

INSPECTION REPORT

Partial Complete Exploration
 Inspection Date: 01/08/2003 Time: 10:00am-3:00pm
 Date of Last Inspection: 12/12/2002

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): Henry Austin
 Weather Conditions: Temp 30, partly sunny
 Type of Mining Activity: Underground 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.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. SIGNS AND MARKERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. NONCOAL WASTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL ISSUES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. SUPPORT FACILITIES/UTILITY INSTALLATIONS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. AVS CHECK (4 th Quarter- April, May, June)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. BONDING & INSURANCE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

INSPECTION REPORT
(Continuation Sheet)

PERMIT NUMBER: C/015/015

DATE OF INSPECTION: 01/08/2003

(COMMENTS ARE NUMBERED TO CORRESPOND WITH TOPICS LISTED ABOVE)

1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE

The permittee, at the start of the inspection, notified the inspector of having wind blown coal fines off the permit area at the 4th East Portals. The permittee had a vacuum truck sucking up the coal fines prior to and during the inspection. The permittee, with the advise of the inspector, decided to wait for better drier ground conditions. Notice of Violation 03-39-1-1 was written for conducting mining activities outside the permit area. The coal fines affected approximately an area of 100 ft. by 100 ft. The abatement date is March 10, 2003.

The permittee was pro-active in abating the coal fines for leaving the permit area. The permittee took the following steps prior to the violation: a) vacuuming the coal fines, b) increasing the coal size at the crusher, c) having a wind breaker made of coal, and d) building a coal chute off the head roller of the belt conveyor.

It is the opinion of the inspector that these measures may not be enough to prevent further coal fines from leaving the permit area. A concern is the coal windbreaker may become a problem when the material becomes dry due to the hot, dry, and windy summer days.

OTHER PERMITS ON FILE AT MINE SITE

- Division Oil, Gas, and Mining (expires 01/08/2006).
- BLM ROW Grant.
- DEQ Air Quality Order.
- DEQ UPDES permit (expires 06/04/2004).

2. SIGNS AND MARKERS

The identification signs were at the gates of the mine property. The information was correct and complied with the R645 Coal Rules.

3. TOPSOIL

The topsoil pile at the 4th East Portal had no signs of wind or water erosion.

4A. HYDROLOGIC BALANCE: DIVERSIONS

Several diversions were spot checked and complied with the R645 Coal Rules. No water was flowing in the diversions during the inspection.

4B. HYDROLOGIC BALANCE: SEDIMENT PONDS AND IMPOUNDMENTS

The permittee inspected the sediment ponds for the fourth quarter of 2002. No hazardous conditions were reported.

Sediment pond #3 had the inlet pipe plugged and the pipe disconnected on the inside of the pond. The permittee would repair and unplug the pipe on afternoon shift.

The embankment to the sediment pond at the 4th east breakout will be further compacted. The top of the embankment either settled or slid a little into the pond. The embankment material is soil and rock. The permittee had committed to re-compact the embankment.

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4D. HYDROLOGIC BALANCE: WATER MONITORING

The permittee has entered the third quarter water information into the electronic water data system. The 4th quarter water samples are at the lab to be analyzed. This information should be entered into the water data system by the end of the first quarter.

7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS

The refuse pile was inspected for the fourth quarter and no hazardous conditions were reported. This report was P.E. certified.

8. NONCOAL WASTE

The area was clear of non-coal waste material.

9. PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

The power lines to the 4th East Portals are raptor protected.

12. BACKFILLING AND GRADING

The permittee may need to grade the berm from the entrance to the sediment pond for positive drainage to the sediment pond.

18. SUPPORT FACILITIES/UTILITY INSTALLATIONS

The permittee has completed 98% of the construction at the 4th East mine site.

21. BONDING AND INSURANCE

The surety bond is in place for \$3,454,443. The disturbed area acreage is 247 acres and the permit area is 5180 acres.

Insurance documents are on file as required under the Utah coal rules. The Acord form complies with the R654 Coal Rules. The company affording coverage is Lumbermen's Mutual Casualty Co. The policy will expire on November 5, 2003.

Inspector's Signature: _____ Date: January 13, 2003
Stephen J. Demczak #39

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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