE DOCUMENTS PERTAIN EXPLAINING THE LEGAL RIGHT OF ENTRY CLAIMED BY THE APPLICANT.

Please refer to page 7b, 7c and 7d in Appendix I-2, Chapter I, for the right to enter data. The Right of Entry for the road and monitoring facilities (Section 30: SE1/4NE1/4, T. 22 S. ,R. 6 E,SLM) on land owned by Glendon E. Johnson can be found as a right-of-way and easement grant, executed on October 3, 1988, filed and recorded on October 6, 1988 in the State of Utah, County of Emery. Book 174, Page 600-601.

The Right of Entry for the portion of the main mine facility owned by M. Robertson is contained in the inserted Exploration and Surface Agreement executed on November 12, 1980. The document gives Consol the Right to Enter Section 29: S1/2S1/2, T. 22 S. , R. 6 E.

R645-301-222.200, THE OFFICIAL DESCRIPTION OF THE MONTWEL SERIES MUST BE INCLUDED IN THE APPLICATION ALONG WITH THE OTHER SOIL SERIES DESCRIPTIONS PROVIDED IN APPENDIX C OF APPENDIX VII-3.

Please refer to inserted pages C-11, C-12 and C-13, Appendix C of Appendix VII - 3 for the official description of the Montwel series.

R645-301-231.100 AND R645-301-121.100 AND R645-301-121.200, THE PLAN MUST ACCURATELY DESCRIBE THE TOPSOIL SALVAGE ACTIVITIES THAT HAVE OCCURRED AT THE SITE. (1) THE DESCRIPTION ON PAGE 7 OF CHAPTER IV AND FIGURE(S) IV-15 DO NOT MATCH THE CONSULTANT'S REPORT OF THE ACTIVITIES, NOR THE DIVISION'S COLLECTIVE MEMORY OF WHAT HAS OCCURRED AT THE 4TH EAST PORTAL. (2) THE LAST STATEMENT ON PAGE 7 CHAP IV INCORRECTLY INDICATES THAT THE ENTIRE TOPSOIL PILE WAS SEEDED ON AUGUST 19, 2003. (A DIAGRAM MAY BE NECESSARY.) (3) THE LAST STATEMENT ON PAGE 7 CHAP IV INCORRECTLY DESCRIBES A WARM SEASON SPECIES MIX BEING USED TO SEED SOIL SALVAGED AND ADDED TO THE TOPSOIL STOCKPILE AND BERMS IN AUGUST 2003. TO AVOID CONFUSION, THE PLAN SHOULD CLEARLY ITEMIZE THE SEEDS IN THE SEED MIX AND REMOVE REFERENCE TO A WARM SEASON MIX, AS THE MIX USED CONTAINS BOTH WARM AND COOL SEASON SPECIES. (SEE DEFICIENCIES WRITTEN UNDER GENERAL CONTENTS PERMIT APPLICATION FORMAT & CONTENTS AS WELL AS THE OPERATIONS VEGETATION SECTION FOR FURTHER DISCUSSION.).

Refer to Page 7 chapter IV and Figure IV-15.

R645-301-231.100 AND R645-301-232.200, (1) THE SOIL SALVAGE OPERATION AT EMERY DEEP MUST BE DIRECTED BY A QUALIFIED SOILS SPECIALIST. (2) THE EASTERN HALF OF THE SOUTH TOPSOIL BERM MUST NOT BE AFFECTED BY FUTURE SOIL SALVAGE.

(1) A qualified soils specialist will direct soil salvage operations.

(2) Please refer to page 7A chapter IV for additional narrative. Consol reserves the right to affect the topsoil berm to facilitate operations.

R645-301-232.200, PLATE III-1 DOES NOT INDICATE AN ADDITIONAL ACRE OF TOPSOIL REMOVAL IN THE LEGEND.

Plate III-1 has been modified.

R645-301-232.500, THE NARRATIVE ON PAGE 7A OF CHAPTER IV MUST INCLUDE DETAILS ABOUT CRYPTOGRAM HARVEST PRIOR TO TOPSOIL SALVAGE SUCH AS WHETHER THE CRYPTOGRAMS WILL BE SALVAGED WITH HEAVY EQUIPMENT OR MANUALLY AND TO WHAT DEPTH WILL THE SURFACE SOILS BE SALVAGED? HOW WILL THE CRYPTOGRAMS BE HANDLED?

Please refer to revised narrative on page 7a Chapter IV.

R645-301-244.100, THE PERMITTEE SHOULD PROVIDE THE DIVISION WITH OPACITY READINGS OF THE COAL STOCKPILE MADE IN ACCORDANCE WITH THE AIR QUALITY APPROVAL ORDER PRIOR TO AND AFTER IMPLEMENTATION OF THE DUST CONTROL STRATEGIES DESCRIBED IN THE APPLICATION, SO THAT THE DIVISION MAY EVALUATE THE TREATMENT METHODS EFFECT ON FUGITIVE DUST FROM THE PILE.

The notice of intent to modify Approval Order DAQE-117-95 will be submitted during the week of 12/2/03. A copy will be forwarded to your office. Once the NOI is approved, any opacity readings required under the Notice will be done and copies forwarded to your department. The opacity readings that have been taken to date under the currently approved NOI are attached for your review.

R645-301-244.200, THE BONDING CALCULATIONS FOR THE 4TH EAST PORTAL SHOULD INDICATE THAT THE ENTIRE 16 ACRES WILL BE GOUGED AFTER TOPSOILING (WORKSHEET 4B EARTHWORK QUANTITY AND PAGES A-12 AND A-17 OF APPENDIX IV.B.1).

Please refer to revised worksheet 4b and pages A-12 and A-17 of Appendix IV.B.1.

