

MARSH

CERTIFICATE OF INSURANCE

CERTIFICATE NUMBER

PRODUCER

Marsh USA Inc.
Six PPG Place, Suite 300
Pittsburgh, PA 15222-5499
Attn: Carol Kreider

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.

COMPANIES AFFORDING COVERAGE

COMPANY
A N/A

COMPANY
B N/A

COMPANY
C STEADFAST INS. CO.

COMPANY
D

00812 -CONCO-CASMX-04-05 CONDT COAL PGH

INSURED

Consolidation Coal Company
Consol Plaza
1800 Washington Road
Pittsburgh, PA 15241-1421

COVERAGES

This certificate supersedes and replaces any previously issued certificate for the policy period noted below.

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THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
C	GENERAL LIABILITY		11/05/04	11/05/05	GENERAL AGGREGATE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG	\$ 1,000,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				PERSONAL & ADV INJURY	\$ 1,000,000
	<input type="checkbox"/> OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE	\$ 1,000,000
					FIRE DAMAGE (Any one fire)	\$ N/A
					MED EXP (Any one person)	\$ N/A
					COMBINED SINGLE LIMIT	\$
	AUTOMOBILE LIABILITY				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				PROPERTY DAMAGE	\$
	<input type="checkbox"/> SCHEDULED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:	
					EACH ACCIDENT	\$
	EXCESS LIABILITY				AGGREGATE	\$
	<input type="checkbox"/> UMBRELLA FORM				EACH OCCURRENCE	\$
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				AGGREGATE	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTHER
	<input type="checkbox"/> THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE:	<input type="checkbox"/> INCL <input type="checkbox"/> EXCL			EL EACH ACCIDENT	\$
					EL DISEASE-POLICY LIMIT	\$
					EL DISEASE-EACH EMPLOYEE	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

All operations usual to the business of the Insured at Emery Mine, permit ID ACT 015/015. Use of explosives is covered under the CGL policy.

CERTIFICATE HOLDER

State of Utah
Utah Coal Regulatory Program
Attn: Brian Clemons
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, UT 84114-5801

CANCELLATION

SHOULD ANY OF THE POLICIES THE INSURER AFFORDING CX CERTIFICATE HOLDER NAMED

Mine # C/015/0015
File Incoming
Record # 0038
Doc. Date 9-01-05
Recd. Date 9-02-05

MARSH USA INC.
BY: Paul Hoyt

Paul Hoyt

MM1(3/02)

VALID AS OF: 11/08/04

**VERIFICATION CERTIFICATE
TO VERIFY THAT A
CONTINUOUS FORM OF BOND OR POLICY
HAS NOT BEEN CANCELLED**

This is to certify that RECLAMATION BOND, number issued by the undersigned and on behalf of CONSOLIDATION COAL COMPANY, in favor of the STATE OF UTAH, and effective MAY 3, 1991, is a continuous instrument covering an indefinite term, is now in full force and effect and will continue in full force and effect until canceled or terminated.

Signed, sealed and dated: August 30, 2005.

SEABOARD SURETY COMPANY

By: 
JOY M. WILLIAMS, Attorney-in-Fact

POWER OF ATTORNEY



Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.

Power of Attorney No. 24574

Certificate No. 2405583

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, and that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, and that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, and that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Joseph R. Poplawski, Joy M. Williams, Elizabeth A. Hartzberg, Debra Elaine Clark and Carolyn E. Wheeler

Knoxville

Tennessee

of the City of _____, State _____, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and sealed this 9th day of February 2005

Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.



John F. Simanski, Jr.
JOHN F. SIMANSKI, JR., Vice President

Robert P. McGuire
ROBERT P. MCGUIRE, Assistant Secretary

State of Maryland
City of Baltimore

On this 9th day of February 2005, before me, the undersigned officer, personally appeared John F. Simanski, Jr., and Robert P. McGuire, who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc.; and that the seals affixed to the foregoing instrument are the corporate seals of said Companies; and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the names of the corporations by themselves as duly authorized officers.

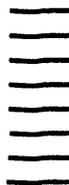
In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 1st day of July, 2006.



Rebecca Easley-Onokala

REBECCA EASLEY-ONOKALA, Notary Public



IMPORTANT DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

On November 26, 2002, President Bush signed into law the Terrorism Risk Insurance Act of 2002 (the "Act"). The Act establishes a short-term program under which the Federal Government will share in the payment of covered losses caused by certain acts of international terrorism. We are providing you with this notice to inform you of the key features of the Act, and to let you know what effect, if any, the Act will have on your premium.

Under the Act, insurers are required to provide coverage for certain losses caused by international acts of terrorism as defined in the Act. The Act further provides that the Federal Government will pay a share of such losses. Specifically, the Federal Government will pay 90% of the amount of covered losses caused by certain acts of terrorism which is in excess of an insurer's statutorily established deductible for that year. The Act also caps the amount of terrorism-related losses for which the Federal Government or an insurer can be responsible at \$100,000,000,000.00, provided that the insurer has met its deductible.

Please note that passage of the Act does not result in any change in coverage under the attached policy or bond (or the policy or bond being quoted). Please also note that no separate additional premium charge has been made for the terrorism coverage required by the Act. The premium charge that is allocable to such coverage is inseparable from and imbedded in your overall premium, and is no more than one percent of your premium.

NOTICE

Notice is hereby given that Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241, has filed application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/015 to operate the Emery Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

The permit area, as shown on the map below, is located on U.S. Geological Survey 7.5 minute quadrangle map as follows:

Sections 19, 20, 21, 28, 29 and 30, Township 22S, Range 6E, of the Emery West Quadrangle;

Sections 21, 22, 23, 27 and 28, Township 22S, Range 6E, of the Emery East Quadrangle;

Sections 28, 29, 30, 31, 32 and 33, Township 22S, Range 6E, of the Walker Flat Quadrangle;

Sections 27, 28 and 33, Township 22S, Range 6E, of the Mesa Butte Quadrangle.

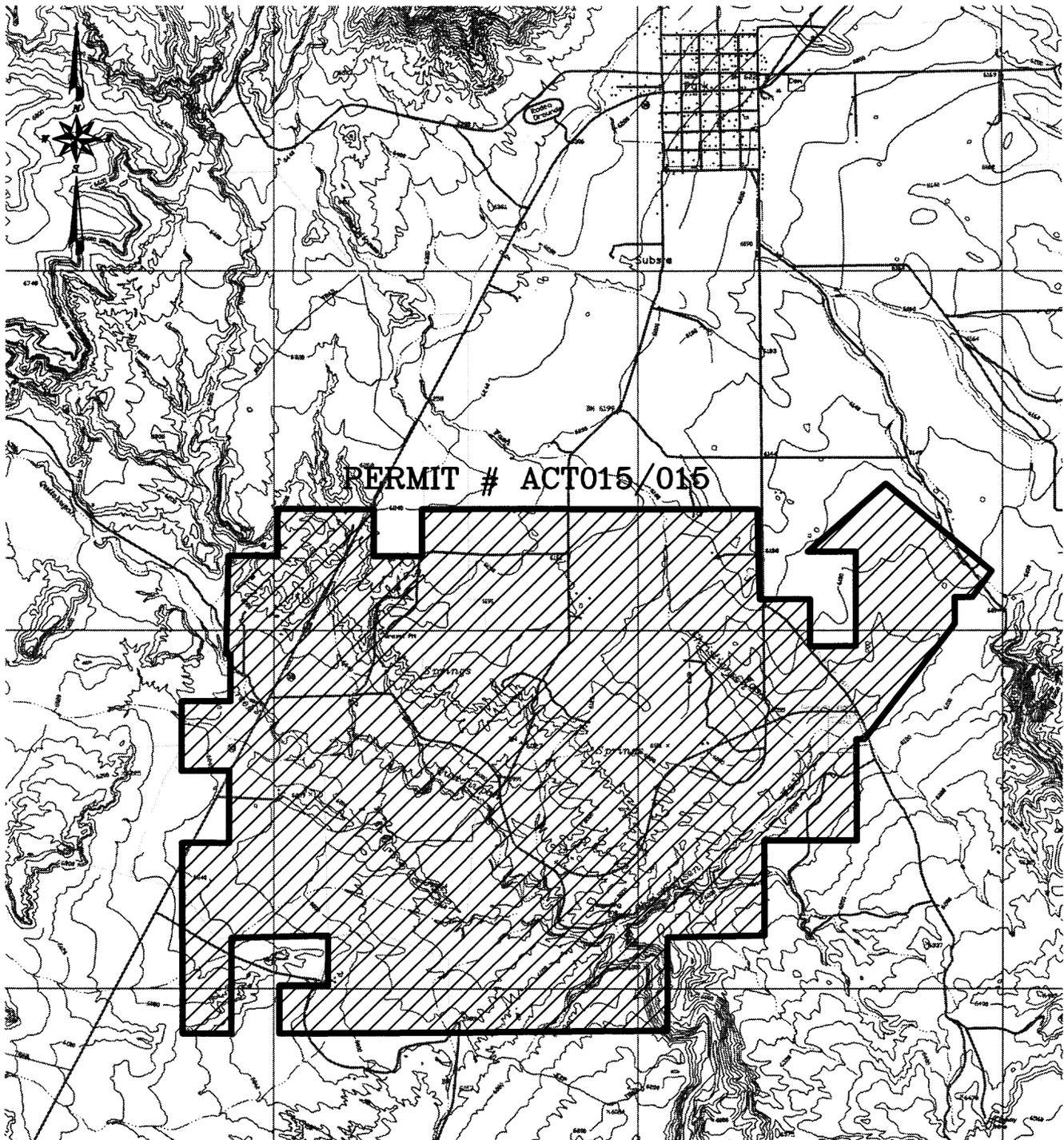
(Insert Map)

Copies of the application for this permit are available for inspection at:

Emery County Recorder's Office
Emery County Courthouse
Castle Dale, Utah 84513

Utah Division of Oil, Gas and Mining
Coal Program
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Written comments on this application should be submitted to the State of Utah, Division of Oil, gas & Mining at the above address. Such comments should be filed within thirty (30) days from the date of the last publication of this notice.



Consolidation Coal Company
 Emery Mine
 Permit # ACT015/015



BASE MAP:
 U.S.G.S 7.5 MINUTE QUADRANGLE'S. EMERY WEST 1968.
 EMERY EAST 1968, PHOTO REVISED 1978.
 MESA BUTTE 1968, PHOTO REVISED 1978.
 WALKER FLATE 1968, PHOTO REVISED 1978.



SCALE: 1"=4000'
 CONTOUR INTERVAL 40 FEET
 DATUM IS MEAN SEA LEVEL

23-Aug-05

CONSOL Energy and Related Companies - Violation
August 19, 2002 - August 19, 2005

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
VIOLATION NO: 43-1140 DATE VIOL. ISSUED: 4/13/2005 ISSUED BY: KY DSMRE
VIOLATION Failed to minimize disturbance to the hydrologic balance, permittee has impacted the water well of Clinton Handshoe.

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2005
REQUIRED ACTIONS: Violation is non-correctible.

ABATEMENT ACTIONS: Violation is non-correctible - violation terminated.

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
VIOLATION NO: 43-0759 DATE VIOL. ISSUED: 2/9/2004 ISSUED BY: KY DSMRE
VIOLATION Failed to minimize disturbance to the hydrologic balance, permittee has impacted the water well of Bradford Handshoe.

CURRENT STATUS: TERMINATED STATUS DATE: 2/9/2004
REQUIRED ACTIONS: Violation is non-correctible.

ABATEMENT ACTIONS: Violation is non-correctible - violation terminated.

PERMIT NO: 836-5327 MSHA NO: 15-17667 MSHA DATE: 4/28/95
VIOLATION NO: 43-0371 DATE VIOL. ISSUED: 4/6/2004 ISSUED BY: KY DSMRE
VIOLATION Failed to begin work to correct Violation 43-0758 (1) within time allowed.

CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2004
REQUIRED ACTIONS: Cease activities in the face-up area and properly barricade and post mine entries to prevent access and identify the hazardous nature of the opening.

ABATEMENT ACTIONS: Required work completed. Order terminated.

PERMIT NO: 836-5327 MSHA NO: 15-17667 MSHA DATE: 4/28/95
VIOLATION NO: 43-0758 DATE VIOL. ISSUED: 2/9/2004 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to properly barricade and identify hazardous nature of mine opening. (2) Failed to maintain signs of a durable nature.

CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2004
REQUIRED ACTIONS: (1) Properly barricade and post mine entries.
(2) Post signs on durable materials.

ABATEMENT ACTIONS: (2) Required signs posted. Violation 2 abated.
(1) Required work completed. Violation 1 abated,

23-Aug-05

CONSOL Energy and Related Companies - Violation
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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 836-5452 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1104 (5-7 of 7) DATE VIOL. ISSUED: 11/17/2004 ISSUED BY: KY DSMRE
VIOLATION (5) Failed to properly dispose of non-coal waste.
(6) Failed to maintain sediment control structure D-7.
(7) Failed to repair subsidence damage.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (5) Remove & properly dispose of non-coal waste.
(6) Stabilize, repair & seed D-7 embankment.
(7) Correct subsidence damage to surface lands.
ABATEMENT ACTIONS: Violations (5) & (6) required work completed, violations abated.
Violation (7) extension granted to 1/5/2005.

PERMIT NO: 836-5452 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1104 (1-4 of 7) DATE VIOL. ISSUED: 11/17/2004 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to maintain Roads F&G, (2) Allowed slip to block diversion
& road, (3) Allowed slumping at Hollow Fill #4, (4) Failed to properly
maintain diversions.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Grade & surface roads, (2) Remove obstructing materials.
(3) Grade & stabilize slump, (4) Remove material from diversions.
Seed areas as needed.
ABATEMENT ACTIONS: Violations (2), (3) & (4) required work completed, violations abated.
Violation (1) extension granted to 1/17/2005.

PERMIT NO: 836-5455 MSHA NO: 15-18709 MSHA DATE: 01/29/2004
VIOLATION NO: 43-0766 DATE VIOL. ISSUED: 4/6/2004 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to maintain signs and markers. (2) Failed to pass designed
runoff through SS-1. (3) Failed to vegetate diversion FW1 and creek
berm. (4) Failed to vegetate areas around electrical substation.
CURRENT STATUS: TERMINATED STATUS DATE: 4/12/2004
REQUIRED ACTIONS: (1) Post required signs. (2) Divert designed runoff to SS-1.
(3) & (4) Seed, vegetate and mulch specified areas.
ABATEMENT ACTIONS: Required work completed. All violations terminated.

PERMIT NO: 836-5455 MSHA NO: 15-18709 MSHA DATE: 01/29/2004
VIOLATION NO: 43-0765 DATE VIOL. ISSUED: 3/23/2004 ISSUED BY: KY DSMRE
VIOLATION Freshwater diversion FWD#1 failed.
CURRENT STATUS: TERMINATED STATUS DATE: 8/18/2004
REQUIRED ACTIONS: Reconstruct FWD#1 and obtain a revision if necessary.
ABATEMENT ACTIONS: Extension granted to 8/23/04.
Required work completed, violation terminated.

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CONSOL Energy and Related Companies - Violation
August 19, 2002 - August 19, 2005

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-0312 MSHA NO: 15-13025 MSHA DATE: 07/31/1986
VIOLATION NO: 43-1431 DATE VIOL. ISSUED: 3/23/2005 ISSUED BY: KY DSMRE
VIOLATION (1) Permittee allowed a slide to occur near Hollow Fill #1;
(2) Permittee allowed non-coal waste to be dumped along Road F-F.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Regrade, seed and mulch slide area.
(2) Properly dispose of non-coal waste.

ABATEMENT ACTIONS: Violation (2) work complete, violation terminated 6/27/2005.
Violation (1) extension granted to 7/27/2005.
Extension beyond 90 days was requested of Director.

PERMIT NO: 860-0312 MSHA NO: 15-13025 MSHA DATE: 07/31/1986
VIOLATION NO: 43-1117 DATE VIOL. ISSUED: 3/23/2004 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to maintain Ponds #4 and #5 as per approved plan.
(2) Allowed slide and slump on Increment #4 contour area.

CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2004
REQUIRED ACTIONS: (1) Repair spillways. Repair slumps, seed and mulch disturbed areas.
(2) Regrade, stabilize, seed and mulch slump and slide in backfill area.

ABATEMENT ACTIONS: Extension granted by Director to 8/2/04.
Required work completed, violation 2 terminated.
Required work completed, violation 1 terminated.

PERMIT NO: 860-0333 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0353 DATE VIOL. ISSUED: 9/25/2003 ISSUED BY: KY DSMRE
VIOLATION Various slides on increments #4, 6 & 7. Have gone off-permit

CURRENT STATUS: TERMINATED STATUS DATE: 9/2/2004
REQUIRED ACTIONS: Remove off-permit material, stabilize, seed and mulch slide areas
and revise permit to include off-permit areas.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 860-0349 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1435 DATE VIOL. ISSUED: 6/8/2005 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to post/maintain proper permit ID signs.
(2) Allowed a slide to create an off permit disturbance.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Install required permit ID signs by 7/8/05.
(2) Return slide material to permit as allowable. Stabilize, seed and mulch slide. Submit and obtain permit revision for slide by 8/8/05.

ABATEMENT ACTIONS: (1) Work completed, Violation 1 terminated.
(2) Time Extended to 9/8/2005 for Violation 2.

