



The State of Utah
 Department of
 Natural Resources
 Division of
 Oil, Gas & Mining

ROBERT L. MORGAN
Executive Director

LOWELL P. BRAXTON
Division Director

OLENE S. WALKER
Governor

GAYLE F. McKEACHNIE
Lieutenant Governor

Representatives Present During the Inspection:

Company James Byars

Inspection Report

Permit Number:	C0150015
Inspection Type:	COMPLETE
Inspection Date:	Tuesday, November 25, 2003
Start Date/Time:	11/25/2003 10:00:00 AM
End Date/Time:	11/25/2003 12:24:00 PM
Last Inspection:	Tuesday, October 07, 2003

Inspector: Dana Dean, Environmental Scientist III

Weather: Sunny, Cold

InspectionID Report Number: 101

Accepted by: dhaddock
 12/12/2003

Permittee: **CONSOLIDATION COAL CO**
 Operator: **CONSOLIDATION COAL CO SESSER OPERATIONS**
 Site: **EMERY DEEP MINE**
 Address: **PO BOX 566, SESSER IL 62884**
 County: **EMERY**
 Permit Type: **PERMANENT COAL PROGRAM**
 Permit Status: **ACTIVE**

Current Acreages

5,180.00	Total Permitted
247.00	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- Federal
- State
- County
- Fee
- Other

Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Inspector's Signature: _____

Date Monday, December 08, 2003

Dana Dean, Environmental Scientist III

Inspector ID Number: 50

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

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REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENT

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 Not Applicable.*
 - b. *For PARTIAL inspections check only the elements evaluated.*
2. *Document any noncompliance situation by reference 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, Divison Orders, and amendments.*

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.b Roads: 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 type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

C&P Coal Company is in the process of trying to purchase the Emery Deep Mine. They have applied for a permit transfer, pending finalization of the sale. They anticipate the sale to be final in mid-December. The Division is currently reviewing an amendment submitted by the Permittee to abate violation N03-39-1-1.

2. Signs and Markers

The Permittee has again been advised to re-paint the disturbed area markers throughout the disturbed area boundaries. The Permittee indicated that they had not done so yet because they need to hire a surveyor to mark the boundary for them. They committed to re-paint the markers before the December inspection. Two topsoil identification signs are in place and the Permittee has ordered more.

3. Topsoil

The topsoil pile has sparse vegetation growing on it. It is stable and properly bermed. There were no signs of significant erosion.

4.a Hydrologic Balance: Diversions

The Permittee regraded the diversions mentioned in the previous inspection. However, they still have not cleaned the sediment out of them. They have committed to do so before the December inspection.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

The Permittee repaired the inlet to the sediment pond next to the refuse pile. Mr. James Byars conducted the third quarter sediment pond inspections on September 29. He found slight seepage on the south side of pond 6, but no hazards or signs of instability at any of the ponds.

4.c Hydrologic Balance: Other Sediment Control Measures

Silt fences at the 4th East Portal are installed properly and should function as designed.

4.d Hydrologic Balance: Water Monitoring

The Permittee submitted complete water-monitoring data for the second quarter, though it was two weeks late. The Permittee should strive to get all information into the Division in a timely manner.

4.e Hydrologic Balance: Effluent Limitations

The Permittee provided hard copies of the DMR's for review during the inspection. The Permittee needs to include DMR information in the electronic data submission, back to at least the first-quarter of this year.

7. Coal Mine Waste, Refuse Piles, Impoundments

The Division advised the Permittee during the October inspection that the slopes of the refuse pile may be greater than 2:1. The Permittee has not done any work to verify the slope angle or to regrade the slopes. They committed to do so before the December inspection.

8. Noncoal Waste

The disturbed area was generally clear of non-coal waste. The Permittee has cleaned the areas where noncoal waste was noted during the previous inspection.

15. Cessation of Operations

The Permittee is not currently mining. However, they do not wish to enter temporary cessation status, since they plan to resume mining in mid-December once the sale and permit transfer are complete.

16.a Roads: Construction, Maintenance, Surfacing

The Permittee has surveyed and marked the path for the new haul road at the 4th East Portal. They held a pre-bid meeting today with the contractors who will bid on the construction.

20. Air Quality Permit

The Division of Air Quality is currently reviewing and updating the Air Quality Permit.

21. Bonding and Insurance

The Permittee renewed the Certificate of Insurance (Liability) on November 5, 2003; it is valid for one year. It provides for \$1,000,000 aggregate and \$1,000,000 per each occurrence, which satisfies the Coal Rules. The site is bonded for the amount of \$3,454,443. The surety is the Seaboard Surety Company, which has an A+ rating.

22. Other

The Permittee has contracted JBR to rewrite the SPCC plan, which is out of date, and to write a storm water prevention plan for the site (currently there is none).