R645-301-244.200, THE PLAN MUST INDICATE MEASURES TAKEN TO DATE TO STABILIZE AREAS ALONG THE FENCE LINES AFFECTED BY VEHICLE TRAFFIC.

Please refer to page 4b of Chapter III.

Suitable mulch was used to stabilize the above mentioned areas. The NOV (NO 3-38-1-1) for this area was abated on August 5, 2003. The Stabilization plan was explained in the mitigation plan dated Nov. 7, 2002, submitted to your office.

R645-301-244.200, THE SEQUENCE OF TOPSOILING, BROADCASTING OF CRYPTOGRAMIC SOIL AND RIPPING/GOUGING SHOULD BE INDICATED CLEARLY IN THE RECLAMATION PLAN OUTLINED IN CHAPTER III OF THE APPLICATION AS WELL AS THE WORKSHEET IN APPENDIX VI.B.1.

Refer to replacement page 21 Chapter 3, for topsoil sequence. There is no reference to topsoil sequence in Appendix VI.B.1. However page A-2.A of appendix IV.B.1 has been changed to reflect topsoil sequence.

R645-301-322.210, THE PERMITTEE MUST PROVIDE THE RESULTS OF THE TES SURVEY THAT WAS CONDUCTED IN 2003.

Please refer to inserted Appendices VIII-3 in chapter VIII.

R645-301-341.300, THE PERMITTEE MUST PROVIDE A BRIEF PROCEDURE FOR THE CRYPTOGRAM RELOCATION PROJECT (SEE DEFICIENCY WRITTEN UNDER R645-301-232.500). THE PERMITTEE MUST ALSO MARK THE AREA OF TRANSPLANTED CRYPTOGRAMS ON THE TOPSOIL PILE.

Please refer to the previous answer at R645-301-232.500.

R645-301-353.250, THE PERMITTEE MUST CLARIFY THE TYPE OF MULCH AND THAT IT IS NOXIOUS WEED FREE FOR THE 1.5-ACRE PROJECT.

Please refer to page 7A of Chapter IV.

R645-301-358, THE PERMITTEE'S MEASURE OF SUCCESS OF THE PHASE 1 CONTROLS MUST INCLUDE MONITORING IN THE AREA EAST OF THE PERMIT BOUNDARY.

CONSOL, through its consultant Norwest Corporation, has determined that Phase I controls constitute Best Technology Currently Available (BTCA) for the control of fugitive dust emissions. The success of the Phase I controls should be mutually agreed upon by the operator and DOGM following inspection of the area east of the permit boundary once all Phase I controls are operational. The two parties will determine if, with these controls in place, the operator is minimizing disturbances and adverse impacts on fish, wildlife, and related environmental values and is achieving enhancement of such resources where practicable.

R645-301-411.144, USING THE C1C2 FORM, THE PERMITTEE MUST RELOCATE PLATE X-A-1 AND THE MONTGOMERY 2003 REPORT TO DOGM'S CONFIDENTIAL FILES.

Consol has relocated Plate X-A-1 with a C1C2 form.

R645-301-422, (1) THE APPLICATION MUST INCLUDE THE NOTICE OF INTENT TO MODIFY THE AIR QUALITY APPROVAL ORDER OR OTHER RELEVANT CORRESPONDENCE WITH THE UTAH DIVISION OF ENVIRONMENTAL QUALITY – BUREAU OF AIR QUALITY. (2) THE STATEMENT ON PAGE 25 CHAPTER II THAT NO AIR MONITORING IS PROPOSED IS IN ERROR, THE AIR QUALITY APPROVAL ORDER REQUIRES MONITORING BY THE PERMITTEE.

(1) The notice of intent to modify Approval Order DAQE-117-95 will be submitted during the week of 12/2/03. A copy will be forwarded to your office.

(2) Please refer to page 25 chapter II for corrected text. The operator will perform opacity readings as required by the Modified Approval Order.

R645-301-512.130, THE PERMITTEE MUST HAVE THE PRE AND POSTMINING TOPOGRAPHY MAPS AND CROSS-SECTIONS CERTIFIED BY A REGISTERED PROFESSIONAL ENGINEER.

The above mentioned maps have been certified.

R645-301-521.100 THE APPLICANT SHALL SUBMIT PLATE II-3 SHOWING A DIVERSIONS INSTALLED ALONG THE EAST SIDE OF THE 1.5 ACRE ADDITION.

After topsoil is removed, positive drainage will be re established to allow all affected drainage to report to pond 9.

R645-301-521.132, THE PERMITTEE MUST GIVE THE DIVISION ONE MAP THAT SHOWS THE ENTIRE PERMIT BOUNDARY. THE PERMITTEE ALSO NEEDS TO DESIGNATE ONE MAP AS THE OFFICIAL PERMIT BOUNDARY MAP, AND STATE SO IN THE TEXT AND ON THE MAP.

Please refer to inserted Plate III-9.

R645-301-521.150 AND R645-301-521.190, THE PERMITTEE MUST GIVE THE DIVISION A MAPS THAT SHOWS THE PRE AND POSTMINING TOPOGRAPHY AT A SCALE OF 1 INCH EQUALS 100 FEET OR SMALLER.

See answer at R645-301-512.130.

R645-301-521.161 AND R645-301-141, THE PERMITTEE MUST SHOW ALL OF THE SUPPORT FACILITIES ON THE SUFACE FACILITIES MAP, PLATE II-3.

All support facilities have been shown on the Surface Facilities Map, Plate II-3.

R645-301-521.270, THE PLAN MUST INDICATE THAT ALL TOPSOIL BERMS WILL BE CLEARLY MARKED AS TOPSOIL STORAGE.