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CONSOL Energy and Related Companies - Violation
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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-0349 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1427 DATE VIOL. ISSUED: 9/15/2003 ISSUED BY: KY DSMRE
VIOLATION A slide off-permit occurred on Increment 30.

CURRENT STATUS: TERMINATED STATUS DATE: 4/18/2005
REQUIRED ACTIONS: Stabilize, seed and mulch slide area. Revise permit to include area.

ABATEMENT ACTIONS: Required work complete, violation terminated 4/18/2005.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-1351 DATE VIOL. ISSUED: 7/12/2005 ISSUED BY: KY DSMRE
VIOLATION (1)Failed to pass all water thru sediment control; discharged water deposited debris on downstream property. (2) Created a disturbance within 100 ft of a cemetery.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Repair property damage, revise and implement sediment control plan. (2) Repair, seed and mulch disturbance near cemetery.

ABATEMENT ACTIONS: Extension has been granted by inspector to 9/12/2005.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1321 DATE VIOL. ISSUED: 5/23/2005 ISSUED BY: KY DSMRE
VIOLATION (1)Slide caused an off-permit disturbance. (2) & (3) Allowed discharge of sub standard water into Scip Branch stream.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Provide temporary sediment control. Stabilize, seed and mulch slide area. (2) & (3) are non-correctable

ABATEMENT ACTIONS: Extension granted by inspector to 8/21/2005

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0108 DATE VIOL. ISSUED: 3/8/2005 ISSUED BY: KY DSMRE
VIOLATION (1)Slide caused an off-permit disturbance. (2) & (3) Allowed discharge of sub standard water into Scip Branch stream.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Move slide to permit area. Stabilize, seed and mulch slide area. Revise permit to include slide area. (2) & (3) By 3/9/05 implement measures to correct sub standard discharge.

ABATEMENT ACTIONS: (2) & (3) Discharge is in compliance, required work completed. Violation partially abated.
(1) Extension granted for Violation #1 to 10/10/2005.

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CONSOL Energy and Related Companies - Violation

August 19, 2002 - August 19, 2005

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-2347 DATE VIOL. ISSUED: 6/28/2004 ISSUED BY: KY DSMRE
VIOLATION Allowed Pond P-1 to exceed clean-out level. Failed to maintain
Dugout Pond D-17 discharge pipe which is leaking.

CURRENT STATUS: TERMINATED STATUS DATE: 8/3/2004
REQUIRED ACTIONS: Clean out Pond P-1 to design level and fix leaking pipe in D-17.

ABATEMENT ACTIONS: Extension granted to 8/1/2004.
Required work completed, violation terminated.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0391 DATE VIOL. ISSUED: 4/14/2004 ISSUED BY: KY DSMRE
VIOLATION Slide created an off-permit disturbance on Increment #21
southeast of Pond D-14.

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: Retrieve material, stabilize, seed and mulch area. Revise permit
to include area.

ABATEMENT ACTIONS: Extension granted to 11/14/2004.
Required work completed, violation terminated.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0384 DATE VIOL. ISSUED: 2/26/2004 ISSUED BY: KY DSMRE
VIOLATION Allowed rocks to leave permit area at Increment #8.

CURRENT STATUS: TERMINATED STATUS DATE: 3/3/2004
REQUIRED ACTIONS: Move rocks back onto permitted area.

ABATEMENT ACTIONS: Required work completed - violation terminated.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1685 DATE VIOL. ISSUED: 9/9/2003 ISSUED BY: KY DSMRE
VIOLATION Allowed a few rocks from the mine bench to exit permit area.

CURRENT STATUS: TERMINATED STATUS DATE: 9/11/2003
REQUIRED ACTIONS: Move rocks back onto permitted area.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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CONSOL Energy and Related Companies - Violation

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0745 DATE VIOL. ISSUED: 6/25/2003 ISSUED BY: KY DSMRE
VIOLATION (1) Off permit disturbance on Increment #8
(2) Failed to properly maintain Silt Pond #P-1

CURRENT STATUS: TERMINATED STATUS DATE: 2/2/2004
REQUIRED ACTIONS: (1) Stabilize, seed & mulch slide area. Revise permit to include area.
(2) Repair spillway erosion and clean out pond.

ABATEMENT ACTIONS: (2) Required work on silt pond completed. Citation (2) terminated.
(1) Permit revised. Citation (1) terminated.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0744 DATE VIOL. ISSUED: 4/29/2003 ISSUED BY: KY DSMRE
VIOLATION (1) Allowed substandard water to by-pass pond P-2. (2) By-passed
water exceeded effluent limitations. (3) Cut through natural barrier
allowing by-pass. (4) Placed spoil material off permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/2/2004
REQUIRED ACTIONS: Violations (1) & (2) are non correctable.
(3) Repair damage to natural barrier. (4) Remove spoil material,
install temp. silt control, seed and mulch area and revise permit.

ABATEMENT ACTIONS: (1) & (2) are non correctable.
(3) work on barrier complete, item 3 terminated
(4) required work completed, revision approved.

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0742 DATE VIOL. ISSUED: 3/26/2003 ISSUED BY: KY DSMRE
VIOLATION Off permit disturbance at five locations.

CURRENT STATUS: TERMINATED STATUS DATE: 2/2/2004
REQUIRED ACTIONS: Remove spoil from downslope, stabilize, seed and mulch slide
areas. Revise permit to include surface disturbance.

ABATEMENT ACTIONS: Required work completed - violation terminated.

PERMIT NO: 860-5010 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1112 DATE VIOL. ISSUED: 1/6/2005 ISSUED BY: KY DSMRE
VIOLATION (1) Allowed garbage and non-coal waste to be dumped on permitted
area (2) Slide from 860-5218 was disposed of on permitted area.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Remove and properly dispose of all non-coal wastes.
(2) Return all materials to 860-5218 or revise permit to approve of
disposal of these materials on permit 860-5010.

ABATEMENT ACTIONS: (1) Required work completed, Violation #1 terminated 2/8/2005.
(2) extension granted for Violation #2 to 8/6/2005.
Extension beyond 90 days was requested of Director.

23-Aug-05

CONSOL Energy and Related Companies - Violation
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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5148 MSHA NO: 15-17021 MSHA DATE: 11/13/90
VIOLATION NO: 43-1434 DATE VIOL. ISSUED: 5/18/2005 ISSUED BY: KY DSMRE
VIOLATION (1) Created off permit disturbance by constructing several mine "punch-outs" without a permit. (2) Allowed uncontrolled discharge from mine works.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Submit and obtain a valid permit for mine "punch-outs".
(2) Repair damage caused by discharges. Revise KPDES permit to include discharges and prevent future uncontrolled discharges.
ABATEMENT ACTIONS: Extension granted by inspector to 8/19/2005.

PERMIT NO: 860-5154 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1129 DATE VIOL. ISSUED: 11/23/2004 ISSUED BY: KY DSMRE
VIOLATION Allowed slide to create an off-permit disturbance.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Return slide material to permit area where possible. Stabilize, seed and mulch area. Permit off-permit disturbance.
ABATEMENT ACTIONS: Extension granted by Director to 8/17/2005.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1142 DATE VIOL. ISSUED: 2/9/2005 ISSUED BY: KY DSMRE
VIOLATION Operator placed coal refuse in area of permit not approved for such disposal.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Move refuse to approved disposal site or modify permit to allow disposal at present site.
ABATEMENT ACTIONS: Extension granted by iDirector to 8/18/2005.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0185 DATE VIOL. ISSUED: 6/25/2004 ISSUED BY: KY DSMRE
VIOLATION (1) & (2) Pond 6 discharge exceeds solids limits.
CURRENT STATUS: TERMINATED STATUS DATE: 7/6/2002
REQUIRED ACTIONS: Bring Pond 6 discharge into compliance with solids limits.
ABATEMENT ACTIONS: (1) & (2) Required work completed cessation order terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO:	860-5202	MSHA NO:	N/A	MSHA DATE:	N/A	
VIOLATION NO:	43-1119	DATE VIOL. ISSUED:	6/25/2004	ISSUED BY:	KY DSMRE	
VIOLATION	(1) Allowed pond discharge pipe to be partially blocked. (2) & (3) Pond 6 discharge exceeded solids limits. (4) Failed to follow approved operation plan (5) Allowed material into stream channel.					
CURRENT STATUS:	TERMINATED				STATUS DATE:	5/4/2005
REQUIRED ACTIONS:	(1) Clear spillway pipe (2) & (3) Non-correctible. (4) Construct facilities as per plan or revise permit. (5) Clean material from stream channel.					
ABATEMENT ACTIONS:	(1) Required work completed Violation 1 terminated. (2) & (3) Violations modified to Cessation Order 43-0185 (5) Violation 5 terminated. (4) Violation 4 terminated.					
PERMIT NO:	860-5202	MSHA NO:	N/A	MSHA DATE:	N/A	
VIOLATION NO:	43-1118	DATE VIOL. ISSUED:	6/4/2004	ISSUED BY:	KY DSMRE	
VIOLATION	(1) Drainage from contour mine and slide not passed through a sediment control structure. (2) Water leaving permit exceeds settleable solids limit.					
CURRENT STATUS:	TERMINATED				STATUS DATE:	6/9/2004
REQUIRED ACTIONS:	(1) Direct drainage through sediment pond 6. (2) Bring discharge into compliance with settleable solids limits.					
ABATEMENT ACTIONS:	Required work completed. Violation terminated.					
PERMIT NO:	860-5202	MSHA NO:	N/A	MSHA DATE:	N/A	
VIOLATION NO:	43-1087	DATE VIOL. ISSUED:	6/1/2004	ISSUED BY:	KY DSMRE	
VIOLATION	(1) Failed to properly construct and maintain stream crossing pipes at Faceup 4. (2) Allowed severe erosion on Access Road A roadway surface.					
CURRENT STATUS:	TERMINATED				STATUS DATE:	5/4/2005
REQUIRED ACTIONS:	(1) Clean out or replace pipes and revise permit as needed. (2) Grade road and reconstruct ditch at top of road.					
ABATEMENT ACTIONS:	(2) Required work for Violation 2 completed. Violation 2 abated. (1) Required work for Violation 1 completed. Violation 1 abated.					
PERMIT NO:	860-5202	MSHA NO:	N/A	MSHA DATE:	N/A	
VIOLATION NO:	43-1025	DATE VIOL. ISSUED:	5/7/2004	ISSUED BY:	KY DSMRE	
VIOLATION	(1) & (2) Failed to backfill & grade deep mine faceup 1 to A.O.C. (3) Failed to maintain hollowfill 1 side drain.					
CURRENT STATUS:	TERMINATED				STATUS DATE:	8/23/2004
REQUIRED ACTIONS:	(1) & (2) Grade faceup to totally eliminate highwall, seed, fertilize and mulch after grading. (3) Reconstruct hollowfill 1 side drain to repair recent washing.					
ABATEMENT ACTIONS:	Partially abated. Violations 1 & 2 terminated. Required work completed, violation 3 terminated.					

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0414 DATE VIOL. ISSUED: 7/24/2003 ISSUED BY: KY DSMRE
VIOLATION (1) & (2) Pond 1 effluent exceeds pH discharge limits

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: (1) & (2) Treat pond water to ensure compliance for pH.

ABATEMENT ACTIONS: Required work has been completed, violation terminated.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0408 DATE VIOL. ISSUED: 4/25/2003 ISSUED BY: KY DSMRE
VIOLATION (1) & (2) Pond 1 discharge exceeds iron discharge limits

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: (1) & (2) Treat pond water to ensure compliance for iron

ABATEMENT ACTIONS: Required work completed - violations terminated.

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0403 DATE VIOL. ISSUED: 2/19/2003 ISSUED BY: KY DSMRE
VIOLATION (1) & (2) Pond 1 discharge exceeds iron discharge limits
(3) Failed to properly maintain diversion ditch #2
(4) Failed to properly maintain Haul Road B drain pipes

CURRENT STATUS: TERMINATED STATUS DATE: 2/21/2003
REQUIRED ACTIONS: (1) & (2) Treat pond water to ensure compliance for iron
(3) Reconstruct ditch 2, seed and mulch disturbed area
(4) Clean out inlet side of road drain pipe

ABATEMENT ACTIONS: (1), (2), (3) & (4) All violations terminated. Required work completed.

PERMIT NO: 860-5218 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1108 DATE VIOL. ISSUED: 1/6/2005 ISSUED BY: KY DSMRE
VIOLATION (1) A slide occurred off-permit; excavation work north of Pond 1 is
in an area not under permit. (2) Slide material was disposed
off-permit on Permit 860-5010 permitted area.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Stabilize, seed & mulch affected areas. Revise permit to include
areas. (2) Return material to Permit 860-5218 or revise permit to
allow disposal of material on 860-5010.

ABATEMENT ACTIONS: Extension granted to 8/6/2005.
Extension beyond 90 days was requested of Director.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 860-5218 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0778 DATE VIOL. ISSUED: 7/22/2004 ISSUED BY: KY DSMRE
VIOLATION (1) & (2) Allowed runoff exceeding settleable solids limits to by-pass the sediment control structure and enter Saltlick Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 8/19/2004
REQUIRED ACTIONS: Divert all runoff to pass through approved sediment control.

ABATEMENT ACTIONS: Extension granted to 8/19/04.
Required work completed, violation terminated.

PERMIT NO: 860-5218 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0735 DATE VIOL. ISSUED: 1/31/2003 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to maintain durable surface on access road.
(2) Company tracked material onto public road and material slide into public road ditchline (3) Failed to certify sedimentation pond.

CURRENT STATUS: TERMINATED STATUS DATE: 2/4/2003
REQUIRED ACTIONS: (1) Maintain access road surface to prevent tracking on public road. (2) Clean material off public road and ditchline (3) Submit certification for pond.

ABATEMENT ACTIONS: (1), (2) & (3) All violations terminated. Required work completed.

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1437 DATE VIOL. ISSUED: 7/18/2005 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to maintain diversion DD-9 according to approved plan.
(2) Breach in DD-9 allowed surface drainage to by-pass pond

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
REQUIRED ACTIONS: (1) Repair breach in DD-9, re-install rip-rap and clean out diversion.
(2) Non-correctable since substandard water has already been discharged.

ABATEMENT ACTIONS: (1) Required work completed, violation (1) abated 7/19/2005.
(2) Non-correctable.

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1432 DATE VIOL. ISSUED: 4/7/2005 ISSUED BY: KY DSMRE
VIOLATION (1) Sediment level in Pond 4 exceeds acceptable clean-out level.
(2) & (3) Allowed discharge from Pond 4 which exceeds effluent limitations.

CURRENT STATUS: TERMINATED STATUS DATE: 4/14/2005
REQUIRED ACTIONS: (1) Remove and properly dispose of sediment from Pond 4.
(2) & (3) Take measures necessary to bring Pond 4 discharge into compliance. Partially non-correctable since water was discharged.

ABATEMENT ACTIONS: (1) Required work completed, violation (1) abated 4/14/2005.
(2) & (3) Required work completed, violations abated 4/7/05.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1032 DATE VIOL. ISSUED: 7/25/2003 ISSUED BY: KY DSMRE
VIOLATION (1) Adequate sediment control has not been provided. (2) An unapproved fill has been created. (3) An off-site disturbance has been created. (4) a diversion ditch has been breached.
CURRENT STATUS: TERMINATED STATUS DATE: 1/13/2005
REQUIRED ACTIONS: (1) Provide adequate temporary and permanent sediment control. (2) & (3) Permit off-site disturbance and illegal fill. (4) Repair diversion ditch and return to design standards.
ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 860-5229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
VIOLATION NO: 43-1128 DATE VIOL. ISSUED: 4/16/2004 ISSUED BY: KY DSMRE
VIOLATION Allowed two off-permit disturbances and a non-permitted water seep from Punch-Out #2.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Revise permit to add off-permit disturbances. Install barricade at Punch-Out #2. Apply for KPDES permit for water seep by 6/17/04.
ABATEMENT ACTIONS: Extension granted by Director to 9/13/05.

PERMIT NO: 860-5229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
VIOLATION NO: 43-1102 (1-4 of 9) DATE VIOL. ISSUED: 3/25/2004 ISSUED BY: KY DSMRE
VIOLATION (1) Failed to maintain road and drainage. (2) Failed to clearly identify permit area. (3) Allowed excessive sediment build-up in pond #1. (4) Allowed highwall slump and erosion rills & gullies.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Construct road & drainage as per approved plan. (2) Install required perimeter markers. (3) Clean out pond #1. (4) Eliminate highwall, regrade, stabilize, seed and mulch area.
ABATEMENT ACTIONS: Required work completed. Violations 2 & 3 abated. Extension granted by Director for Violations (1) & (4) to 9/13/2005.

PERMIT NO: 860-5229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
VIOLATION NO: 43-1102 (5-7 of 9) DATE VIOL. ISSUED: 3/25/2004 ISSUED BY: KY DSMRE
VIOLATION (5) Failed to properly construct Hollow Fill #1. (6) Failed to follow plan to seal and drain mine openings. (7) Allowed four slides to occur off-permit.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (5) Construct fill as per plans or revise permit to reflect as-built. (6) Seal mine openings & provide drainage as per plan. (7) Return material to permit. Reclaim area. Modify permit as needed.
ABATEMENT ACTIONS: Extension granted by Director for Violations (5) (6) & (7) to 9/13/2005.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 860-5229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
VIOLATION NO: 43-1102 (8-9 of 9) DATE VIOL. ISSUED: 3/25/2004 ISSUED BY: KY DSMRE
VIOLATION (8) Discharge from pond #1 exceeded effluent limits.
(9) Discharged non-compliant water to Jones Fork of Beaver Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 4/5/2004
REQUIRED ACTIONS: (8) & (9) Immediately treat water to bring into compliance. Violations are partially non- correctable due to already discharged water.

