

INSPECTION REPORT

Partial X Complete Exploration
 Inspection Date: 08/05/2003 / Time: 2:00 pm – 3:30pm
 Date of Last Inspection: 07/03/2003

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): James Byars
 State Official(s): Priscilla Burton Federal Official(s): None
 Weather Conditions: Sunshine, 100 F
 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.

	EVALUATED	N/A	COMMENTS	NOV/ENF
1. PERMITS, CHANGE, TRANSFER, RENEWAL, SALE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. SIGNS AND MARKERS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. TOPSOIL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. HYDROLOGIC BALANCE:				
a. DIVERSIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. SEDIMENT PONDS AND IMPOUNDMENTS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. OTHER SEDIMENT CONTROL MEASURES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. WATER MONITORING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. EFFLUENT LIMITATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. EXPLOSIVES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. DISPOSAL OF EXCESS SPOIL/FILLS/BENCHES	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. PROTECTION OF FISH, WILDLIFE AND RELATED ENVIRONMENTAL ISSUES	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. SLIDES AND OTHER DAMAGE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. CONTEMPORANEOUS RECLAMATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. BACKFILLING AND GRADING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. REVEGETATION	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. SUBSIDENCE CONTROL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. CESSATION OF OPERATIONS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. ROADS:				
a. CONSTRUCTION/MAINTENANCE/SURFACING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. DRAINAGE CONTROLS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. OTHER TRANSPORTATION FACILITIES	<input 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 checked="" type="checkbox"/>
19. AVS CHECK (4 th Quarter- April, May, June)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. AIR QUALITY PERMIT	<input 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: 08/05/2003

(COMMENTS ARE NUMBERED TO CORRESPOND WITH TOPICS LISTED ABOVE)

7. COAL MINE WASTE/REFUSE PILES/IMPOUNDMENTS

Mr. Byars estimated that eighty tons of waste rock was moved from the underground workings of the 4th East Portal to the waste rock storage site at the mine office facility area last week. Mr. Byars confirmed that no waste rock had been or would be placed on the excavated material pile.

18. SUPPORT FACILITIES/UTILITY INSTALLATIONS

The Operator erected four wind fence support poles (30 feet high) along the permit area fence line. No topsoil was salvaged prior to disturbance. A pole setting truck was used to install the poles. The truck traveled over the undisturbed ground outside the permit area and destroyed vegetation and disturbed the topsoil. This installation was not described in the approved Mining and Reclamation Plan and had not been authorized by the Division.

A vacuum truck had also traversed the area to remove coal fines from the topsoil.

Notice of Violation # N38-03-1-1 was issued for conducting coal mining and reclamation operations outside the permit area and outside the bonded area; installation of wind fence support poles without prior Division approval; failure to present a description of the structure under construction; and failure to remove and segregate topsoil from the area disturbed before coal mining and reclamation operations began in the area.

The area affected by the pole installation and vacuuming was paced by Mr. Byars and myself and found to be 130' wide x 355' long or 1.05 acres. Photographs taken during the inspection will be filed in the photos.ade database.

21. BONDING AND INSURANCE

The Division's bond files indicate that the Permittee posted a surety bond #188617 in the amount of \$3,454,443 on May 3, 1991. The bond remained unchanged with the most recent permit issued on January 8, 2001. Exhibit A of the August 10, 1992 Reclamation Agreement designates the bonded area as 207 acres. The bonded area has increased as of this date to 247 acres (personal communication with Wayne Western, Division Engineer), but there has been no change to Exhibit A. Division Permit Supervisors have been made aware of this discrepancy.

Inspector's Signature: _____ Date: August 7, 2003
Priscilla W. Burton #38

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, via email
Steve Behling, Consol, Emery, via email
Price Field office

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