Please refer to page 7a chapter IV.

R645-301-521-141 AND R6545-301-521.190, THE PERMITTEE MUST SHOW ON ONE MAP OR A SERIES OF CONNECTED MAPS THE AFFECTED AREA BOUNDARIES. THOSE BOUNDARIES INCLUDE AREAS FOR WHICH ADDITION PERMITS MIGHT BE SOUGHT.

Please refer to inserted Plate III-9.

R645-301-521-141 AND R6545-301-521.190, THE PERMITTEE MUST SHOW ON ONE MAP OR A SERIES OF CONNECTED MAPS THE AFFECTED AREA BOUNDARIES. THOSE BOUNDARIES INCLUDE AREAS FOR WHICH ADDITIONAL PERMITS MIGHT BE SOUGHT.

This appears to be a duplicative question. Please see answer at R645-301-521-141 AND R6545-301-521.190, ABOVE.

R645-301-526, (1) THE PERMITTEE MUST PROVIDE SUPPORTING EVIDENCE THAT INSURES COVERAGE BY THE WATER CANNONS. (2) THE PERMITTEE MUST PROVIDE SUPPORTIVE EVIDENCE OR RATIONAL FOR THE POINTS OF THE CONVEYOR NOZZLE SPRAY UPGRADE PLAN. (3) THE PERMITTEE MUST MAINTAIN WEEKLY MONITORING AND MAINTENANCE LOG SHOWING THAT THE PERMITTEE IS MONITORING THE EFFECTIVENESS OF THE WATER CONTROL EQUIPMENT, WEATHER STATION, WIND FENCE, AND ALL OTHER ABATEMENT MEASURES. (4) SUBMIT A BRIEF NARRATIVE OF SUPPORTING EVIDENCE THAT INSURES COVERAGE BY THE WATER CANNON. (ONE MAJOR PARAMETER THE PERMITTEE MUST ADDRESS FOR BOTH WATER CONTROL MEASURES IS THAT THE WATER WILL COME FROM THE MINE, WHICH IS CONSIDERED HIGH IN TSS AND TDS. IF THE SPRAY NOZZLES AND DESIGN ARE NOT ADEQUATELY SIZED OR PROPERLY MAINTAINED, THE WATER WILL PLUG THE NOZZLES.) (5) SUBMIT A FIGURE SHOWING THAT THE WIND FENCE HEIGHT IS HIGHER THAN THE COAL RADIAL STACKER AND SUPPORTING NARRATIVE THAT THE WIND FENCE HEIGHT AND LENGTH WILL ADEQUATELY LIMIT MOVEMENT OF COAL FINES AS A RESULT OF BOUNDARY LAYER TURBULENCE AND EDDY EFFECTS.

(1) Please refer to page 9, Appendix X. C-3

(2) Please refer to page 17, Appendix X.-C-3

(3) CONSOL will maintain a weekly maintenance log showing that mine personnel are monitoring the effectiveness of the water control equipment, the weather station, the wind fence, and all other abatement measures. Appendix I – Maintenance Plan for Emery Mine 4th East Portal has been revised to reflect the requirement for repair and maintenance logs being updated weekly.

(4) See item (1) above.

(5) Please refer to Appendix F for additional design and narrative. Since operations at the Emery Mine 4th East Portal site were suspended during the summer of 2003, the coal stockpile and base have been removed, down to an approximate base elevation of 6060 ft. The attached drawing and narrative illustrate approximate elevations for the various normal features in the stockpile area, namely the base or berm (removed), the stockpile (removed), and the radial stacker. A ten to twelve foot shroud or chute is attached to the radial stacker discharge end. The conceptual height of the wind fence, about 45 feet, is above the discharge end of the shroud to provide optimal shielding from the wind during pile loading

R645-301-526.116, THE PERMITTEE MUST STATE WHO WILL DO THE ROAD CONSTRUCTION WITHIN THE COUNTY'S RIGHT-OF-WAY. IF THE PERMITTEE DOES THE WORK THEN THEY MUST SHOW THAT THEY HAVE AN AGREEMENT WITH THE COUNTY. (THE COUNTY ENCROACHMENT PERMIT WAS ALSO REQUESTED UNDER R645-301-115.300 AND R645-103-234.100).

Consolidation Coal company will be responsible for the road upgrade. A copy of the County Road Encroachment permit is attached.

R645-301-526.220, R645-301-526.221, R645-301-526.222, THE PLAN MUST INCLUDE THE FOLLOWING ADDITIONS: (1) A DESIGNATION IN THE PERMIT OF A STOCKPILE MANAGER, RESPONSIBLE FOR THE CONSTRUCTION, IMPLEMENTATION AND MAINTENANCE OF THE DUST CONTROL STRATEGIES, AS WELL AS WIND DATA COLLECTION. THE SUPERVISOR WOULD DIRECT ON-SITE ACTIVITY, FAMILIARIZE PERSONNEL WITH THE DUST CONTROL STRATEGIES, TRAIN INDIVIDUALS TO CONDUCT MAINTENANCE ON THE WATER SPRAYS, WATER CANNON, AND WIND FENCE; TRAIN TRUCKERS IN ENVIRONMENTALLY SOUND LOADING TECHNIQUES, AND COORDINATE ALL DUST CONTROL ACTIVITIES. (2) THE MAINTENANCE PLAN (APPENDIX I) REQUIRES IMPROVEMENTS AS DISCUSSED ON OCTOBER 8, 2003. (3) A MEANS OF PROVIDING A WORKING DEMONSTRATION OF THE DUST CONTROLS DURING INSPECTIONS. (4) CLARIFICATION OF THE SPRAY POINTS TO BE IMPLEMENTED IN PHASE I. (5) RATIONALE FOR THE ENGINEERING OF THE DEVICES PRESENTED, INCLUDING PARAMETERS CONSIDERED. (6) ADDITION OF THE COAL-FINE DISTURBED AREA TO THE DISTURBED AREA. (7) A COPY OF THE APPLICATION TO MODIFY THE AIR QUALITY APPROVAL ORDER. (8) A MEANS TO MEASURE OF THE SUCCESS OF THE DUST CONTROL STRATEGIES AND TO DETERMINE WHEN IMPLEMENTATION OF PHASE II IS REQUIRED. (9) AN ESCROW AGREEMENT PROVIDING ASSURANCE OF PHASE 2 IMPLEMENTATION. (10) AN EXPLANATION FOR ANY DELAY IN IMPLEMENTATION BEYOND OCTOBER 15, 2003.