ABATEMENT ACTIONS: Required work completed. Violations 8 & 9 abated.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1429 (7 & 8) DATE VIOL. ISSUED: 3/9/2005 ISSUED BY: KY DSMRE
VIOLATION (7) & (8) Allowed discharge from Sediment Structures 1 & 2 that exceeded effluent limitations. Violations are partially correctable.

CURRENT STATUS: TERMINATED STATUS DATE: 4/5/2005
REQUIRED ACTIONS: (7) & (8) Take measures necessary to bring water discharging from both ponds into compliance.

ABATEMENT ACTIONS: (7) & (8) Work completed, these violations terminated 4/5/2005.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1429 (1 - 5) DATE VIOL. ISSUED: 3/9/2005 ISSUED BY: KY DSMRE
VIOLATION Failed to: (1) post/maintain signs&markers; (2) build; maintain & certify roads; (3) properly remove & store topsoil; (4) properly build & certify hollow fills; (5) contemporaneously reclaim highwall.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) properly post/maintain signs&markers; (2) build; maintain & certify roads; (3) properly remove & store topsoil; (4) properly build & certify hollow fills; (5) backfill & grade exposed highwall to AOC.

ABATEMENT ACTIONS: (1) Required work completed, violation (1) terminated 4/21/2005. Violations (3) & (4) terminated 6/10/05. Required work completed, Extension granted for Violations (2) & (5) to 8/10/2005.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-1429 DATE VIOL. ISSUED: 3/9/2005 ISSUED BY: KY DSMRE
VIOLATION (6) Permittee allowed off-site disturbances; Failed to: (9) properly install bench & silt structures (10) construct diversion DD-BS-1; (11) timely seal auger holes.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (6) Return off-site material; reclaim and permit off site areas. (9) Properly construct & certify structures; (10) Construct diversion DD-BS-1; (11) Properly seal auger holes.

ABATEMENT ACTIONS: Violation (11) terminated 6/10/05. Required work completed. Extension granted to 8/10/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1100 DATE VIOL. ISSUED: 3/3/2004 ISSUED BY: KY DSMRE
 VIOLATION (1) Failed to post/maintain signs at permit access points.
 (2) Failed to properly maintain Sediment Structures 1 and 2.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2005
 REQUIRED ACTIONS: (1) Install permit ID signs at each point of access from public roads.
 (2) Clean out principal spillways of Sediment Structures 1 and 2.

ABATEMENT ACTIONS: (1) Required work completed. Violation (1) terminated.
 (2) Required work completed. Violation (2) terminated 2/18/05.

PERMIT NO: 860-8005 MSHA NO: 15-17021 MSHA DATE: 11/30/90
 VIOLATION NO: 43-1433 DATE VIOL. ISSUED: 5/8/2005 ISSUED BY: KY DSMRE
 VIOLATION (1) & (2) Permittee has allowed substandard water to leave the permit.

CURRENT STATUS: TERMINATED STATUS DATE: 5/9/2005
 REQUIRED ACTIONS: Take measures necessary to bring water back into compliance.
 Non correctable for substandard water that has already entered the receiving stream.

ABATEMENT ACTIONS:

PERMIT NO: 860-9000 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0358 DATE VIOL. ISSUED: 12/18/2003 ISSUED BY: KY DSMRE
 VIOLATION Failed to pump maximum amount of clear water from slurry impoundment as directed by DSMRE Division of Field Services.

CURRENT STATUS: TERMINATED STATUS DATE: 1/20/2004
 REQUIRED ACTIONS: Install and maintain pump to pump off maximum amount of clear water from slurry impoundment. Pass pumped water through sediment control.

ABATEMENT ACTIONS: Required work was completed - violation terminated.

PERMIT NO: 860-9000 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0529 DATE VIOL. ISSUED: 6/16/2003 ISSUED BY: KY DSMRE
 VIOLATION Discharged water during rain event that exceeded settleable solids limits.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Stop water from leaving site that exceeds settleable solids limits during rainfalls.

ABATEMENT ACTIONS: Required work completed, violation terminated

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 860-9000 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 43-0527 DATE VIOL. ISSUED: 3/12/2003 ISSUED BY: KY DSMRE
VIOLATION Allowed slurry water to encroach onto Equitable Production Co. gas well without approval.

CURRENT STATUS: TERMINATED STATUS DATE: 5/22/2003
REQUIRED ACTIONS: Cease pumping slurry into impoundment and draw down water level to base of well or close well with owner and Cabinet's approval
ABATEMENT ACTIONS: Order modified to allow pumping with water level restrictions Required work completed; violation terminated.

PERMIT NO: 867-0400 MSHA NO: 15-17657 MSHA DATE: N/A
VIOLATION NO: 53-0410 DATE VIOL. ISSUED: 9/29/2004 ISSUED BY: KY DSMRE
VIOLATION Permittee allowed a slide to occur and create an off-site disturbance.

CURRENT STATUS: TERMINATED STATUS DATE: 4/25/2005
REQUIRED ACTIONS: Remove slide material. Stabilize, seed and mulch area. Revise permit to include area.
ABATEMENT ACTIONS: Required work completed, violation terminated 4/25/2005.

PERMIT NO: 867-0400 MSHA NO: MSHA DATE: KY DSMRE
VIOLATION NO: 53-2342 DATE VIOL. ISSUED: 4/16/2003 ISSUED BY: KY DSMRE
VIOLATION Off permit disturbance in which slide occurred below bench pond 2. Order modified on 4/24/03 to include 2nd slide located on Inc. #1

CURRENT STATUS: TERMINATED STATUS DATE: 1/15/2004
REQUIRED ACTIONS: Divert all drainage away from slide area; slide area must be stabilized, seeded and mulched. Revise permit to include slide area. Provide silt control measures to slide area.
ABATEMENT ACTIONS: Permit revision approved on 1/12/04 - violation terminated.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0109 DATE VIOL. ISSUED: 4/11/2005 ISSUED BY: KY DSMRE
VIOLATION Allowed off-permit disturbance. Area is under sediment control.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Stabilize, seed & mulch disturbed area. Revise permit to include area.
ABATEMENT ACTIONS: Extension granted by Director to 9/12/2005.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1869 DATE VIOL. ISSUED: 9/16/2004 ISSUED BY: KY DSMRE
VIOLATION Failed to maintain pond #5 as approved.

CURRENT STATUS: TERMINATED STATUS DATE: 10/18/2004
REQUIRED ACTIONS: Repair principle spillway to ensure proper discharge of structure.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1865 DATE VIOL. ISSUED: 6/10/2004 ISSUED BY: KY DSMRE
VIOLATION Permittee created off permit disturbances on Increments 12 & 24.

CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2005
REQUIRED ACTIONS: Stabilize, seed and mulch areas and modify permit to include disturbed areas.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1863 DATE VIOL. ISSUED: 5/17/2004 ISSUED BY: KY DSMRE
VIOLATION Permittee created three off permit disturbances.

CURRENT STATUS: TERMINATED STATUS DATE: 12/15/2004
REQUIRED ACTIONS: Reclaim and modify permit to include disturbed areas.

ABATEMENT ACTIONS: Extension request granted by Director to 12/20/2004.
Required work completed, violation terminated 12/15/2004.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1854 DATE VIOL. ISSUED: 7/2/2003 ISSUED BY: KY DSMRE
VIOLATION Permittee allowed material on steep slopes and downslopes within the permit area of Big John Hollow and Shelby Fork.

CURRENT STATUS: TERMINATED STATUS DATE: 3/8/2004
REQUIRED ACTIONS: Provide temporary silt control where needed. Stabilize areas.
Seed and mulch.

ABATEMENT ACTIONS: Required work completed - violation terminated.

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PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1851 DATE VIOL. ISSUED: 5/13/2003 ISSUED BY: KY DSMRE
VIOLATION

Off permit disturbance occurred. Material on downslope face of pond D moved from the permitted area.
5/20/03 NOV modified to include second off permit disturbance.

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: Revise permit to include disturbance; Provide adequate silt control.
Remove material and stabilize, seed and mulch area.

ABATEMENT ACTIONS: Extension has been requested of Director prior to 8/13/03
Extension has been granted by the Director to 10/13/2003.
Required work completed, violation terminated.

PERMIT NO: 867-0404 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1850 DATE VIOL. ISSUED: 3/18/2003 ISSUED BY: KY DSMRE
VIOLATION

Allowed spoil and debris from grubbing to be placed downslope

CURRENT STATUS: TERMINATED STATUS DATE: 5/19/2003
REQUIRED ACTIONS: Remove all material and debris. Stabilize, seed and mulch
downslope area.

ABATEMENT ACTIONS: Required work was completed; violation terminated.

PERMIT NO: 867-0405 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1852 DATE VIOL. ISSUED: 5/20/2003 ISSUED BY: KY DSMRE
VIOLATION

Off permit disturbance; 0.25 acre slide of spoil and debris occurred
on Increment 5.

CURRENT STATUS: TERMINATED STATUS DATE: 10/23/2003
REQUIRED ACTIONS: Return material to permit area. Stabilize, seed and mulch area.
Provide adequate silt control. Devise permit to include slide area.

ABATEMENT ACTIONS: Extension requested of the Director prior to 8/21/2003.
Extension has been granted by the Director to 10/21/2003.
Required work completed, violation terminated.

PERMIT NO: 867-0407 MSHA NO: 15-17657 MSHA DATE: 04/06/1995
VIOLATION NO: 53-1861 DATE VIOL. ISSUED: 3/12/2004 ISSUED BY: KY DSMRE
VIOLATION

(1) Allowed material to pass off permit area.
(2) Permittee created a steep slope in Left Fork

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2005
REQUIRED ACTIONS: (1) Return material to permit area. Seed, mulch & revise permit.
(2) Stabilize area. Seed and mulch.

ABATEMENT ACTIONS: Extension granted by Director to 4/21/2005.
(2) Violation 2 work performed and violation terminated.
(1) Violation 1 work performed; violation terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-0407 MSHA NO: 15-17657 MSHA DATE: 04/06/1995
VIOLATION NO: 53-0741 DATE VIOL. ISSUED: 3/25/2003 ISSUED BY: KY DSMRE
VIOLATION Off permit disturbance caused by three slides

CURRENT STATUS: TERMINATED STATUS DATE: 1/23/2004
REQUIRED ACTIONS: Remove spoil from downslope, stabilize, seed and mulch slide areas. Revise permit to include surface disturbance.

ABATEMENT ACTIONS: An extension beyond 90 days has been requested of the Director. Extension has been granted by the Director to 1/23/2004. Required work completed - violation terminated.

PERMIT NO: 867-0409 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-0104 DATE VIOL. ISSUED: 5/27/2004 ISSUED BY: KY DSMRE
VIOLATION Permittee caused off permit disturbance on Increment 1.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Submit permit revision or amendment to include disturbed area within 30 days.

ABATEMENT ACTIONS: Extension granted by Director to 10/3/2005.

PERMIT NO: 867-0409 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-1680 DATE VIOL. ISSUED: 6/20/2003 ISSUED BY: KY DSMRE
VIOLATION

(1)Failed to pass all drainage through approved sediment control.
(2)Failed to build Sidehill Fill as per design. (3)Allowed deposition of material on downslopes. (4) Revise permit to add slide area.

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2004
REQUIRED ACTIONS: Divert all surface water drainage through approved sediment control point. Revise permit to reflect fill as-built. Remove material from downslopes.

ABATEMENT ACTIONS: (1) Required work completed, violation partially abated.
(3) Required work completed, violation partially abated
(2)) & (4) Required work completed, violation totally abated.

PERMIT NO: 867-0428 MSHA NO: 15-18541 MSHA DATE: N/A
VIOLATION NO: 53-1868 DATE VIOL. ISSUED: 9/29/2004 ISSUED BY: KY DSMRE
VIOLATION Permittee allowed a slide to occur and create an off-site disturbance.

CURRENT STATUS: TERMINATED STATUS DATE: 6/27/2005
REQUIRED ACTIONS: Stabilize, seed and mulch disturbed area. Revise permit.

ABATEMENT ACTIONS: Required work completed, violation terminated on 6/27/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-0428 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-1856 DATE VIOL. ISSUED: 9/22/2003 ISSUED BY: KY DSMRE
VIOLATION Pond P-1 has not been maintained as designed. Spillway has eroded approx. three feet in depth.

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: Reconstruct spillway as per plan. Seed and Mulch. Recertify pond.

ABATEMENT ACTIONS: Extension granted by inspector to 12/8/2003.
Required work has been completed - violation terminated 12/11/03.

PERMIT NO: 867-0447 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-0837 DATE VIOL. ISSUED: 4/20/2005 ISSUED BY: KY DSMRE
VIOLATION (1) & (2) Discharge from embankment pond 2 exceeds suspended solids permit limits and creates an imminent danger.

CURRENT STATUS: TERMINATED STATUS DATE: 4/21/2005
REQUIRED ACTIONS: (1) & (2) Immediately take all measures needed to cease substandard discharge.

ABATEMENT ACTIONS: Required work completed. Order terminated on 4/21/2005.

PERMIT NO: 867-0447 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1009 DATE VIOL. ISSUED: 4/20/2005 ISSUED BY: KY DSMRE
VIOLATION (1) & (2) Allowed discharge from embankment pond 2 that exceeded total suspended solids permit limits.
(3) Allowed pond 2 to exceed permitted storage level.

CURRENT STATUS: TERMINATED STATUS DATE: 6/13/2005
REQUIRED ACTIONS: (1) & (2) Immediately take all measures needed to cease substandard discharge. (3) Remove and dispose of pond sediment according to approved plan by 4/28/2005.

ABATEMENT ACTIONS: (1) & (2) Required work completed. Violations terminated 4/21/2005.
Violation (3) terminated 6/13/2005. Required work completed.

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1014 DATE VIOL. ISSUED: 3/30/2005 ISSUED BY: KY DSMRE
VIOLATION (1) Permittee failed to submit quarterly hollow fill certifications.
(2) Permittee failed to submit final, quarterly and annual pond certifications

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Submit all certifications currently due.
(2) Submit all certifications currently due. Some certification violations are non correctable since time frames have elapsed.

ABATEMENT ACTIONS: Extension granted by Director to 8/28/2005.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1862 DATE VIOL. ISSUED: 4/27/2004 ISSUED BY: KY DSMRE
VIOLATION

(1) Permittee allowed substandard water to enter stream.
(2) Permittee discharged water that exceeded KPDES limits for total suspended solids.

CURRENT STATUS: TERMINATED STATUS DATE: 4/27/2004

REQUIRED ACTIONS: (1) Violation is non-correctible.
(2) Violation is non-correctible.

ABATEMENT ACTIONS: (1) Terminated since violation is non-correctible.
(2) Terminated since violation is non-correctible.

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1855 DATE VIOL. ISSUED: 7/25/2003 ISSUED BY: KY DSMRE
VIOLATION

Off permit disturbance when constructing Haul Road G

CURRENT STATUS: PENDING STATUS DATE:

REQUIRED ACTIONS: Revise permit to include off permit disturbance. Stabilize, seed and mulch the effected area.

ABATEMENT ACTIONS: Abatement date granted to 8/26/2005 by Director.

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1050 DATE VIOL. ISSUED: 9/18/2002 ISSUED BY: KY DSMRE
VIOLATION

Off permit disturbance at proposed mine portal.

CURRENT STATUS: TERMINATED STATUS DATE: 12/4/2002

REQUIRED ACTIONS: Revise permit to include off permit disturbance. Stabilize, seed and mulch the effected area. Provide temp. sediment control.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-5184 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1866 DATE VIOL. ISSUED: 7/9/2004 ISSUED BY: KY DSMRE
VIOLATION

Allowed off-site slide to occur on upper side of haul road.

CURRENT STATUS: TERMINATED STATUS DATE: 12/15/2004

REQUIRED ACTIONS: Grade, stabilize, seed and mulch area. Modify permit to include disturbance.

ABATEMENT ACTIONS: Extension modified to 10/7/04, prior extension exceeded 90 days.
Extension granted by Director to 12/17/2004.
Required work completed, violation terminated 12/15/2004.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-0838 DATE VIOL. ISSUED: 6/25/2004 ISSUED BY: KY DSMRE
VIOLATION (1), (2) & (3) Pond 2 discharged sub-standard water.
(4) Failed to place durable material on certain roads.
(5) Pond 2 exceeds clean out level.
CURRENT STATUS: TERMINATED STATUS DATE: 12/6/2004
REQUIRED ACTIONS: (1) & (2) Cease substandard discharge. (3) Non-correctable
(4) Resurface roads with durable material.
(5) Clean out Pond 2 by 11/29/04.
ABATEMENT ACTIONS: (3) Violation non-correctable. (1) & (2) Terminated - work completed.
(4) & (5) Violations terminated - work complete.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-0071 DATE VIOL. ISSUED: 6/25/2004 ISSUED BY: KY DSMRE
VIOLATION Allowed off-permit slide below bench southeast of Pond #2.
CURRENT STATUS: TERMINATED STATUS DATE: 2/23/2005
REQUIRED ACTIONS: Stabilize, seed and mulch slide. Provide temporary sediment control.
Revise permit to include slide. Submit revision within 30 days.

ABATEMENT ACTIONS: Required work completed, violation terminated 2/23/2005.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-0399 DATE VIOL. ISSUED: 5/28/2004 ISSUED BY: KY DSMRE
VIOLATION Diversion Ditch DD-8 has failed allowing water to by-pass
sediment control structure.

CURRENT STATUS: TERMINATED STATUS DATE: 6/1/2004
REQUIRED ACTIONS: Stop all by-pass discharge, provide temporary sediment control
and re-establish diversion to approved design conditions.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-0072 DATE VIOL. ISSUED: 10/7/2003 ISSUED BY: KY DSMRE
VIOLATION (1) Diversion Ditch #DD-7 failed allowing water to by-pass pond.
(2) Off-site disturbance allowed rocks to leave portal area.

CURRENT STATUS: TERMINATED STATUS DATE: 10/19/2004
REQUIRED ACTIONS: (1) Repair diversion. Seed and mulch disturbed area. Provide
temporary sediment control.
(2) Retrieve all rocks and place back onto permitted area.

ABATEMENT ACTIONS: (1) Required work completed. Violation (1) terminated 3/10/2004.
(2) Required work completed. Violation (2) terminated 10/19/2004.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 867-5192 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-0066 DATE VIOL. ISSUED: 9/25/2003 ISSUED BY: KY DSMRE
VIOLATION Off permit disturbance between access roads B and C

CURRENT STATUS: TERMINATED STATUS DATE: 10/19/2004
REQUIRED ACTIONS: Revise permit to include off permit disturbance and submit within 30 days. Stabilize, seed and mulch disturbed area.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-5192 MSHA NO: MSHA DATE:
VIOLATION NO: 53-2346 DATE VIOL. ISSUED: 8/25/2003 ISSUED BY: KY DSMRE
VIOLATION Off permit disturbance along access road B

CURRENT STATUS: TERMINATED STATUS DATE: 10/19/2004
REQUIRED ACTIONS: Revise permit to include off permit disturbance and submit within 30 days.

ABATEMENT ACTIONS: required work completed, violation terminated.

PERMIT NO: 867-5198 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-0839 DATE VIOL. ISSUED: 1/28/2005 ISSUED BY: KY DSMRE
VIOLATION Permittee allowed water to discharge and not pass through approved sediment control.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Revise permit to include discharge point and include in water monitoring plan.

ABATEMENT ACTIONS: Extension granted to 8/25/2005.

PERMIT NO: 867-5225 MSHA NO: N/A MSHA DATE: 00/00/00
VIOLATION NO: 53-1672 DATE VIOL. ISSUED: 3/14/2003 ISSUED BY: KY DSMRE
VIOLATION Off permit disturbance; borehole started without authorization.

CURRENT STATUS: TERMINATED STATUS DATE: 4/1/2004
REQUIRED ACTIONS: Cease borehole drilling until permit is revised.

ABATEMENT ACTIONS: Required work completed. Violation terminated.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: 867-8041 MSHA NO: 15-16577 MSHA DATE: 03/06/1989
VIOLATION NO: 53-1051 DATE VIOL. ISSUED: 5/6/2004 ISSUED BY: KY DSMRE
VIOLATION Violation 53-0398 noted discharge of substandard water from Pond 6A.
Order modified 5/14/04 to withdraw Violations (2) and (3).
CURRENT STATUS: TERMINATED STATUS DATE: 5/6/2004
REQUIRED ACTIONS: Cease any and all discharge of substandard water from entering Rockhouse Creek.

ABATEMENT ACTIONS: Required work has been completed, cessation order terminated.

PERMIT NO: 867-8041 MSHA NO: 15-16577 MSHA DATE: 03/06/1989
VIOLATION NO: 53-0398 DATE VIOL. ISSUED: 5/6/2004 ISSUED BY: KY DSMRE
VIOLATION (1) Discharged black water into Rockhouse Cr during pond cleanup.
(2) Allowed substandard water to enter Rockhouse Cr.
(3) Substandard water was discharged into creek.
CURRENT STATUS: TERMINATED STATUS DATE: 5/6/2004
REQUIRED ACTIONS: (1) Cease black water discharge.
(2) Cease discharge of substandard water into creek.
(3) Non-correctible. Water had already entered creek.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: 867-8041 MSHA NO: 15-16577 MSHA DATE: 03/06/1989
VIOLATION NO: 53-0388 DATE VIOL. ISSUED: 3/20/2004 ISSUED BY: KY DSMRE
VIOLATION (1) Discharged black water into Rockhouse Cr.
(2) Allowed sub-standard water to enter Rockhouse Cr.
(3) Sub-standard water was discharged into creek.
CURRENT STATUS: TERMINATED STATUS DATE: 3/20/2004
REQUIRED ACTIONS: (1) Cease black water discharge and clean out sumps.
(2) Cease discharge of sub-standard water into creek.
(3) Non-correctible. Water had already entered creek.

ABATEMENT ACTIONS: (1) & (2) Required work completed - violation terminated.
(3) Non-correctible

PERMIT NO: 867-8041 MSHA NO: 15-16577 MSHA DATE: 03/06/1989
VIOLATION NO: 53-1053 DATE VIOL. ISSUED: 12/26/2002 ISSUED BY: KY DSMRE
VIOLATION Failed to properly maintain diversion around raw coal stockpile.

CURRENT STATUS: TERMINATED STATUS DATE: 5/12/2003
REQUIRED ACTIONS: Re-establish diversions as permitted.

ABATEMENT ACTIONS: Required work has been completed, violation terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: 867-9007 MSHA NO: 15-16577 MSHA DATE: N/A
VIOLATION NO: 53-0409 DATE VIOL. ISSUED: 9/29/2004 ISSUED BY: KY DSMRE
VIOLATION Permittee allowed a slide to occur and create an off-site disturbance.

CURRENT STATUS: TERMINATED STATUS DATE: 4/25/2005
REQUIRED ACTIONS: Remove slide material. Stabilize, seed and mulch area. Revise permit to include area.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/25/2005.

PERMIT NO: 867-9007 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-2340 DATE VIOL. ISSUED: 3/12/2003 ISSUED BY: KY DSMRE
VIOLATION (1) Slurry line break discharged slurry to Razor Blade Br.
(2) Non correctable - Slurry discharged into Rockhouse Creek
(3) Rockhouse Creek contaminated with slurry.

CURRENT STATUS: TERMINATED STATUS DATE: 6/12/2003
REQUIRED ACTIONS: (1) Cease pumping through slurry line until it is repaired.
(2) Non-correctable
(3) Trap and remove slurry. Mitigate stream channel contamination.

ABATEMENT ACTIONS: (1) Slurry discharge stopped. Violation partially abated.
(2) Non-correctable
Required work completed. Violation terminated.

PERMIT NO: 867-9007 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: 53-1049 DATE VIOL. ISSUED: 8/28/2002 ISSUED BY: KY DSMRE
VIOLATION (1) Slurry line break discharged slurry to Rockhouse Creek.
(2) Rockhouse Creek contaminated with slurry spill.

CURRENT STATUS: TERMINATED STATUS DATE: 9/11/2002
REQUIRED ACTIONS: (1) Non-correctable
(2) Trap and remove slurry. Mitigate stream channel contamination.

ABATEMENT ACTIONS: Required worked completed, violation terminated.

PERMIT NO: O-5036-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: O-5036-93 (3) DATE VIOL. ISSUED: 12/22/2004 ISSUED BY: WV DEP
VIOLATION Failed to provide sedimentation control for area S.E. of pond 04

CURRENT STATUS: TERMINATED STATUS DATE: 3/21/2005
REQUIRED ACTIONS: Provide silt fence or other temporary control. For permanent control divert runoff from area to pond 04 as approved on P&D map.

ABATEMENT ACTIONS: Required work completed, violation terminated 3/21/2005.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: O-5036-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: O-5036-93 (2) DATE VIOL. ISSUED: 7/19/2004 ISSUED BY: WV DEP
VIOLATION Failed to construct Pond 4 prior to disturbance at Haulroad 2.
Failed to construct designed stream crossing at Haulroad 6.

CURRENT STATUS: TERMINATED STATUS DATE: 10/14/2004
REQUIRED ACTIONS: Construct Pond 4 and stream crossing as per approved plans.
Submit certification for Pond 4 after construction.

ABATEMENT ACTIONS: Extension granted to 10/15/2004.
Required work completed, violation terminated.

PERMIT NO: O-5036-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: O-5036-93 (1) DATE VIOL. ISSUED: 7/13/2004 ISSUED BY: WV DEP
VIOLATION Cease bridge construction activity.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2004
REQUIRED ACTIONS: Construct required sediment control structures and install pipes
at second creek crossing.

ABATEMENT ACTIONS: Order was modified to Notice of Violation O-5036-93 (2)

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
VIOLATION NO: S-5038-93 (2) DATE VIOL. ISSUED: 2/1/2005 ISSUED BY: WV DEP
VIOLATION Failed to maintain haulroad by allowing grey, slimy silt to be tracked
onto old US 52.

CURRENT STATUS: TERMINATED STATUS DATE: 2/3/2005
REQUIRED ACTIONS: Clean up tracked material and resurface haulroad with durable
material to prevent tracking onto highway.

ABATEMENT ACTIONS: Removed material from highway with a street sweeper.
Haulroad scraped and fresh gravel applied. More gravel ordered
for 2/2/05. Required work completed, violation terminated.

PERMIT NO: S-5038-93 MSHA NO: n/a MSHA DATE: n/a
VIOLATION NO: S-5038-93 (1) DATE VIOL. ISSUED: 12/6/2004 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain Haulroad #2, allowing a slide to block
a ditch and cause Sump R1-3 to discharge sediment off permit.

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: Repair slide area, cleanout ditch and sump and reclaim off-site
area where siltation has occurred.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (13) DATE VIOL. ISSUED: 7/7/2005 ISSUED BY: WV DEP
VIOLATION Failed to properly construct and maintain Fill 1301 to provide adequate drainage control.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
REQUIRED ACTIONS: Grade, berm and construct fill to provide proper drainage control.

ABATEMENT ACTIONS: Required work completed, violation terminated 7/19/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (12) DATE VIOL. ISSUED: 5/26/2005 ISSUED BY: WV DEP
VIOLATION Failed to conduct periodic seismograph monitoring as required by permit revision #1.

CURRENT STATUS: TERMINATED STATUS DATE: 7/7/2005
REQUIRED ACTIONS: Immediately begin required seismograph monitoring.

ABATEMENT ACTIONS: Required work completed, violation terminated 7/7/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (11) DATE VIOL. ISSUED: 5/2/2005 ISSUED BY: WV DEP
VIOLATION Allowed off-permit disturbance from a slide of sediment from breached riprap outlet 013.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Repair riprap outlet; seed and mulch disturbance. Note disturbance on next P&D map submittal.

ABATEMENT ACTIONS: Extension granted to 7/28/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (10) DATE VIOL. ISSUED: 2/17/2005 ISSUED BY: WV DEP
VIOLATION Failed to maintain a blasting log as required by the secretary.

CURRENT STATUS: TERMINATED STATUS DATE: 3/21/2005
REQUIRED ACTIONS: Report all 218 shots accurately on a corrected MR-37 form.

ABATEMENT ACTIONS: Required work completed, violation terminated 3/21/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (9) DATE VIOL. ISSUED: 2/14/2005 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain access roads to valley fills.

CURRENT STATUS: TERMINATED STATUS DATE: 4/4/2005
REQUIRED ACTIONS: Re-establish road berms, repair erosion cuts, re-surface with durable material. Establish sumps and ditchline to control flow. Install temporary sediment control as needed.
ABATEMENT ACTIONS: Required work completed, violation terminated 4/26/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (7) DATE VIOL. ISSUED: 2/10/2005 ISSUED BY: WV DEP
VIOLATION Failed to sample, analyze and report required quarterly surface and groundwater monitoring sites.

CURRENT STATUS: TERMINATED STATUS DATE: 4/29/2005
REQUIRED ACTIONS: Conduct and report required quarterly surface and groundwater monitoring.
ABATEMENT ACTIONS: Required work completed, violation terminated 4/29/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (8) DATE VIOL. ISSUED: 2/10/2005 ISSUED BY: WV DEP
VIOLATION Failed to submit required valley fill certifications.

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2005
REQUIRED ACTIONS: Submit required certifications.
ABATEMENT ACTIONS: Required work completed, violation terminated 4/13/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (6) DATE VIOL. ISSUED: 1/14/2005 ISSUED BY: WV DEP
VIOLATION Failed to protect offsite area near outlet 003 from slides.

CURRENT STATUS: TERMINATED STATUS DATE: 4/14/2005
REQUIRED ACTIONS: Reclaim and revegetate slide area.
ABATEMENT ACTIONS: Required work completed, violation terminated 4/14/2005.

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Entity to whom violation(s) were issued: CONSOL of Kentucky Inc.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (5) DATE VIOL. ISSUED: 12/29/2004 ISSUED BY: WV DEP
 VIOLATION Failed to submit an NPDES application for an unapproved outlet upstream of Outlet 017.

CURRENT STATUS: TERMINATED STATUS DATE: 2/25/2005
 REQUIRED ACTIONS: Submit an application for unapproved outlet.

ABATEMENT ACTIONS: Required permit revision and NPDES modification submitted.
 Violation terminated 2/25/05.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (4) DATE VIOL. ISSUED: 9/9/2004 ISSUED BY: WV DEP
 VIOLATION Failed to minimize hydrologic impacts by allowing discolored discharge from Pond 1301 (001).

CURRENT STATUS: TERMINATED STATUS DATE: 1/5/2005
 REQUIRED ACTIONS: Install additional sumps, install turbidity curtain and utilize flocculent.

ABATEMENT ACTIONS: Required work completed - violation terminated 1/5/2005.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (3) DATE VIOL. ISSUED: 8/3/2004 ISSUED BY: WV DEP
 VIOLATION Failed to minimize hydrologic impacts to Lt Fork of Miller's Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 8/31/2004
 REQUIRED ACTIONS: Properly construct creek crossings, cover with rock. Surface road at all low spots where water is standing.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
 VIOLATION NO: S-5039-93 (1) DATE VIOL. ISSUED: 7/13/2004 ISSUED BY: WV DEP
 VIOLATION Cease bridge construction at Road A-13-1 and cease tree cutting.

CURRENT STATUS: TERMINATED STATUS DATE: 7/20/2004
 REQUIRED ACTIONS: Construct proper sediment control structures in specified areas.

ABATEMENT ACTIONS: Required work completed, order terminated.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: S-5039-93 MSHA NO: na MSHA DATE: na
VIOLATION NO: S-5039-93 (2) DATE VIOL. ISSUED: 7/13/2004 ISSUED BY: WV DEP
VIOLATION Access road A-13-1 not built in approved location.

CURRENT STATUS: TERMINATED STATUS DATE: 8/31/2004
REQUIRED ACTIONS: Submit and diligently pursue permit modification showing changes to access road A-13-1.

ABATEMENT ACTIONS:

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
VIOLATION NO: U-5038-86 (11) DATE VIOL. ISSUED: 4/21/2005 ISSUED BY: WV DEP
VIOLATION Allowed a slide and well drilling to create off-site disturbances.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
REQUIRED ACTIONS: Bond off-site disturbances. Stabilize, seed and mulch disturbances.

ABATEMENT ACTIONS: Required work completed, violation terminated 7/19/2005.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
VIOLATION NO: U-5038-86 (10) DATE VIOL. ISSUED: 2/1/2005 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain haulroad by allowing coal fines and silt to be tracked onto US 119 northbound.

CURRENT STATUS: TERMINATED STATUS DATE: 2/3/2005
REQUIRED ACTIONS: Cease hauling until silt and fines are removed and the surface is not slick.

ABATEMENT ACTIONS: Permittee put gravel in loadout and pit area.
Pressure washed and groomed haulroad.
Required work completed, violation terminated.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
VIOLATION NO: U-5038-86 (8) DATE VIOL. ISSUED: 1/13/2005 ISSUED BY: WV DEP
VIOLATION Failed to construct & maintain sediment control plan as approved.

CURRENT STATUS: TERMINATED STATUS DATE: 5/18/2005
REQUIRED ACTIONS: Construct and maintain all sediment control systems and diversions in accordance with approved plan.

ABATEMENT ACTIONS: Required work completed, violation terminated 5/16/2005.

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Entity to whom violation(s) were issued: **CONSOL of Kentucky Inc.**

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
VIOLATION NO: U-5038-86 (9) DATE VIOL. ISSUED: 1/13/2005 ISSUED BY: WV DEP
VIOLATION Placed prohibited materials (silt, mud etc.) on a durable rock fill and into the surface core drain.

CURRENT STATUS: TERMINATED STATUS DATE: 2/9/2005
REQUIRED ACTIONS: Clean out and re-establish rock core drain, remove prohibited materials to an approved area.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
VIOLATION NO: U-5038-86 (7) DATE VIOL. ISSUED: 1/13/2005 ISSUED BY: WV DEP
VIOLATION Failed to minimize disturbance to hydrologic balance in that mine yard drainage by-passed pond 04 and discharged as grey water to stream.

CURRENT STATUS: TERMINATED STATUS DATE: 1/25/2005
REQUIRED ACTIONS: Cease grey water discharge and direct drainage to pond 04.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consol Pennsylvania Coal Company

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
VIOLATION NO: NOV 10-19 DATE VIOL. ISSUED: 11/6/2003 ISSUED BY: PA DEP
VIOLATION Failed to perform water supply surveys for ten wells before mining
approached within 1,000 feet of each water supply.