(1) Please refer to page 23 of Appendix X. C-3.

(2) Please refer to revised Maintenance Plan in Appendix I of Appendix X-3-C.

(3) Please refer to page 9 of Appendix X. C-3

(4) Please refer to page 17 of Appendix X. C-3.

(5) Please refer to pages 9 thru 18 of Appendix X. C-3

(6) Please refer to Plate III-1 (4th East Portal Disturbed Area)

(7) Please go to answer R645-302-244-100.

(8) CONSOL, through its consultant Norwest Corporation, has determined that Phase I controls, once implemented, constitute Best Technology Currently Available (BTCA) for the control of fugitive dust emissions. The success of the Phase I controls should be mutually agreed upon by operator and DOGM following inspection of the area east of the permit boundary once all Phase I controls are operational. The two parties will determine if, with these controls in place, the operator is minimizing damage to fish, wildlife, and related environmental values; and is minimizing additional contributions of suspended solids to streamflow or runoff outside the permit area, where any such contributions will not be in excess of limitations of Utah or Federal law.

If the parties mutually agree that Phase I controls have not been effective at minimizing damage or contributions as described above, then Phase II of the dust control program will be implemented (Benetech permanent and integrated dust suppressant system for the conveyor system at three locations, namely the crusher inlet, the crusher outlet and the stacker discharge).

(9) Assurance of phase II implementation ,if necessary, will be evidenced in the executed agreement of sale between Consol and C & P Coal. An excerpt to that effect will be sent when signed.

(10) Consol has provided DOGM with implementation progress reports.

R645-301-526.220, THE EXPANSION OF THE COUNTY ROAD FOR REROUTING TRUCK TRAFFIC MAY BE EMPLOYED DURING PHASE 1 OR PHASE 2 OF THE DUST CONTROL STRATEGY, AT THE DISCRETION OF THE PERMITTEE, HOWEVER THE MAPS AND PLANS SUBMITTED WITH THIS APPLICATION SHOULD REFLECT THEM DIRECTION THE PERMITTEE WISHES TO TAKE.

The County Road re- route will be done under phase 1.

R645-301-526.222, (1) THE MEANS OF MEASURING THE SUCCESS OF PHASE 1 MUST BE PRESENTED IN THE APPLICATION. (2) A DESCRIPTION OF THE MEASURES TO BE EMPLOYED IN PHASE 2 AND A COMMITMENT TO EMPLOY THESE MEASURES SHOULD PHASE 1 BE UNSUCCESSFUL, MUST BE CLEARLY STATED IN THE AMENDMENT TO THE MINING AND RECLAMATION PLAN.

(1) As stated earlier, CONSOL, through its consultant Norwest Corporation, has determined that Phase I controls, once implemented, constitute Best Technology Currently Available (BTCA) for the control of fugitive dust emissions. The success of the Phase I controls should be mutually agreed upon by CONSOL and DOGM following inspection of the area east of the permitted boundary once all Phase I controls are operational. The two parties will determine if, with these controls in place, the operator is minimizing damage to fish, wildlife, and related environmental values; and is minimizing additional contributions of suspended solids to streamflow or runoff outside the permit area, where any such contributions will not be in excess of limitations of Utah or Federal law.

(2) Please refer to page 17 of Appendix X. C-3.

If the determination is made that Phase I controls have not achieved the desired results, Phase II of the dust control plan will be implemented. Phase II will be comprised of Benetech's permanent and integrated dust suppressant system for three locations, namely the crusher inlet, the crusher outlet and the stacker discharge. Phase II will incorporate the Benetech spray hardware already installed and operating under Phase I as water sprays. Additional Benetech system support equipment will be installed under Phase II – e.g., dust suppressant storage tank, heated equipment enclosure, piping, wiring, etc. - in order to accommodate their system requirements.

R645-301-553.140 AND R645-301-244.200, CHAPTER III AND THE BONDING WORKSHEET IN APPENDIX IV.B.1 MUST INDICATE THAT THE ENTIRE SITE WILL BE GOUGED TO A DEPTH OF SIX INCHES OR ONE FOOT.

Please refer to page 21 Chapter III and bonding worksheet in Appendix IV-B.1, for revised text.

R645-301-724, THE PERMITTEE MUST INCLUDE THE INFORMATION RECORDED TO DATE FROM THE RECENTLY INSTALLED WEATHER STATION FOR WIND SPEED AND DIRECTION WITH THE APPLICATION.

Please refer to the inserted cd rom in Chapter X part B; climate, for the data

R645-301-742.300 IN THE EVENT NO DIVERSION STRUCTURE IS CONSTRUCTED ALONG THE EAST SIDE OF THE 1.5 ACRE ADDITION BY THE COUNTY, AS THEY REBUILD THE COUNTY ROAD, THE APPLICANT SHALL INSTALL A DIVERSION STRUCTURE (BERM OR DITCH) ALONG THE EASTERN SIDE OF THE 1.5 ACRE ADDITION (JUST WEST OF THE ROAD). ANY CHANGES WILL BE REQUIRED TO BE STABLE AND SHOWN ON MAPS.