CURRENT STATUS: TERMINATED STATUS DATE: 3/10/2004
REQUIRED ACTIONS: Complete water supplies as required.

ABATEMENT ACTIONS:

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
VIOLATION NO: NOV 1-9 DATE VIOL. ISSUED: 11/5/2003 ISSUED BY: PA DEP
VIOLATION Failed to perform water supply surveys for nine wells before mining
approached within 1,000 feet of each water supply.

CURRENT STATUS: TERMINATED STATUS DATE: 3/10/2004
REQUIRED ACTIONS: Complete water supplies as required.

ABATEMENT ACTIONS:

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
VIOLATION NO: DATE VIOL. ISSUED: 10/7/2003 ISSUED BY: PA DEP
VIOLATION Failed to perform a pre-mining subsidence property surveys.

CURRENT STATUS: TERMINATED STATUS DATE: 10/7/2003
REQUIRED ACTIONS: Non-correctable

ABATEMENT ACTIONS:

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
VIOLATION NO: 31038 DATE VIOL. ISSUED: 6/10/2003 ISSUED BY: PA DEP
VIOLATION Pond discharge exceeded suspended solids limits due to
inoperable sump pump.

CURRENT STATUS: TERMINATED STATUS DATE: 6/11/2003
REQUIRED ACTIONS: Repair sump pump and discontinue discharge of high solids
water.

ABATEMENT ACTIONS: Required actions completed - violation terminated.

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Entity to whom violation(s) were issued: **Consol Pennsylvania Coal Company**

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
VIOLATION NO: DATE VIOL. ISSUED: 3/14/2003 ISSUED BY: PA DEP
VIOLATION Failed to perform a pre-mining subsidence survey at property number 2207-141C

CURRENT STATUS: TERMINATED STATUS DATE: 3/14/2003
REQUIRED ACTIONS: Non-correctable

ABATEMENT ACTIONS:

PERMIT NO: U-2006-01 MSHA NO: 36-07230 MSHA DATE: 10/01/81
VIOLATION NO: U-2006-01 (1) DATE VIOL. ISSUED: 3/23/2004 ISSUED BY: WV DEP
VIOLATION Failed to submit surface and groundwater discharges for the 4th quarter of 2003.

CURRENT STATUS: TERMINATED STATUS DATE: 4/22/2004
REQUIRED ACTIONS: Submit required reports for the 1st quarter of 2004.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 1200308 MSHA NO: 44-01717 MSHA DATE: n/a
VIOLATION NO: AJC0000397 DATE VIOL. ISSUED: 12/17/2004 ISSUED BY: VA DMLR
VIOLATION Failed to submit annual certifications for Ponds E-2A-004 & 005

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Submit pond certifications as required.

ABATEMENT ACTIONS:

PERMIT NO: 1201129 MSHA NO: 46-01868 MSHA DATE: 09/01/85
VIOLATION NO: TMM0002862 DATE VIOL. ISSUED: 9/24/2002 ISSUED BY: VA DMLR
VIOLATION Company reported Discharge 004 discharge results that exceeded iron limits for the months of March, April, May and June 2002.

CURRENT STATUS: TERMINATED STATUS DATE: 9/24/2002
REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Violation is non-remedial.

PERMIT NO: 1201367 MSHA NO: 44-05745 MSHA DATE: n/a
VIOLATION NO: TMM0003807 DATE VIOL. ISSUED: 10/22/2004 ISSUED BY: VA DMLR
VIOLATION (1) Failed to provide secondary containment for hydraulic fluids and lubricants. (2) Failed to properly maintain Sump 2 discharge pipe.

CURRENT STATUS: TERMINATED STATUS DATE: 11/2/2004
REQUIRED ACTIONS: (1) Store all oils, antifreeze, etc. on-site in secondary containment. (2) Maintain haulroad sump 2 as per approved design.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: 1201653 MSHA NO: 44-05616 MSHA DATE: 11/24/1981
VIOLATION NO: TMM0002968 DATE VIOL. ISSUED: 12/11/2002 ISSUED BY: VA DMLR
VIOLATION Suspended solids effluent violation on 9/25/02 at Outfall 005.

CURRENT STATUS: VACATED STATUS DATE: 4/24/2003
REQUIRED ACTIONS: Violation is non-remedial.

ABATEMENT ACTIONS: Violation was withdrawn because water sample was taken at the wrong location and not at the permitted discharge point.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
VIOLATION NO: WHW0004188 DATE VIOL. ISSUED: 7/14/2005 ISSUED BY: VA DMLR
VIOLATION Operator allowed black water to discharge from Pond #18 that showed a solids content of 20,537 mg/l for a 7/7/2005 sample. Revision Order WHW 0004189 issued on 7/15/2005.
CURRENT STATUS: TERMINATED STATUS DATE: 7/14/2005
REQUIRED ACTIONS: Violation is non-correctable since follow-up sample collected on 7/8/2005 from Pond #18 was clear. Revise permit to update internal drainage control to prevent black water discharges at Pond #18
ABATEMENT ACTIONS: Violation is non-correctable.

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
VIOLATION NO: TIM0004654 DATE VIOL. ISSUED: 7/8/2005 ISSUED BY: VA DMLR
VIOLATION Operator allowed black water to discharge from Pond #18.
CURRENT STATUS: TERMINATED STATUS DATE: 7/8/2005
REQUIRED ACTIONS: Violation is non-correctable since follow-up sample collected on 7/8/2005 from Pond #18 was clear.
ABATEMENT ACTIONS: Violation is non-correctable.

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
VIOLATION NO: TIM0004650 DATE VIOL. ISSUED: 7/6/2005 ISSUED BY: VA DMLR
VIOLATION Operator has not maintained sediment Pond #18 due to sediment volume. Sediment channel and areas around pond need to be cleaned up.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Clean up areas around Pond #18 and sediment channel up to the clean coal stockpile.
ABATEMENT ACTIONS:

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
VIOLATION NO: WHW0003651 DATE VIOL. ISSUED: 7/16/2004 ISSUED BY: VA DMLR
VIOLATION Operator allowed sediment Basin #18 to exceed allowable clean out level.
CURRENT STATUS: TERMINATED STATUS DATE: 7/27/2004
REQUIRED ACTIONS: Clean out sediment Basin 18 to handle design storm event.
ABATEMENT ACTIONS: Required actions completed, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
VIOLATION NO: WHW0003336 DATE VIOL. ISSUED: 12/17/2003 ISSUED BY: VA DMLR
VIOLATION Permittee reported average total suspended solids exceedence for NPDES Outfall 018/MPID5785465 for August 2003.

CURRENT STATUS: TERMINATED, NON-REMEDIAL STATUS DATE: 12/17/2003
REQUIRED ACTIONS: No action is required, violation is non-remedial.

ABATEMENT ACTIONS: No action is required; violation is non-remedial.

PERMIT NO: 1400047 MSHA NO: 44-04856 MSHA DATE: n/a
VIOLATION NO: TIM0003177 DATE VIOL. ISSUED: 1/13/2003 ISSUED BY: VA DMLR
VIOLATION All required groundwater monitoring sites were not sampled for 3rd quarter 2002.

CURRENT STATUS: TERMINATED, NON-REMEDIAL STATUS DATE: 1/13/2003
REQUIRED ACTIONS: no action is required, violation is non-remedial

ABATEMENT ACTIONS: no action is required; violation is non-remedial

PERMIT NO: 1401825 MSHA NO: N/A MSHA DATE: n/a
VIOLATION NO: TMM0003891 DATE VIOL. ISSUED: 12/22/2004 ISSUED BY: VA DMLR
VIOLATION Failed to maintain a temporary diversion on right side of fill.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Construct a temporary diversion on right side of fill as required.

ABATEMENT ACTIONS:

PERMIT NO: 1401825 MSHA NO: N/A MSHA DATE: n/a
VIOLATION NO: TMM0003253 DATE VIOL. ISSUED: 7/16/2003 ISSUED BY: VA DMLR
VIOLATION Sediment Basin SB-1 discharge exceeded maximum daily limit for total suspended solids.

CURRENT STATUS: TERMINATED STATUS DATE: 7/16/2003
REQUIRED ACTIONS: Violation is non-remedial.

ABATEMENT ACTIONS: Non-remedial, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 1401825 MSHA NO: N/A MSHA DATE: n/a
VIOLATION NO: TMM0003197 DATE VIOL. ISSUED: 6/2/2003 ISSUED BY: VA DMLR
VIOLATION Discharge 001 exceeded maximum daily limit for iron and total suspended solids in May 2003.

CURRENT STATUS: TERMINATED STATUS DATE: 6/2/2003
REQUIRED ACTIONS: Violation is non-remedial.

ABATEMENT ACTIONS: Non-remedial, violation terminated.

PERMIT NO: 30733707(R) MSHA NO: 36-04175 MSHA DATE: 12/22/83
VIOLATION NO: 041022 DATE VIOL. ISSUED: 4/20/2004 ISSUED BY: PA DEP
VIOLATION (1)Sludge in Colvin AMD settling pond exceeded cleanout level.
(2)Allowed sludge discharge and caused iron staining in creek.
(3) Modified pond without approval. (4) Site lacks warning system.

CURRENT STATUS: TERMINATED STATUS DATE: 6/8/2004
REQUIRED ACTIONS: (1) Clean out pond. (2) Submit plan to prevent damage to hydrologic system. (3) Submit plans for pond modification. (4) Submit plan outlining warning device and backup system to be employed.

ABATEMENT ACTIONS: Required actions completed.

PERMIT NO: 30733707(R) MSHA NO: 36-04175 MSHA DATE: 12/22/83
VIOLATION NO: 041019 DATE VIOL. ISSUED: 3/26/2004 ISSUED BY: PA DEP
VIOLATION Failed to maintain treatment facility in that discharge from sump by Sed Pond #2 discharged low pH water at a rate of 5 gpm to Whitely Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 4/2/2004
REQUIRED ACTIONS: Repair sump pump and properly maintain facilities.

ABATEMENT ACTIONS: Required work completed.

PERMIT NO: 30841313 MSHA NO: 36-04281 MSHA DATE: 08/13/86
VIOLATION NO: 195020 DATE VIOL. ISSUED: 6/1/2005 ISSUED BY: PA DEP
VIOLATION Failed to perform a pre-mining structure survey at Wanda (Cowger) Crouser residence

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Violation is non-correctible

ABATEMENT ACTIONS: Violation terminated since it is non-correctible.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: 30841313 MSHA NO: 36-04281 MSHA DATE: 08/13/86
VIOLATION NO: DATE VIOL. ISSUED: 6/16/2003 ISSUED BY: PA DEP
VIOLATION Failed to perform a pre-mining water supply survey at Edward and Christina Malanowski property.

CURRENT STATUS: TERMINATED STATUS DATE: 6/16/2003
REQUIRED ACTIONS: Violation is non-correctible
|

ABATEMENT ACTIONS: Violation terminated since it is non-correctible.

PERMIT NO: 30841601 MSHA NO: 36-00909 MSHA DATE: 12/22/83
VIOLATION NO: DATE VIOL. ISSUED: 2/12/2003 ISSUED BY: PA DEP
VIOLATION Failure to notify agency when facility was shutdown for more than 30 days.

CURRENT STATUS: TERMINATED STATUS DATE: 3/5/2003
REQUIRED ACTIONS:

ABATEMENT ACTIONS: Appropriate shutdown notification made on 2/14/2003.

PERMIT NO: 70 MSHA NO: 11-00610 MSHA DATE: 00/00/00
VIOLATION NO: 19-1-04 DATE VIOL. ISSUED: 7/9/2004 ISSUED BY: IL DMM
VIOLATION fail to submit permit renewal in timely manner

CURRENT STATUS: TERMINATED STATUS DATE: 7/9/2004
REQUIRED ACTIONS: Renewal submitted late. No abatement possible.

ABATEMENT ACTIONS: submitted renewal, violation notice terminated

PERMIT NO: 71 MSHA NO: 11-00613 MSHA DATE: 00/00/00
VIOLATION NO: 47-5-04 DATE VIOL. ISSUED: 10/8/2004 ISSUED BY: IL OMM
VIOLATION Allowed 0.2 bonded reclaimed acres to be re-disturbed and topsoil lost due to access road construction..

CURRENT STATUS: TERMINATED STATUS DATE: 11/8/2004
REQUIRED ACTIONS: Submit reclamation change to permit road by 10/26/04. Soil, grade seed and mulch disturbed areas along the road by 11/11/04.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
VIOLATION NO: N 03-38-1-1 DATE VIOL. ISSUED: 8/5/2003 ISSUED BY: UT DOGM
VIOLATION Permittee conducted mining activities outside of permitted area.

CURRENT STATUS: TERMINATED STATUS DATE: 8/19/2003
REQUIRED ACTIONS: Stabilize and seed the affected area.
Update permit to include area. Bond the area.
Revise text and maps accordingly.
ABATEMENT ACTIONS: Required work completed, violation terminated 8/19/2003.

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
VIOLATION NO: N 03-39-1-1 DATE VIOL. ISSUED: 1/9/2003 ISSUED BY: UT DOGM
VIOLATION Coal fines from stockpile were blown outside of permitted area.

CURRENT STATUS: TERMINATED STATUS DATE: 10/31/2003
REQUIRED ACTIONS: Take steps to reduce coal fines from leaving permitted area.
Submit amendment to control coal fines within permitted area.
Do not clean up coal fines unless directed to do so by amendment.
ABATEMENT ACTIONS: Required work completed, violation terminated 10/31/2003

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
VIOLATION NO: N 02-39-2-1 DATE VIOL. ISSUED: 10/22/2002 ISSUED BY: UT DOGM
VIOLATION Failed to protect vegetation and topsoil in undisturbed area by
allowing vehicles to travel over and park in these areas.

CURRENT STATUS: TERMINATED STATUS DATE: 11/26/2002
REQUIRED ACTIONS: Remove all vehicles from undisturbed area immediately.
Submit abatement plan to either address mining activities in the
area or reclaim the area.
ABATEMENT ACTIONS: Required work completed; abatement plan submitted on time.

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
VIOLATION NO: C02-39-1-1 DATE VIOL. ISSUED: 9/17/2002 ISSUED BY: UT DOGM
VIOLATION Operated unlicensed mine vehicle on public roads.

CURRENT STATUS: TERMINATED STATUS DATE: 9/17/2002
REQUIRED ACTIONS: Immediately stop using unlicensed mine vehicle on public roads.

ABATEMENT ACTIONS: Permittee committed to not driving unlicensed mine vehicles
outside of permit area.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
VIOLATION NO: N02-39-1-2 DATE VIOL. ISSUED: 9/13/2002 ISSUED BY: UT DOGM
VIOLATION (1) semi-trailer parked on area where topsoil and vegetation was not removed.
(2) Sediment containing water flowed off-site by main gate.
CURRENT STATUS: TERMINATED STATUS DATE: 9/17/2002
REQUIRED ACTIONS: (1) Remove semi-trailer from undisturbed area.
(2) Construct sediment control device to treat water before it leaves site.
ABATEMENT ACTIONS: Required actions have been taken violations terminated.

PERMIT NO: D-2100 MSHA NO: 33-03214 MSHA DATE: 1/1/74
VIOLATION NO: 21074 DATE VIOL. ISSUED: 4/28/2005 ISSUED BY: OH DMRM
VIOLATION Drainage not going to Pond 10
CURRENT STATUS: TERMINATED STATUS DATE: 5/2/2005
REQUIRED ACTIONS: Establish darinage to Pond 10 according to approved plan.

ABATEMENT ACTIONS:

PERMIT NO: D-2100 MSHA NO: 33-03214 MSHA DATE: 1/1/74
VIOLATION NO: 24429 DATE VIOL. ISSUED: 9/26/2003 ISSUED BY: OH DMRM
VIOLATION Failed to complete grading within 180 days of coal removal on the first year segment.
CURRENT STATUS: TERMINATED STATUS DATE: 11/26/2003
REQUIRED ACTIONS: Complete grading as required.

ABATEMENT ACTIONS: Required work completed, violation terminated 11/26/2003.

PERMIT NO: Multi-media MSHA NO: 46-01433 MSHA DATE: n/a
VIOLATION NO: DATE VIOL. ISSUED: 10/22/2003 ISSUED BY: WV DEP
VIOLATION (1) Failed to do waste determination for expired self rescue units.
(2) Improperly disposed expired self rescue units.
(3) Failed to clean used oil and contaminated debris at storage area.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Take appropriate measures to correct violations listed above.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: O-1001-00 (6) DATE VIOL. ISSUED: 6/28/2005 ISSUED BY: WV DEP
VIOLATION Pond 020 is discharging high suspended solids to Boggs Run.

CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2005
REQUIRED ACTIONS: Stop discharge of high suspended solids to Boggs Run.

ABATEMENT ACTIONS: Required work completed, violation terminated on 6/29/2005.

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: O-1001-00 (5) DATE VIOL. ISSUED: 5/19/2005 ISSUED BY: WV DEP
VIOLATION Failed to maintain haulroad.

CURRENT STATUS: TERMINATED STATUS DATE: 6/16/2005
REQUIRED ACTIONS: Cleanout haulroad ditches and sumps to certifiable condition.

ABATEMENT ACTIONS: Required work completed, violation terminated on 6/16/2005.

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: O-1001-00 (4) DATE VIOL. ISSUED: 4/10/2003 ISSUED BY: WV DEP
VIOLATION Failed to install sediment control prior to disturbance.

CURRENT STATUS: TERMINATED STATUS DATE: 5/2/2003
REQUIRED ACTIONS: Either install sediment controls as planned and certify or install temporary controls and reclaim disturbed areas.

ABATEMENT ACTIONS: Required work completed - violation terminated.

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: O-1001-00 (3) DATE VIOL. ISSUED: 2/14/2003 ISSUED BY: WV DEP
VIOLATION Failed to protect hydrologic balance by allowing discolored discharge to Boggs Run.

CURRENT STATUS: TERMINATED STATUS DATE: 2/21/2003
REQUIRED ACTIONS: Cease and insure that discharge to Boggs Run meets water quality standards.

ABATEMENT ACTIONS: Required work completed. Sedimentation pond completed and certified. Boggs Run stream is flowing clear.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: O-1001-00 (2) DATE VIOL. ISSUED: 1/3/2003 ISSUED BY: WV DEP
VIOLATION Failed to protect hydrologic balance by allowing discolored discharge to Boggs Run.

CURRENT STATUS: TERMINATED STATUS DATE: 1/6/2003
REQUIRED ACTIONS: Cease or insure that discharge to Boggs Run meets water quality standards.

ABATEMENT ACTIONS: Terminated - required actions completed.

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: O-1001-00 (1) DATE VIOL. ISSUED: 10/22/2002 ISSUED BY: WV DEP
VIOLATION Failed to install drainage control prior to mining activities

CURRENT STATUS: TERMINATED STATUS DATE: 4/3/2003
REQUIRED ACTIONS: Install and certify sediment control, cease all mining activity unless associated with sediment control development.

ABATEMENT ACTIONS: Terminated - required actions completed.

PERMIT NO: O-150-83 MSHA NO: 46-05449 MSHA DATE: n/a
VIOLATION NO: O-150-83 (15) DATE VIOL. ISSUED: 12/2/2003 ISSUED BY: WV DEP
VIOLATION Failed to clean Sediment Pond 16 after sediments exceeded 60% of design capacity.

CURRENT STATUS: TERMINATED STATUS DATE: 12/11/2003
REQUIRED ACTIONS: Clean out Sediment Pond 16 to 100% of design capacity.

ABATEMENT ACTIONS: Required work completed - violation terminated.

PERMIT NO: O-150-83 MSHA NO: 46-05449 MSHA DATE: n/a
VIOLATION NO: NOV Division of DATE VIOL. ISSUED: 11/14/2002 ISSUED BY: WV DEP
VIOLATION Failed to clean up released used oil.
Failed to label "used oil" containers.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Cease spillage of used oil and clean up released oil on ground.
Clearly label all used oil containers.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: P-2011-04 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: P-2011-04 (1) DATE VIOL. ISSUED: 6/18/2004 ISSUED BY: WV DEP
VIOLATION Failed to properly seal prospect drill holes at the completion of drilling.

CURRENT STATUS: TERMINATED STATUS DATE: 8/10/2004
REQUIRED ACTIONS: Plug all holes according to approved plan.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: S-4004-03 MSHA NO: 46-09001 MSHA DATE: NA
VIOLATION NO: S-4004-03 (1) DATE VIOL. ISSUED: 2/19/2004 ISSUED BY: WV DEP
VIOLATION Operator allowed vehicles to track dirt and rock onto county highway.

CURRENT STATUS: TERMINATED STATUS DATE: 2/23/2004
REQUIRED ACTIONS: Clean county road and surface the haulroad in places specified.

ABATEMENT ACTIONS: Required actions completed. Violation terminated.

PERMIT NO: U-100-83 MSHA NO: 46-01431 MSHA DATE: n/a
VIOLATION NO: U-100-83 (2) DATE VIOL. ISSUED: 10/11/2003 ISSUED BY: WV DEP
VIOLATION Failed to protect the hydrologic balance by allowing drainage from the Whetstone Injection Borehole to enter surface waters.

CURRENT STATUS: TERMINATED STATUS DATE: 10/13/2003
REQUIRED ACTIONS: Repair borehole checkvalve to prevent backflow from entering the surface drainage. Cease all pumping until repairs are made.

ABATEMENT ACTIONS: Required work completed, violation terminated on 10/13/03.

PERMIT NO: U-100-83 MSHA NO: 46-01431 MSHA DATE: n/a
VIOLATION NO: U-100-83 (1) DATE VIOL. ISSUED: 6/10/2003 ISSUED BY: WV DEP
VIOLATION Failed to submit in a timely manner all renewal application information.

CURRENT STATUS: TERMINATED STATUS DATE: 8/10/2003
REQUIRED ACTIONS: Submit required information to obtain permit renewal.

ABATEMENT ACTIONS: Required application submitted. Violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1025-91 (42) DATE VIOL. ISSUED: 5/26/2005 ISSUED BY: WV DEP
VIOLATION Allowed discharge containing excess suspended solids and iron from Browns Run slurry impoundment collection sump.

CURRENT STATUS: TERMINATED STATUS DATE: 5/27/2005
REQUIRED ACTIONS: Stop discharge of water from the conveyor and blanket drain collection sump.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1025-91 (41) DATE VIOL. ISSUED: 10/12/2004 ISSUED BY: WV DEP
VIOLATION Allowed discharge containing excess suspended solids from Browns Run slurry impoundment into Browns Run and Boggs Run..

CURRENT STATUS: TERMINATED STATUS DATE: 10/13/2004
REQUIRED ACTIONS: Stop excessive discharge of suspended solids from the Browns Run slurry impoundment.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1025-91 (40) DATE VIOL. ISSUED: 6/10/2004 ISSUED BY: WV DEP
VIOLATION Failed to give 6 month notice of mining to two Sand Hill property owners.

CURRENT STATUS: TERMINATED STATUS DATE: 6/10/2004
REQUIRED ACTIONS: Cease developmental mining until proper notice is given or obtain waivers from owners.

ABATEMENT ACTIONS: Required waivers obtained, violation terminated.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1025-91 (39) DATE VIOL. ISSUED: 6/9/2004 ISSUED BY: WV DEP
VIOLATION Failed to submit required sediment pond certifications.

CURRENT STATUS: TERMINATED STATUS DATE: 8/6/2004
REQUIRED ACTIONS: Submit annual certifications in accordance state regulations.

ABATEMENT ACTIONS: Extension granted to 8/6/2004.
Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: U-1025-91 (38) DATE VIOL. ISSUED: 1/13/2004 ISSUED BY: WV DEP
 VIOLATION Off site disturbance. Distrubed 8N Borehole prior to issuance of IBR#18.

CURRENT STATUS: WITHDRAWN STATUS DATE: 1/22/2004
 REQUIRED ACTIONS: Cease borehole activity, reclaim and obtain approved permit.

ABATEMENT ACTIONS: Violation WITHDRAWN, disturbance for powerline and sub station was mistaken for borehole activity.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: U-1025-91 (37) DATE VIOL. ISSUED: 11/18/2003 ISSUED BY: WV DEP
 VIOLATION Failed to properly maintain stream diversion at Whittaker Portal and shaft site.

CURRENT STATUS: TERMINATED STATUS DATE: 12/18/2003
 REQUIRED ACTIONS: Repair eroded areas at stream diversion culvert's entrance and exit and clean trash rack.

ABATEMENT ACTIONS: Required work completed - violation terminated.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: U-1025-91 (36) DATE VIOL. ISSUED: 7/3/2003 ISSUED BY: WV DEP
 VIOLATION Failed to properly maintain an approved drainage control structure in that a large slip has developed at the 8N #2 airshaft site.

CURRENT STATUS: TERMINATED STATUS DATE: 9/4/2003
 REQUIRED ACTIONS: Repair the slip and drainage structure. Re-grade, seed and mulch all disturbed areas.

ABATEMENT ACTIONS: Required pre-subsidence surveys have been conducted and approved.
 Required work on slip and drainage structure complete.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: U-1025-91 (35) DATE VIOL. ISSUED: 6/11/2003 ISSUED BY: WV DEP
 VIOLATION Failed to submit & obtain pre-subsidence surveys for Travis Fonner and Scott Ross properties.

CURRENT STATUS: TERMINATED STATUS DATE: 7/7/2003
 REQUIRED ACTIONS: Obtain and submit approved pre-subsidence surveys as required.

ABATEMENT ACTIONS: Required pre-subsidence surveys have been conducted and approved.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1025-91 (34) DATE VIOL. ISSUED: 6/6/2003 ISSUED BY: WV DEP
VIOLATION Failed to meet effluent limitations by discharging water high in iron from sump at Brown's run Refuse lower slope belt.

CURRENT STATUS: TERMINATED STATUS DATE: 6/13/2003
REQUIRED ACTIONS: Repair sump pump and treat as needed to meet limitations.

ABATEMENT ACTIONS: Required work has been completed, violation terminated.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1025-91 (33) DATE VIOL. ISSUED: 4/3/2003 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain refuse haul road.

CURRENT STATUS: TERMINATED STATUS DATE: 5/2/2003
REQUIRED ACTIONS: Repair haulroad and ditch to certification conditions.

ABATEMENT ACTIONS: Required work completed - violation terminated.

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: W-02-M-120602-02 DATE VIOL. ISSUED: 12/6/2002 ISSUED BY: WV DEP
VIOLATION Stored drums whose contents could contaminate groundwater in a manner that would not contain spills.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Store drums in a manner such that all spills would be contained.

ABATEMENT ACTIONS:

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: W-02-M-120602-01 DATE VIOL. ISSUED: 12/6/2002 ISSUED BY: WV DEP
VIOLATION Allowed petroleum product to escape from a storage container such that it could impact groundwater quality.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Remove contaminated soils and properly dispose.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-1025-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1025-91 (32) DATE VIOL. ISSUED: 12/5/2002 ISSUED BY: WV DEP
VIOLATION Indiscriminate dumping or disposal of material.

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: Materials shall be properly placed in areas designated for their storage or disposal.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-1025-92 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-1025-92 (10) DATE VIOL. ISSUED: 7/22/2003 ISSUED BY: WV DEP
VIOLATION Failed to submit all information required in the renewal application.

CURRENT STATUS: TERMINATED STATUS DATE: 9/9/2003
REQUIRED ACTIONS: Complete requirements and obtain approved permit renewal.

ABATEMENT ACTIONS: Required information submitted, permit approved 9/9/03

PERMIT NO: U-1025-92 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-1025-92 (9) DATE VIOL. ISSUED: 4/28/2003 ISSUED BY: WV DEP
VIOLATION Failed to stabilize and protect all surface areas from erosion and attendant air and water pollution.

CURRENT STATUS: TERMINATED STATUS DATE: 10/15/2003
REQUIRED ACTIONS: Clean up spilled coal along beltline, access road ditch and area downslope from conveyor. Repair and stabilize gullies. Stabilize rock based roads with more rock. Clean coal from paved road.

ABATEMENT ACTIONS: Required work completed. Violation terminated.

PERMIT NO: U-1045-91 MSHA NO: 46-01436 MSHA DATE: n/a
VIOLATION NO: U-1045-91 (1) DATE VIOL. ISSUED: 6/9/2004 ISSUED BY: WV DEP
VIOLATION Failed to submit required sediment pond certification.

CURRENT STATUS: TERMINATED STATUS DATE: 8/6/2004
REQUIRED ACTIONS: Submit annual certification in accordance state regulations.

ABATEMENT ACTIONS: Extension granted to 8/6/2004.
Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (68) DATE VIOL. ISSUED: 2/17/2005 ISSUED BY: WV DEP
VIOLATION Permittee caused off-permit disturbances totalling 0.5 acres at
IBR#49 rockdust borehole site.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Remove spoil from drainway. Revise permit to include off-permit
disturbance.

ABATEMENT ACTIONS: Extension granted to 7/17/2005.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (67) DATE VIOL. ISSUED: 2/17/2005 ISSUED BY: WV DEP
VIOLATION Failed to properly construct sediment control or water retention
structures at Quaker Fork rockdust borehole.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Remove spoil from drainway. Revise permit to include off-permit
disturbance. Install and certify sediment control as approved.

ABATEMENT ACTIONS: Extension granted to 7/17/2005.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (65) DATE VIOL. ISSUED: 2/16/2005 ISSUED BY: WV DEP
VIOLATION Failed to properly install drainage control system. Silt fence not
properly installed.

CURRENT STATUS: TERMINATED STATUS DATE: 3/8/2005
REQUIRED ACTIONS: Install silt fence properly and certify by engineer when complete.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (66) DATE VIOL. ISSUED: 2/16/2005 ISSUED BY: WV DEP
VIOLATION Failed to maintain water standards by allowing muddy water in
receiving stream.

CURRENT STATUS: TERMINATED STATUS DATE: 3/14/2005
REQUIRED ACTIONS: Control sediment discharges so that conditions causing muddy
water cease.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (63) DATE VIOL. ISSUED: 9/8/2004 ISSUED BY: WV DEP
VIOLATION Cease discharge at NPDES outfall 002 (Pond 1) of water that is not adequately treated.

CURRENT STATUS: TERMINATED STATUS DATE: 9/8/2004
REQUIRED ACTIONS: Cease discharge of Pond 1 or treat water to meet effluent limits.

ABATEMENT ACTIONS: Discharge ceased, order modified to NOV #64.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (64) DATE VIOL. ISSUED: 9/8/2004 ISSUED BY: WV DEP
VIOLATION Failed to provide adequate treatment at NPDES outfall 002 (Pond 1) of water that This NOV was issued as a modification of CO #63

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Install, using the best technology currently available, facilities adequate to treat water in Pond 1.

ABATEMENT ACTIONS: Extension granted to 8/5/2005.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (62) DATE VIOL. ISSUED: 6/11/2004 ISSUED BY: WV DEP
VIOLATION Allowed blackwater discharge at NPDES discharge 002 (Pond 1).

CURRENT STATUS: TERMINATED STATUS DATE: 6/11/2004
REQUIRED ACTIONS: Cease discharge of Pond 1 or treat water to meet effluent limits.

ABATEMENT ACTIONS: Discharge ceased, order terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (61) DATE VIOL. ISSUED: 5/19/2004 ISSUED BY: WV DEP
VIOLATION Allowed slurry spill off site causing damage to land and stream.

CURRENT STATUS: TERMINATED STATUS DATE: 6/18/2004
REQUIRED ACTIONS: Clean-up spilled slurry to the extent possible without causing additional environmental harm.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (60) DATE VIOL. ISSUED: 5/18/2004 ISSUED BY: WV DEP
VIOLATION Allowed blackwater discharge at NPDES discharge 002 (Pond 1).

CURRENT STATUS: TERMINATED STATUS DATE: 5/19/2004
REQUIRED ACTIONS: Cease pumping Pond 4 to Pond 1. Cease water wastage from prep plant to Pond 1. Cease discharge from Pond 1 or treat discharge to meet effluent limits.
ABATEMENT ACTIONS: Required work completed. Order terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (59) DATE VIOL. ISSUED: 5/18/2004 ISSUED BY: WV DEP
VIOLATION Allowed slurry spill off site causing damage to land and stream.

CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS: Cease pumping via "mudcat" pipeline until break in line is repaired.

ABATEMENT ACTIONS: Required work completed. Cessation order was modified to notice of Violation #61

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (58) DATE VIOL. ISSUED: 4/13/2004 ISSUED BY: WV DEP
VIOLATION NPDES discharge from 002 failed to maintain effluent limits.

CURRENT STATUS: TERMINATED STATUS DATE: 4/13/2004
REQUIRED ACTIONS: Treat water to meet effluent limitations or cease discharge.

ABATEMENT ACTIONS: Action taken to cease discharge on 4/13/04.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (57) DATE VIOL. ISSUED: 11/19/2003 ISSUED BY: WV DEP
VIOLATION NPDES discharge from 002 failed to maintain effluent limits.

CURRENT STATUS: TERMINATED STATUS DATE: 11/19/2003
REQUIRED ACTIONS: Treat water to meet effluent limitations or cease discharge.

ABATEMENT ACTIONS: Action taken to cease discharge on 11/19/03.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (56) DATE VIOL. ISSUED: 11/12/2003 ISSUED BY: WV DEP
VIOLATION NPDES discharge from 002 failed to maintain effluent limits.

CURRENT STATUS: TERMINATED STATUS DATE: 11/12/2003
REQUIRED ACTIONS: Treat water to meet effluent limitations or cease discharge.

ABATEMENT ACTIONS: Action taken to cease discharge on 11/12/03.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: NW-RB-100803-00 DATE VIOL. ISSUED: 11/8/2003 ISSUED BY: WV DEP
VIOLATION (1) Failed to properly dispose of solid waste.

(2) Improperly handled petroleum containers and contaminated soils that could impact groundwater quality.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Clean up solid waste, petroleum containers and petroleum contaminated soils.

ABATEMENT ACTIONS:

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (55) DATE VIOL. ISSUED: 7/22/2003 ISSUED BY: WV DEP
VIOLATION Failed to submit all required information for permit renewal

CURRENT STATUS: TERMINATED STATUS DATE: 9/16/2003
REQUIRED ACTIONS: Complete requirements and obtain approved permit renewal.

ABATEMENT ACTIONS: Required information submitted, permit approved 9/16/03

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (54) DATE VIOL. ISSUED: 4/23/2003 ISSUED BY: WV DEP
VIOLATION Failed to construct required compaction testing for expansion of Niles Run slurry impoundment.