Refer to answer R645-301-521.100

R645-301-830.140, THE PERMITTEE MUST PROVIDE THE DIVISION WITH DETAILED RECLAMATION COST ESTIMATES THAT INCLUDE ALL THE FACILITIES IN THE 4TH EAST PORTAL AREA.

Please refer to Appendix IV.B.1 for reclamation cost estimates.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Ken Larson, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 1 (One) consecutive issues, and that the first publication was on the 14th day of October, 2003 and that the last publication of such notice was in the issue of such newspaper dated the 14th day of October, 2003.

Ken G. Larson

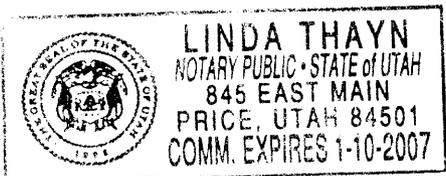
Ken G Larson - Publisher

Subscribed and sworn to before me this 14th day of October, 2003.

Linda Thayne

Notary Public My commission expires January 10, 2007 Residing at Price, Utah

Publication fee, \$ 110.01



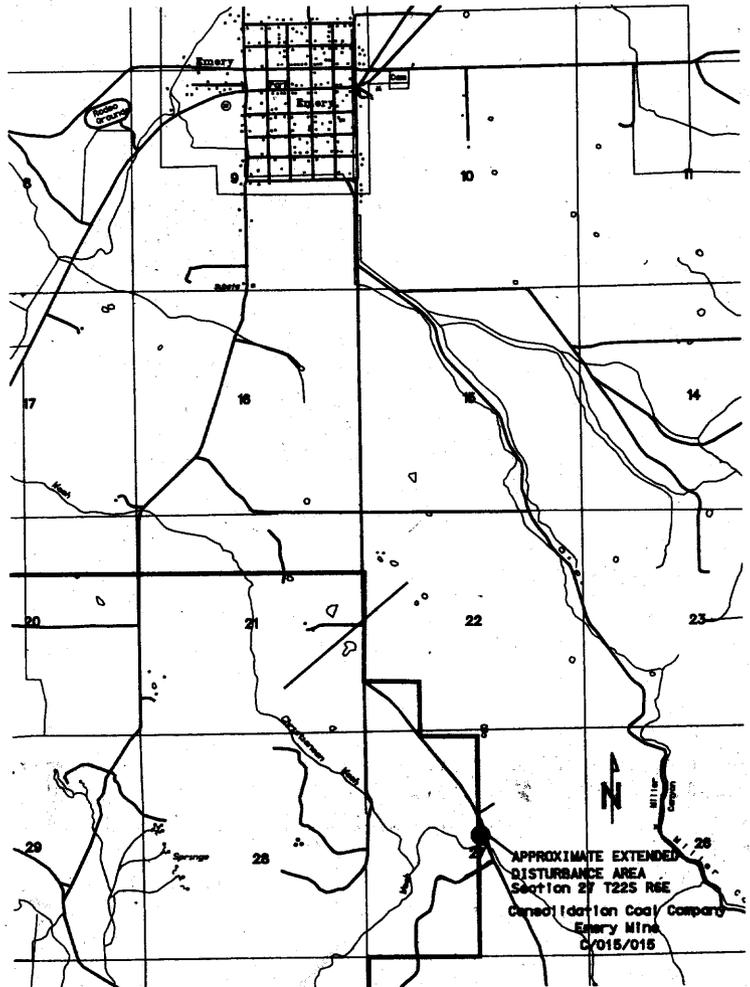
LEGAL NOTICE

Consolidation Coal Company of Pittsburgh, Pennsylvania, hereby announces it's intention to conduct activities incidental to underground mining activities at the Emery Mine. The currently approved permit is ACT/015/015.

Consolidation Coal Company operates the Emery Mine which is located (3) miles south of Emery, Utah within Sections 27, 28, 29, 32 and 33 of Township 22 South, Range 6 East, Salt Lake Base & Meridian.

Emery Mine plans to construct a cattle guard and new entrance road within 100 feet of Emery County Road #915 at the 4th East Portal located near the center of:

Township 22 S, Range 6E, Section 27, Salt Lake Basin Meridian

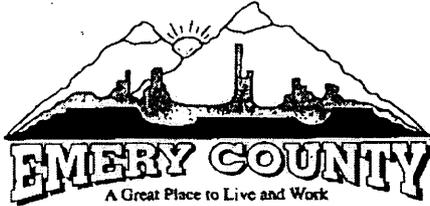


The area of the construction site has been submitted for approval:

The address of the applicant and operator is:
Consolidation Coal Company
1800 Washington Road
Pittsburgh, PA 15241-1421
Phone: (412)831-4000

Written comments or request for a hearing regarding the activities for the construction must be made within 30 days of the last publication of this notice, and may be addressed to the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801

Published in the Emery County Progress October 14, 2003.



Road Department

PERMIT

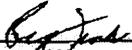
Permit#200331

Application having been made by Consolidation Coal Company through Jonathan Pachter, its authorized agent, a fee of \$25.00 being paid and a Letter of Financial Assurance in lieu of a bond provided, the Application having been reviewed and accepted, permission is hereby granted Applicant to proceed with the construction of an access for the purpose of routing haul truck traffic into the 4th East Portal with proposed widening of the Cowboy Mine Road #915. Design subject to final approval by the County Engineers or Road Supervisor.

Stipulations:

1. Dust control during construction period
2. Proper signing while construction is in effect.
3. Posting for safety during construction and traffic control (if needed).
4. Road repairs in the event of damages.
5. Final inspection upon completion of project.
6. Strict compliance with Ordinance 8-7-85A or as amended.

DATED this 16th day of September, 2003.



 Supervisor

EMERY COUNTY ROAD DEPARTMENT

By 

INSPECTION AND RELEASE

The Emery County Road Department Supervisor inspected said site on the _____ day of _____, 20____, finds the following:

- Deficiencies which must be corrected before release can be considered.
- Released

 Supervisor

EMERY COUNTY ROAD DEPARTMENT

By _____

Person to Contact:

Name: James Byars

Address: P O Box 527, Emery, Utah 84522

Phone #: (435) 286-3509
 P.O. Box 889 • 300 North 1st West • Castle Dale, Utah 84513 • Telephone (435) 381-5450 • FAX (435) 381-5239



CONSOL Energy Inc.

1800 Washington Road
Pittsburgh, PA 15241

phone: 412/831-4679

fax: 412/831-4774

e-mail: Jonathanpachter@consolenergy.com

web: www.consolenergy.com

September 10, 2003

Mr. Rex Funk
Emery County Road Department
P.O. Box 889
Castle Dale, UT 84513

Re: Consolidation Coal Company – Emery Mine, 4th East Portal
Roadway Encroachment Application and Maintenance in Lieu of Bond Request

Dear Mr. Funk:

Attached please find a completed application for roadway encroachment to affect County Road (Cowboy Mine Road) 915, located to the east of CONSOL's Emery Mine 4th East Portal. As described in the application, the purpose of the encroachment is to re-route haul truck traffic. In order to accommodate haul trucks, the unpaved road will be upgraded to include widening to allow for two-way traffic, grading, providing proper drainage, applying a suitable gravel cover, and treating the gravel surface with an acceptable dust suppressant, e.g., magnesium chloride. The upgrades just described also apply to the turn-off from CR 915 onto the Emery Mine property.

In lieu of a bond, CONSOL requests that Emery County accept this letter of assurance that maintenance will be performed on the segment of CR 915 subject to encroachment. The gravel cover will be kept intact, and dust suppressant will be re-applied as necessary to maintain its effectiveness.

At the end of mine life, CONSOL understands that the county will assume maintenance of the improved segment at that time.

Please call me with any questions or concerns.

Very truly yours,

A handwritten signature in cursive script that reads 'Jonathan M. Pachter'.

Jonathan Pachter

Manager – Environmental Permits

Attachment

cc: John Gefferth

Applicant: Consolidation Coal Company

Address: P.O. Box 527

Emery, Utah 84522

Phone: 435-286-2301

ROADWAY ENCROACHMENT APPLICATION

Consolidation Coal Company (Applicant) hereby applies for a permit to encroach upon a roadway within Emery County known as Cowboy Mine Road 915 for the purpose of routing haul truck traffic into the 4th East Portal coal yard at the Emery Mine.

Said encroachment is proposed at the following location upon said roadway: beginning at the north end of CMR 915 at the entrance to the 4th East Portal yard area, and proceeding about 500 feet in a southeasterly direction along the unpaved road* and is described as the haul truck re-route. See attached map.

Applicant proposes work to begin on or about October 6, 2003 and to be completed on or before October 14, 2003. A processing fee of \$25 is tendered with this Application. Applicant agrees to comply with all laws, ordinances and regulations of all governmental agencies, including, but not limited to Emery County, as well as instructions of the Emery County Road Department Supervisor or his indicated representative. Fees in the amount of ** and a bond in the amount of ** be in force for a period of ** years, are hereby tendered, or will be tendered before a Permit is issued.

DATED this ____ day of _____, 20__

Jonathan Pachter
(Applicant) *Jonathan M. Pachter*

Manager - Environmental Permits
Title

James Byars
Person to Contact on Job Site

see above

Address

435-286-3509

Phone #

* to a turn-in to CONSOL's coal yard.
** Please see attached cover and maintenance in lieu of bond letter from applicant.

Mail completed application to:
Emery County Road Department
P. O. Box 889
Castle Dale, Utah 84519