CURRENT STATUS: TERMINATED STATUS DATE: 6/16/2003
REQUIRED ACTIONS: Cease construction of Stage III. Provided alternative tests that demonstrate existing Stage II & III construction meets minimum stability requirements.

ABATEMENT ACTIONS: Required work completed; violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (53) DATE VIOL. ISSUED: 3/14/2003 ISSUED BY: WV DEP
VIOLATION Allowed slurry from pipeline break to be deposited off-site.

CURRENT STATUS: TERMINATED STATUS DATE: 4/11/2003
REQUIRED ACTIONS: Take immediate action to prevent further discharge of slurry.
Clean-up and dispose of spilled slurry. Revegetate affected area.
ABATEMENT ACTIONS: Required actions completed - violation terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (52) DATE VIOL. ISSUED: 2/25/2003 ISSUED BY: WV DEP
VIOLATION Failed to properly construct and maintain the refuse haulroad to adequately control erosion and siltation.

CURRENT STATUS: TERMINATED STATUS DATE: 6/25/2003
REQUIRED ACTIONS: Maintain or reconstruct the refuse haulroad according to approved plan and certify.
ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-104-83 MSHA NO: 46-01318 MSHA DATE: n/a
VIOLATION NO: U-104-83 (51) DATE VIOL. ISSUED: 2/13/2003 ISSUED BY: WV DEP
VIOLATION Failed to dispose of coarse refuse at the Nolan's Run embankment according to approved plan.

CURRENT STATUS: TERMINATED STATUS DATE: 7/2/2004
REQUIRED ACTIONS: Correct grading, placement and composition of refuse and certify facility.
ABATEMENT ACTIONS: Extension granted to 6/21/04.
Required work completed, violation terminated.

PERMIT NO: U-119-83 MSHA NO: 46-01453 MSHA DATE: 00/00/00
VIOLATION NO: U-119-83 (27) DATE VIOL. ISSUED: 11/5/2003 ISSUED BY: WV DEP
VIOLATION Failed to conduct required inspections and submit certifications on rock disposal area.

CURRENT STATUS: TERMINATED STATUS DATE: 12/12/2003
REQUIRED ACTIONS: Prepare and submit required inspection reports and submit certifications.
ABATEMENT ACTIONS: Required reports and certifications have been submitted.

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Entity to whom violation(s) were issued: **Consolidation Coal Company**

PERMIT NO: U-119-83 MSHA NO: 46-01453 MSHA DATE: 00/00/00
VIOLATION NO: U-119-83 (26) DATE VIOL. ISSUED: 1/8/2003 ISSUED BY: WV DEP
VIOLATION Failed to comply with approved subsidence control plan.

CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2003
REQUIRED ACTIONS: Apply for permit revision to revise susidence control plan to include area outside of plan boundary and adjust 30 degree angle of draw on map.

ABATEMENT ACTIONS: Violation termianted - required actions completed.

PERMIT NO: U-45-84 MSHA NO: 46-01867 MSHA DATE: 00/00/00
VIOLATION NO: U-45-84 (14) DATE VIOL. ISSUED: 1/29/2003 ISSUED BY: WV DEP
VIOLATION Failed to meet Fe and Mn effluent limits at outfall 002

CURRENT STATUS: TERMINATED STATUS DATE: 1/29/2003
REQUIRED ACTIONS: Treat to meet effluent standards or cease discharge.

ABATEMENT ACTIONS: Completed work that stopped discharge

PERMIT NO: U-46-84 MSHA NO: 46-01968 MSHA DATE: 00/00/00
VIOLATION NO: U-46-84 (25) DATE VIOL. ISSUED: 3/17/2003 ISSUED BY: WV DEP
VIOLATION Failed to establish permanent permit markers and provide correct information on permit signs.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Provide permanent monuments and signs with correct information.

ABATEMENT ACTIONS:

PERMIT NO: U-70-83 MSHA NO: 46-01452 MSHA DATE: n/a
VIOLATION NO: U-70-83 (37) DATE VIOL. ISSUED: 10/12/2004 ISSUED BY: WV DEP
VIOLATION Allowed Booth pump line flange to fail and discharge water to Indian Creek which does not meet water quality standards.

CURRENT STATUS: TERMINATED STATUS DATE: 10/12/2004
REQUIRED ACTIONS: Repair flange.

ABATEMENT ACTIONS: Flange repaired, violation terminated.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO: U-70-83 MSHA NO: 46-01452 MSHA DATE: n/a
VIOLATION NO: U-70-83 (36) DATE VIOL. ISSUED: 9/18/2002 ISSUED BY: WV DEP
VIOLATION Discharged water from NPDES outlet 004 that did not meet water quality standards.

CURRENT STATUS: TERMINATED STATUS DATE: 6/15/2003
REQUIRED ACTIONS: Provide treatment necessary to meet water quality standards.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-78-83 MSHA NO: 46-01433 MSHA DATE: n/a
VIOLATION NO: U-78-83 (35) DATE VIOL. ISSUED: 2/26/2004 ISSUED BY: WV DEP
VIOLATION Failed to properly notify all surface owners six months prior to commencing underground mining.

CURRENT STATUS: TERMINATED STATUS DATE: 5/25/2004
REQUIRED ACTIONS: Provide proper notices, update mining maps and obtain notice to mine under noted property tracts.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-78-83 MSHA NO: 46-01433 MSHA DATE: n/a
VIOLATION NO: U-78-83 (34) DATE VIOL. ISSUED: 7/22/2003 ISSUED BY: WV DEP
VIOLATION Failed to submit all information required in the permit renewal application.

CURRENT STATUS: TERMINATED STATUS DATE: 12/31/2003
REQUIRED ACTIONS: Complete requirements and obtain approved permit renewal.

ABATEMENT ACTIONS: Application corrections submitted on 8/8/03 and 9/10/03
Permit renewal approved - violation terminated.

PERMIT NO: UO-431 MSHA NO: 46-05620 MSHA DATE: n/a
VIOLATION NO: UO-431 (2) DATE VIOL. ISSUED: 9/29/2003 ISSUED BY: WV DEP
VIOLATION Failed to certify ponds and drainway were constructed according approved plan.

CURRENT STATUS: TERMINATED STATUS DATE: 12/29/2003
REQUIRED ACTIONS: Submit required as-built certifications.

ABATEMENT ACTIONS: Drainway was certified as required.

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Entity to whom violation(s) were issued: Consolidation Coal Company

PERMIT NO:	UO-431	MSHA NO:	46-05620	MSHA DATE:	n/a
VIOLATION NO:	UO-431 (1)	DATE VIOL. ISSUED:	6/10/2003	ISSUED BY:	WV DEP
VIOLATION	Failed to submit in a timely manner all renewal application information.				

CURRENT STATUS:	TERMINATED	STATUS DATE:	8/10/2003
REQUIRED ACTIONS:	Submit required information to obtain permit renewal.		

ABATEMENT ACTIONS: Required actions completed. Violation terminated.

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Entity to whom violation(s) were issued: **Eighty-Four Mining Company**

PERMIT NO: 63743702 MSHA NO: 36-00958 MSHA DATE: 12/20/76
VIOLATION NO: 051009 DATE VIOL. ISSUED: 3/11/2005 ISSUED BY: PA DEP
VIOLATION Permittee discharged black water into Pigeon Creek. Allowed accumulation of black material in creek.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Immediately stop discharge of black material. Submit a plan to show that future discharges will be prevented and how accumulated sediments will be cleaned up.

ABATEMENT ACTIONS: Partially abated, illegal discharge was stopped.

PERMIT NO: 63831302 MSHA NO: 36-00958 MSHA DATE: 12/20/76
VIOLATION NO: 041037 DATE VIOL. ISSUED: 6/1/2004 ISSUED BY: PA DEP
VIOLATION Allowed airblast levels to exceed 133 db two times during May at Mowl Shaft.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Control airblasts so that levels do not exceed established limits.

ABATEMENT ACTIONS:

PERMIT NO: 63831302 MSHA NO: 36-00958 MSHA DATE: 12/20/76
VIOLATION NO: 041016A2 DATE VIOL. ISSUED: 5/17/2004 ISSUED BY: PA DEP
VIOLATION Allowed airblast levels to exceed 133 db seven times during January and February at Mowl Shaft

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Control airblasts so that levels do not exceed established limits.

ABATEMENT ACTIONS:

PERMIT NO: 63831302 MSHA NO: 36-00958 MSHA DATE: 12/20/76
VIOLATION NO: 041021A DATE VIOL. ISSUED: 5/17/2004 ISSUED BY: PA DEP
VIOLATION Allowed airblast levels to exceed 133 db five times during March and April at Mowl Shaft.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Control airblasts so that levels do not exceed established limits.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Eighty-Four Mining Company

PERMIT NO:	63831302	MSHA NO:	36-00958	MSHA DATE:	12/20/76
VIOLATION NO:	SA1229	DATE VIOL. ISSUED:	11/17/2003	ISSUED BY:	PA DEP
VIOLATION	Mining activities caused subsidence damage to land and buildings of the Hothouse Floral Co.				

CURRENT STATUS:	PENDING	STATUS DATE:	
REQUIRED ACTIONS:	Repair damage done by subsidence or compensate the owner for the cost of repairing the damage.		

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: **Island Creek Coal Company**

PERMIT NO: 1401232 MSHA NO: 44-01009 MSHA DATE: 2/18/68
VIOLATION NO: BXB0003043 DATE VIOL. ISSUED: 2/4/2003 ISSUED BY: VA DMLR
VIOLATION Allowed an erosional gully to develop on face of one of the lifts of the refuse disposal area.

CURRENT STATUS: TERMINATED STATUS DATE: 6/3/2003
REQUIRED ACTIONS: Repair erosion gully and stabilize refuse in area.

ABATEMENT ACTIONS: Required work completed; violation terminated.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: TIM0004553 DATE VIOL. ISSUED: 4/26/2005 ISSUED BY: VA DMLR
VIOLATION (1) Discharge from pond 5 had a TSS discharge violation.
(2) Revision Order NumberTIM0004552

CURRENT STATUS: TERMINATED STATUS DATE: 8/2/2004
REQUIRED ACTIONS: (1) Non-remedial.
(2) RON TIM0004552 requires design and installation of a secondary containment system to prevent black water discharge.

ABATEMENT ACTIONS:

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: TIM0004324 DATE VIOL. ISSUED: 12/9/2004 ISSUED BY: VA DMLR
VIOLATION Basin 6 and bench basins A, B, C & D have not been modified as required in revision 1002227.

CURRENT STATUS: TERMINATED STATUS DATE: 5/5/2005
REQUIRED ACTIONS: Do corrective measures as outlined in revision 1002227.

ABATEMENT ACTIONS: Outfall 006 is being added back to the permit with revision 1002762 and reconstruction of pond 6. Violation terminated 5/5/2005.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: RYH0003396 DATE VIOL. ISSUED: 6/3/2004 ISSUED BY: VA DMLR
VIOLATION Operator allowed coal spillage at the clean coal stockpile area beside pond 6 & railroad track embankment to Big Prater Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 8/2/2004
REQUIRED ACTIONS: Remove all spillage possible and properly dispose of materials.
Take all measures necessary to prevent re-occurrence.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: RYH0003395 DATE VIOL. ISSUED: 6/3/2004 ISSUED BY: VA DMLR
VIOLATION Operator allowed Basin 6 and bench basins A, B, C & D to exceed cleanout levels.

CURRENT STATUS: TERMINATED STATUS DATE: 8/2/2004
REQUIRED ACTIONS: Clean out listed basins and properly dispose of the accumulated sediment.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: 1401489 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: RYH0002704 DATE VIOL. ISSUED: 2/7/2003 ISSUED BY: VA DMLR
VIOLATION Failed to notify Division of anticipated water by passes.

CURRENT STATUS: TERMINATED STATUS DATE: 4/18/2003
REQUIRED ACTIONS: Obtain NPDES approval for discharge points. Pending approval, discharges are allowed as long as they meet effluent limits.

ABATEMENT ACTIONS: Two NPDES discharge points were added to permit.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: TMM0004140 DATE VIOL. ISSUED: 6/9/2005 ISSUED BY: VA DMLR
VIOLATION Allowed black water discharge from permitted outfalls.

CURRENT STATUS: TERMINATED STATUS DATE: 6/9/2005
REQUIRED ACTIONS: Violation is non-remedial.

ABATEMENT ACTIONS: Violation terminated since it is non-remedial.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0004086 DATE VIOL. ISSUED: 4/29/2005 ISSUED BY: VA DMLR
VIOLATION Allowed black water discharge from Outfall 002.

CURRENT STATUS: TERMINATED STATUS DATE: 4/29/2005
REQUIRED ACTIONS: Cease all activities contributing to black water discharge. Clean haul road ditch lines and resurface entire length of haul road.

ABATEMENT ACTIONS: Hauling activities ceased at 9:35 AM. Discharge cleared up at 11:35 AM
Personnel were directed to initiate ditch cleaning and order stone.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0004050 DATE VIOL. ISSUED: 4/8/2005 ISSUED BY: VA DMLR
VIOLATION (1) Operator placed refuse around prep plant in areas not approved.
(2) Operator failed to maintain sediment control and allowed discharge of froth/float/coal solids at outfall 003.
CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: (1) Remove refuse to approved disposal site.
(2) Revision Order WHW0004051 requires that a revised sediment control plan for the prep plant be submitted and implemented.
ABATEMENT ACTIONS:

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003981 DATE VIOL. ISSUED: 2/14/2005 ISSUED BY: VA DMLR
VIOLATION Failed to pass all surface drainage from disturbed area through approved siltation structure before leaving the permit area.
CURRENT STATUS: TERMINATED STATUS DATE: 2/14/2005
REQUIRED ACTIONS: No remedial action required because the operator repaired the ditch during the inspection.
ABATEMENT ACTIONS: Required work completed. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003873 DATE VIOL. ISSUED: 12/6/2004 ISSUED BY: VA DMLR
VIOLATION Allowed discharges from Outfalls 002 & 003 to exceed Total Suspended Solids permit limits as determined by a samples collected on 12/6/2004 whose TSS were 208 & 234 mg/l.
CURRENT STATUS: TERMINATED STATUS DATE: 12/6/2004
REQUIRED ACTIONS: Non-remedial
ABATEMENT ACTIONS: Non-remedial. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003794 DATE VIOL. ISSUED: 10/13/2004 ISSUED BY: VA DMLR
VIOLATION Discharge samples exceeded average total suspended solids limit for the second quarter 2004.
CURRENT STATUS: TERMINATED STATUS DATE: 10/13/2004
REQUIRED ACTIONS: Non-remedial
ABATEMENT ACTIONS: Non-remedial. Violation terminated.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003641 DATE VIOL. ISSUED: 7/14/2004 ISSUED BY: VA DMLR
VIOLATION Allowed black water from the thickener to overflow and seep into Garden Creek.

CURRENT STATUS: TERMINATED STATUS DATE: 7/26/2004
REQUIRED ACTIONS: Direct drainage from thickener to approved sediment control structure.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003409 DATE VIOL. ISSUED: 2/6/2004 ISSUED BY: VA DMLR
VIOLATION Operator failed to properly maintain haulroad.

CURRENT STATUS: TERMINATED STATUS DATE: 3/8/2004
REQUIRED ACTIONS: Remove haulroad sump and ditch sediments. Grade and adequately surface the roadway.

ABATEMENT ACTIONS: Required work completed. Violation terminated 3/8/2004.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003318 DATE VIOL. ISSUED: 12/11/2003 ISSUED BY: VA DMLR
VIOLATION Operator allowed sediment basins #1 and #2 to exceed the allowable clean out level.

CURRENT STATUS: TERMINATED STATUS DATE: 12/19/2003
REQUIRED ACTIONS: Clean ponds to sufficiently maintain adequate volume for design storm event.

ABATEMENT ACTIONS: Violation terminated. Required work completed.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003319 DATE VIOL. ISSUED: 12/11/2003 ISSUED BY: VA DMLR
VIOLATION Operator allowed the discharge from Outfall 003 to exceed Total Suspended Solids permit limits as determined by a sample collected on 12/11/2003 whose TSS was 17,155 mg/l.

CURRENT STATUS: TERMINATED STATUS DATE: 12/12/2003
REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Violation terminated.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003320 DATE VIOL. ISSUED: 12/11/2003 ISSUED BY: VA DMLR
VIOLATION Operator reported third quarter 2003 water quality that exceeded total suspended solids average permit limits of 35 mg/l with a reported value of 44.5 mg/l.
CURRENT STATUS: TERMINATED STATUS DATE: 12/12/2003
REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: WHW0003322 DATE VIOL. ISSUED: 12/11/2003 ISSUED BY: VA DMLR
VIOLATION Operator allowed black water from the prep plant thickener underflow system to enter the receiving stream via an opened valve. Valve was closed immediately once it was discovered.
CURRENT STATUS: TERMINATED STATUS DATE: 12/12/2003
REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Violation terminated.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: RYH0002694 DATE VIOL. ISSUED: 1/29/2003 ISSUED BY: VA DMLR
VIOLATION Allowed black water from the variance area at toe of refuse fill to flow into Garden Creek.
CURRENT STATUS: TERMINATED STATUS DATE: 2/10/2003
REQUIRED ACTIONS: Discharge must be made to comply with effluent limitations.

ABATEMENT ACTIONS: Violation terminated. Required work completed.