CONSOL ENERGY

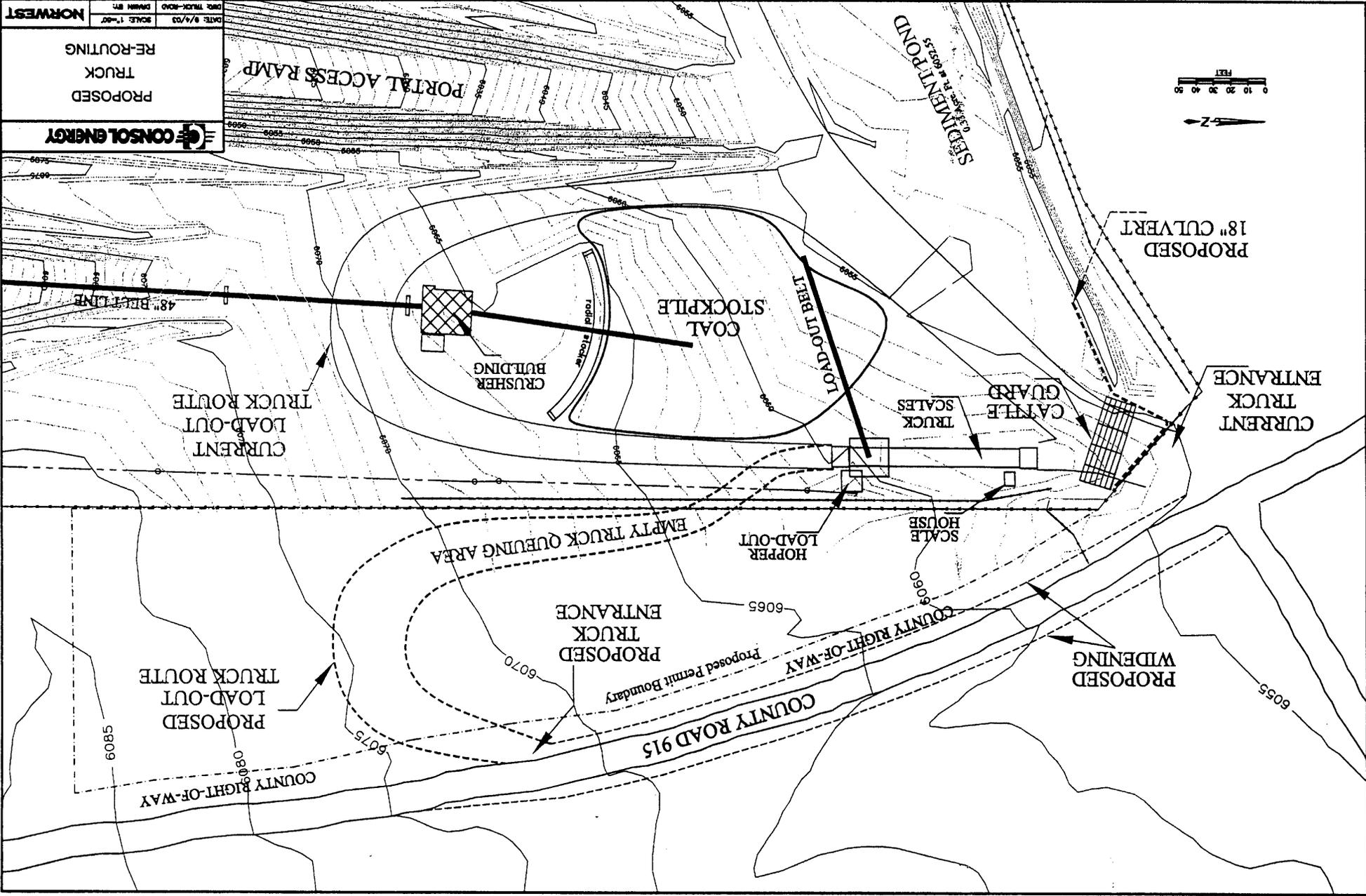
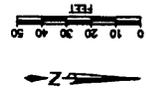
PROPOSED TRUCK RE-ROUTING

DATE: 9/4/03 SCALE: 1"=60'

DRAWN BY: []

CHECKED BY: []

NORWEST



PROPOSED TRUCK ROUTE
LOAD-OUT

CURRENT TRUCK ROUTE
LOAD-OUT

PROPOSED TRUCK ENTRANCE

CURRENT TRUCK ENTRANCE

PROPOSED 18" CULVERT

COUNTY ROAD 915

COUNTY RIGHT-OF-WAY

Proposed Permit Boundary

EMPTY TRUCK QUEUING AREA

HOPPER LOAD-OUT

SCALE HOUSE

CATTLE GUARD TRUCK SCALES

COAL STOCKPILE

LOADOUT BELT

CRUSHER BUILDING

PORTAL ACCESS RAMP

SEWAGE POND

6085

6080

6075

6070

6065

6060

6055

48" BURIED LINE

VISIBLE EMISSIONS RECORDING FORM

DATE: 7-29-03

LINE: Emerg

Discharge End of Stack/Belt

Color of Emissions <u>Black</u>	Background <u>SKY</u>	Color of Background <u>Blue</u>
Sky Condition <u>clear</u>	Temperature	Wind <u>0</u> @ <u>0</u> nauts <u>0</u> mph

Reading Point Location - height above ground elevation: 40 feet

Observers Location - height below Reading Point: 5 feet

Observers Distance from Reading Point: 50 feet

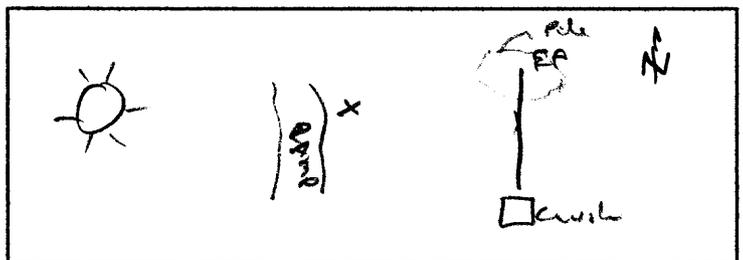
Start Time - Readings : 8:00 pm.

Stop Time - Readings : 8:16 pm

	0	15	30	45		0	15	30	45		0	15	30	45
0	0	0	0	0	15	0	0	0	0	30				
1	0	0	0	0	16					31				
2	0	0	5	0	17					32				
3	5	5	5	0	18					33				
4	0	0	0	0	19					34				
5	0	0	0	0	20					35				
6	0	0	0	0	21					36				
7	0	0	0	0	22					37				
8	0	0	0	0	23					38				
9	5	5	0	0	24					39				
10	0	5	0	0	25					40				
11	0	0	0	0	26					41				
12	0	0	0	0	27					42				
13	0	0	0	0	28					43				
14	0	0	0	0	29					44				

Opacity Range 0 to 5 % Average 0.55 % No. of Readings Above 20% 0

Comments: _____



Observer Signature: I H D Kulbars

Observer Certification Date: 6-5-03

VISIBLE EMISSIONS RECORDING FORM

DATE: 7-29-03

LINE: Emery

Crusher

Color of Emissions <u>BLACK</u>	Background <u>SKY</u>	Color of Background <u>BLUE</u>
Sky Condition <u>Clean</u>	Temperature	Wind <u>0</u> @ <u>0</u> nauts <u>0</u>

Reading Point Location - height above ground elevation: 25 feet

Observers Location - height below Reading Point: 5 feet

Observers Distance from Reading Point: 30 feet

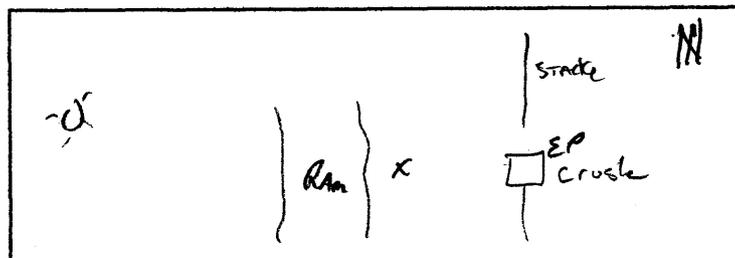
Start Time - Readings: 7:32 pm

Stop Time - Readings: 7:39 pm

	0	15	30	45		0	15	30	45		0	15	30	45
0	0	0	0	0	15					30				
1	0	0	0	0	16					31				
2	0	0	0	0	17					32				
3	0	0	0	0	18					33				
4	0	0	0	0	19					34				
5	0	0	0	0	20					35				
6	0	0	0	0	21					36				
7					22					37				
8					23					38				
9					24					39				
10					25					40				
11					26					41				
12					27					42				
13					28					43				
14					29					44				

Opacity Range 0 to 0 % Average 0 % No. of Readings Above 20% 0

Comments: Crusher enclosed



Observer Signature: [Handwritten Signature]

Observer Certification Date: 6-5-03

VISIBLE EMISSIONS RECORDING FORM

DATE: 6-19-63

MINE: Emery

Rom Belt to 2nd Flight

Color of Emissions <u>Black</u>	Background <u>Rock Highway</u>	Color of Background <u>Brown</u>
Sky Condition <u>PARTLY Cloudy</u>	Temperature	Wind <u>0@</u> nauts <u>0</u>

Reading Point Location - height above ground elevation: 5 feet

Observers Location - height below Reading Point: 0 feet

Observers Distance from Reading Point: 40 feet

Start Time - Readings : 6:02 pm

Stop Time - Readings : 6:17 pm

	0	15	30	45		0	15	30	45		0	15	30	45
0	0	0	0	0	15					30				
1	0	0	0	0	16					31				
2	0	0	0	0	17					32				
3	0	0	0	0	18					33				
4	0	0	0	0	19					34				
5	0	0	0	0	20					35				
6	0	0	0	0	21					36				
7	0	0	0	0	22					37				
8	0	0	0	0	23					38				
9	0	0	0	0	24					39				
10	0	0	0	0	25					40				
11	0	0	0	0	26					41				
12	0	0	0	0	27					42				
13	0	0	0	0	28					43				
14	0	0	0	0	29					44				

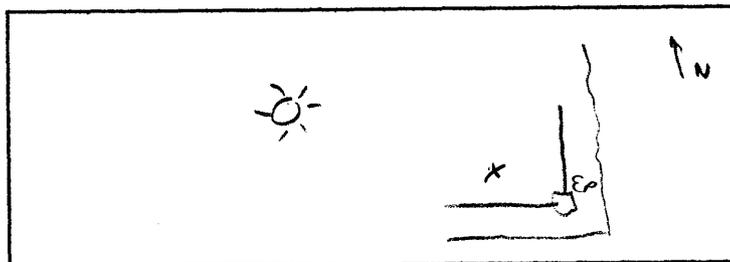
Opacity Range 0 to 0 % Average 0 % No. of Readings Above 20% 0

Comments: No Good Observation Pt

with Rock (sandstone) highway Directly Behind Transfer Pt.

Observer Signature: F. D. Kull

Observer Certification Date: 6-5-63



VISIBLE EMISSIONS RECORDING FORM

DATE: 6-19-03

LINE: Emery

Crusher to STACKER BELT

Color of Emissions <u>Black</u>	Background <u>Sky</u>	Color of Background <u>White</u>
Sky Condition <u>Partly Cloudy</u>	Temperature	Wind <u>0 @</u> nauts <u>~0-2 mph</u>

Reading Point Location - height above ground elevation: 8 feet

Observers Location - height below Reading Point: 3 feet

Observers Distance from Reading Point: 70 feet

Start Time - Readings : 5:25 pm

Stop Time - Readings : 5:56 pm

	0	15	30	45		0	15	30	45		0	15	30	45
0	0	0	0	0	15	0	0	0	0	30	0	0	0	0
1	0	0	0	0	16	0	10	5	10	31				
2	0	0	0	0	17	10	10	5	10	32				
3	0	0	0	0	18	0	0	0	5	33				
4	0	0	0	0	19	0	0	5	15	34				
5	0	10	0	5	20	15	5	5	5	35				
6	5	0	5	0	21	10	5	0	0	36				
7	0	0	0	0	22	0	10	5	5	37				
8	5	0	0	0	23	0	0	5	0	38				
9	0	0	0	0	24	0	0	0	5	39				
10	5	10	0	0	25	0	0	0	0	40				
11	0	5	0	5	26	0	0	0	0	41				
12	0	0	0	5	27	0	0	0	0	42				
13	0	5	0	5	28	0	5	0	0	43				
14	5	10	0	0	29	5	5	0	0	44				

Opacity Range 0 to 15 % Average 2 % No. of Readings Above 20% 0

Comments: Coal Running Sporadic

Observer Signature: [Signature]

Observer Certification Date: 6-5-03