PERMIT NO: 1401531 MSHA NO: 44-03795 MSHA DATE: 9/20/1974
VIOLATION NO: RYH0002474 DATE VIOL. ISSUED: 9/17/2002 ISSUED BY: VA DMLR
VIOLATION Company reported Pond 2 discharge results exceeded total suspended solids permit limits.
CURRENT STATUS: TERMINATED STATUS DATE: 9/17/2002
REQUIRED ACTIONS: Non-remedial

ABATEMENT ACTIONS: Non-remedial. Terminated on date of issuance.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: I-700 MSHA NO: 46-01308 MSHA DATE: 5/9/80
VIOLATION NO: I-700 (11) DATE VIOL. ISSUED: 1/14/2004 ISSUED BY: WV DEP
VIOLATION Permittee failed to maintain a valid NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2004
REQUIRED ACTIONS: Obtain a valid NPDES permit.

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

PERMIT NO: I-700 MSHA NO: 46-01308 MSHA DATE: 05/09/80
VIOLATION NO: I-700 (10) DATE VIOL. ISSUED: 10/31/2003 ISSUED BY: WV DEP
VIOLATION Permittee disturbed off permit area at Henry AMD treatment ponds during reclamation.

CURRENT STATUS: TERMINATED STATUS DATE: 11/18/2003
REQUIRED ACTIONS: Reclaim, seed and mulch off permit disturbed areas.

ABATEMENT ACTIONS: Required action complete. Violation terminated.

PERMIT NO: I-700 MSHA NO: 46-01308 MSHA DATE: 05/09/80
VIOLATION NO: I-700 (9) DATE VIOL. ISSUED: 8/6/2003 ISSUED BY: WV DEP
VIOLATION Allowed yellowboy sludge from Henry AMD plant to go off permit during reclamation.

CURRENT STATUS: TERMINATED STATUS DATE: 8/8/2003
REQUIRED ACTIONS: Keep sludge contained and clean-up sludge from off permit area.

ABATEMENT ACTIONS: Required action complete. Violation terminated.

PERMIT NO: I-700 MSHA NO: 46-01308 MSHA DATE: 05/09/80
VIOLATION NO: I-700 (8) DATE VIOL. ISSUED: 3/20/2003 ISSUED BY: WV DEP
VIOLATION Discharged from outlet 006 before authorized by NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 3/20/2003
REQUIRED ACTIONS: Cease discharge until NPDES approves discharge.

ABATEMENT ACTIONS: Required action complete. Violation terminated.

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Entity to whom violation(s) were issued: Island Creek Coal Company

PERMIT NO: O-130-83 MSHA NO: 46-02185 MSHA DATE: 3/1/74
VIOLATION NO: O-130-83 (9) DATE VIOL. ISSUED: 1/14/2004 ISSUED BY: WV DEP
VIOLATION Permittee failed to maintain a valid NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2004
REQUIRED ACTIONS: Obtain a valid NPDES permit.

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

PERMIT NO: P-674 MSHA NO: 46-03080 MSHA DATE: 4/20/73
VIOLATION NO: P-674 (12) DATE VIOL. ISSUED: 1/14/2004 ISSUED BY: WV DEP
VIOLATION Permittee failed to maintain a valid NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2004
REQUIRED ACTIONS: Obtain a valid NPDES permit.

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

PERMIT NO: U-5051-87 MSHA NO: N/A MSHA DATE: N/A
VIOLATION NO: U-5051-87 (3N) DATE VIOL. ISSUED: 8/30/2002 ISSUED BY: WV DEP
VIOLATION Failed to maintain sediment capacity in Pond 2.

CURRENT STATUS: TERMINATED STATUS DATE: 9/20/2002
REQUIRED ACTIONS: Clean Pond 2 to 100% capacity and certify.

ABATEMENT ACTIONS: Required actions completed, violation abated.

PERMIT NO: UO-30 MSHA NO: 46-05480 MSHA DATE: 08/20/84
VIOLATION NO: UO-30 (6) DATE VIOL. ISSUED: 1/13/2004 ISSUED BY: WV DEP
VIOLATION Permittee failed to maintain a valid NPDES permit.

CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2004
REQUIRED ACTIONS: Obtain a valid NPDES permit.

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

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Entity to whom violation(s) were issued: Itmann Coal Company

PERMIT NO: O-11-85 MSHA NO: 46-02252 MSHA DATE: 08/23/85
VIOLATION NO: O-11-85 (3) DATE VIOL. ISSUED: 6/23/2004 ISSUED BY: WV DEP
VIOLATION Failed to meet effluent limits by discharging black water into the
Guyandotte River.

CURRENT STATUS: TERMINATED STATUS DATE: 6/23/2004
REQUIRED ACTIONS: Maintain drainage system or chemically treat water so as to
maintain effluent limits.

ABATEMENT ACTIONS: Required actions taken, discharge from impoundment is clear.

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Entity to whom violation(s) were issued: Keystone Coal Mining Corporation

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
VIOLATION NO: 051011 DATE VIOL. ISSUED: 2/16/2005 ISSUED BY: PA DEP
VIOLATION NPDES discharge exceeded manganese limits.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS:

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
VIOLATION NO: 041039 DATE VIOL. ISSUED: 6/4/2004 ISSUED BY: PA DEP
VIOLATION Failed to comply with Compliance Order 041033 in that NPDES discharge 013 sample 5/18/04 exceeded manganese limits.

CURRENT STATUS: TERMINATED STATUS DATE: 6/28/2004
REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed. Violation lifted.

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
VIOLATION NO: 041033 DATE VIOL. ISSUED: 5/18/2004 ISSUED BY: PA DEP
VIOLATION NPDES discharge 013 sample 4/21/04 exceeded manganese limits.

CURRENT STATUS: TERMINATED STATUS DATE: 6/28/2004
REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed. Violation lifted.

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
VIOLATION NO: 041023 DATE VIOL. ISSUED: 4/26/2004 ISSUED BY: PA DEP
VIOLATION NPDES discharge 012 exceeded manganese limits as shown by sample collected on 3/4/04.

CURRENT STATUS: TERMINATED STATUS DATE: 4/21/2004
REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed. Violation abated.

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Entity to whom violation(s) were issued: Keystone Coal Mining Corporation

PERMIT NO: 03793072 MSHA NO: 36-02854 MSHA DATE: n/a
VIOLATION NO: 041013 DATE VIOL. ISSUED: 3/4/2004 ISSUED BY: PA DEP
VIOLATION NPDES discharge 012 exceeded manganese limits as shown by sample collected on 2/18/04.

CURRENT STATUS: TERMINATED STATUS DATE: 3/16/2004
REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with manganese discharge limit.

ABATEMENT ACTIONS: Required work completed. Violation abated.

PERMIT NO: 03841305 MSHA NO: 36-00821 MSHA DATE: n/a
VIOLATION NO: 041011 DATE VIOL. ISSUED: 2/25/2004 ISSUED BY: PA DEP
VIOLATION Allowed slurry line to discharge to unnamed tributary.

CURRENT STATUS: TERMINATED STATUS DATE: 2/26/2004
REQUIRED ACTIONS: Repair slurry line and operate facilities to prevent siltation and pollution.

ABATEMENT ACTIONS: Required work completed.

PERMIT NO: 03951601 MSHA NO: 36-00821 MSHA DATE: n/a
VIOLATION NO: 051004 DATE VIOL. ISSUED: 1/18/2005 ISSUED BY: PA DEP
VIOLATION Discharge exceeded effluent limits at outfall KCP-SP-6.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Provide adequate treatment to ensure compliance with effluent limits.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: **Laurel Run Mining Company**

PERMIT NO:	O-1039-90	MSHA NO:	46-03080	MSHA DATE:	05/09/90
VIOLATION NO:	O-1039-90 (3)	DATE VIOL. ISSUED:	1/13/2004	ISSUED BY:	WV DEP
VIOLATION	Permittee failed to maintain a valid NPDES permit.				

CURRENT STATUS:	TERMINATED	STATUS DATE:	2/18/2004
REQUIRED ACTIONS:	Obtain a valid NPDES permit.		

ABATEMENT ACTIONS: Company submitted a timely renewal application. DEP failed to renew NPDES permit on time. Violation terminated. Penalty vacated.

PERMIT NO:	U-139-83	MSHA NO:	n/a	MSHA DATE:	n/a
VIOLATION NO:	U-139-83 (10)	DATE VIOL. ISSUED:	9/16/2003	ISSUED BY:	WV DEP
VIOLATION	Began disturbance on area covered by IBR#7 before approval.				

CURRENT STATUS:	TERMINATED	STATUS DATE:	12/23/2003
REQUIRED ACTIONS:	Cease activity in disturbed area until IBR approval. Initiate reclamation if approval is not forthcoming.		

ABATEMENT ACTIONS: Terminated due to approval of IBR#7.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (27) DATE VIOL. ISSUED: 7/26/2005 ISSUED BY: WV DEP
VIOLATION Failed to timely certify Sediment Pond AB and Ditch 12 (sec A - E)

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Certify sediment control structures as required.

ABATEMENT ACTIONS:

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (25) DATE VIOL. ISSUED: 6/23/2005 ISSUED BY: WV DEP
VIOLATION Failed to keep reclamation concurrent at Conners Run Refuse pile.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Finish grading, topsoil, seed and mulch the 770' bench and the
outslope immediately above the ditch.

ABATEMENT ACTIONS: Extended by inspector to 8/19/05.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (26) DATE VIOL. ISSUED: 6/23/2005 ISSUED BY: WV DEP
VIOLATION Failed to properly spread and compact refuse in layers as approved
by permit.

CURRENT STATUS: PENDING STATUS DATE:
REQUIRED ACTIONS: Smooth and compact all rough areas on refuse pile. Place refuse
in lifts not to exceed 2 feet in thickness.

ABATEMENT ACTIONS: Extended by inspector to 8/19/05.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (24) DATE VIOL. ISSUED: 3/17/2005 ISSUED BY: WV DEP
VIOLATION Failed to maintain drainage system

CURRENT STATUS: TERMINATED STATUS DATE: 4/19/2005
REQUIRED ACTIONS: Clean culvert and remove berm as noted to allow proper drainage.

ABATEMENT ACTIONS: Required work complete. Violation terminated 4/19/05.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (23) DATE VIOL. ISSUED: 1/14/2005 ISSUED BY: WV DEP
VIOLATION Discharge from Pond 2 (outlet006) failed to meet NPDES permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 1/18/2005
REQUIRED ACTIONS: Stop flow from Pond 2 or treat discharge to meet permit limits.

ABATEMENT ACTIONS: Required work complete. Pond pumped down and no longer discharging non-compliant water. Violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (22) DATE VIOL. ISSUED: 9/17/2004 ISSUED BY: WV DEP
VIOLATION Discharge from Pond 2 (outlet006) failed to meet NPDES permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 9/20/2004
REQUIRED ACTIONS: Stop flow from Pond 2 or treat discharge to meet permit limits.

ABATEMENT ACTIONS: Required work complete. Pond discharge meets permit limits. Violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (21) DATE VIOL. ISSUED: 9/10/2004 ISSUED BY: WV DEP
VIOLATION Discharge from Pond 2 (outlet006) failed to meet NPDES permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 9/14/2004
REQUIRED ACTIONS: Stop flow from Pond 2 or treat discharge to meet permit limits.

ABATEMENT ACTIONS: Required actions completed, violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (20) DATE VIOL. ISSUED: 4/13/2004 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain Graveyard Run access road.

CURRENT STATUS: TERMINATED STATUS DATE: 5/17/2004
REQUIRED ACTIONS: Repair slips, ditch, road surface and culverts of Graveyard run access road.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (19) DATE VIOL. ISSUED: 4/13/2004 ISSUED BY: WV DEP
VIOLATION Failed to construct certain Conners Run Refuse area ditches and diversions according to approved plan.

CURRENT STATUS: TERMINATED STATUS DATE: 7/9/2004
REQUIRED ACTIONS: Install and certify ditches and diversion in accordance with approved plan or "as-built".

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (18) DATE VIOL. ISSUED: 4/13/2004 ISSUED BY: WV DEP
VIOLATION Failed to certify that Haulroad 1 was built as per approved plans.

CURRENT STATUS: TERMINATED STATUS DATE: 7/9/2004
REQUIRED ACTIONS: Install and certify Haulroad 1 in accordance with approved plan or "as-built".

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (17) DATE VIOL. ISSUED: 8/7/2003 ISSUED BY: WV DEP
VIOLATION Failed to maintain access road from refuse toe drain to collection area in Graveyard Run.

CURRENT STATUS: TERMINATED STATUS DATE: 10/23/2003
REQUIRED ACTIONS: Return road to design standards.

ABATEMENT ACTIONS: Required work completed. Violation terminated 10/23/03.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (16) DATE VIOL. ISSUED: 4/23/2003 ISSUED BY: WV DEP
VIOLATION Failed to follow approved plan for stages of refuse placement at Conner's Run refuse site

CURRENT STATUS: TERMINATED STATUS DATE: 1/29/2004
REQUIRED ACTIONS: Follow approved plan or submit permit modification.

ABATEMENT ACTIONS: Permit Revision #2 has been approved -violation terminated.

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Entity to whom violation(s) were issued: **McElroy Coal Company**

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (15) DATE VIOL. ISSUED: 3/5/2003 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain east haulroad at entrance from Fish Creek Road.

CURRENT STATUS: TERMINATED STATUS DATE: 3/26/2003
REQUIRED ACTIONS: Repair and regrade haulroad to design standards; clean out road culvert and install small sump to prevent siltation.

ABATEMENT ACTIONS: Required actions completed.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (14) DATE VIOL. ISSUED: 2/5/2003 ISSUED BY: WV DEP
VIOLATION Discharging water high in iron from pond 023.

CURRENT STATUS: TERMINATED STATUS DATE: 2/7/2003
REQUIRED ACTIONS: Treat water to meet iron effluent standards

ABATEMENT ACTIONS: Required actions completed.

PERMIT NO: O-1023-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: O-1023-92 (13) DATE VIOL. ISSUED: 12/19/2002 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain sediment control structure.

CURRENT STATUS: TERMINATED STATUS DATE: 1/9/2003
REQUIRED ACTIONS: Repair diversion ditch break over. Re-establish, clean out and upgrade south ditch.

ABATEMENT ACTIONS: Required actions completed - violation terminated.

PERMIT NO: U-1026-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: U-1026-92 (3) DATE VIOL. ISSUED: 4/14/2004 ISSUED BY: WV DEP
VIOLATION Allowed indiscriminate dumping of non-coal wastes at site.

CURRENT STATUS: TERMINATED STATUS DATE: 5/17/2004
REQUIRED ACTIONS: Pick up all litter and junk around the site.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: U-1026-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
VIOLATION NO: U-1026-92 (2) DATE VIOL. ISSUED: 4/14/2004 ISSUED BY: WV DEP
VIOLATION Failed to certify the Blakes Ridge diversion ditches and access roads.

CURRENT STATUS: TERMINATED STATUS DATE: 5/10/2005
REQUIRED ACTIONS: Install and certify ditches and diversion in accordance with approved plan or "as-built".

ABATEMENT ACTIONS: Required work completed, violation terminated 5/10/2005.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (50) DATE VIOL. ISSUED: 6/13/2005 ISSUED BY: WV DEP
VIOLATION Temporary sediment control structures failed to control solids runoff at 5N #1 airshaft construction site.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
REQUIRED ACTIONS: Add necessary additional temporary control structures.

ABATEMENT ACTIONS: Required work complete, violation terminated 7/19/2005.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (49) DATE VIOL. ISSUED: 5/27/2005 ISSUED BY: WV DEP
VIOLATION Failed to maintain sediment control structures by allowing a breach in abutment channel D2.

CURRENT STATUS: TERMINATED STATUS DATE: 7/19/2005
REQUIRED ACTIONS: Repair slip, re-install channel D2 and re-certify channel D2.

ABATEMENT ACTIONS: Required work complete, violation terminated 7/19/2005.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (48) DATE VIOL. ISSUED: 5/10/2005 ISSUED BY: WV DEP
VIOLATION NPDES Outlet 005 effluent exceeded suspended solids permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 5/11/2005
REQUIRED ACTIONS: Provide necessary treatment to achieve effluent limits.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (47) DATE VIOL. ISSUED: 6/24/2004 ISSUED BY: WV DEP
VIOLATION NPDES Outlet 409 effluent exceeded fecal coliform permit limits.

CURRENT STATUS: TERMINATED STATUS DATE: 8/16/2004
REQUIRED ACTIONS: Provide necessary treatment to achieve effluent limits.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (45) DATE VIOL. ISSUED: 4/8/2004 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain diversion ditch CD-1.

CURRENT STATUS: TERMINATED STATUS DATE: 3/18/2005
REQUIRED ACTIONS: Repair ditch to approved design and recertify.

ABATEMENT ACTIONS: Required work completed, violation terminated 3/18/2005.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (46) DATE VIOL. ISSUED: 4/8/2004 ISSUED BY: WV DEP
VIOLATION Pump discharge near outlet 408 exceeded total suspended solids effluent limit.

CURRENT STATUS: TERMINATED STATUS DATE: 4/9/2004
REQUIRED ACTIONS: Provide necessary treatment or cease pump discharge.

ABATEMENT ACTIONS: Pump discharge ceased. Violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (44) DATE VIOL. ISSUED: 10/24/2003 ISSUED BY: WV DEP
VIOLATION Failed to submit annual certified impoundment inspection reports.

CURRENT STATUS: TERMINATED STATUS DATE: 11/25/2003
REQUIRED ACTIONS: Obtain required certifications and submit.

ABATEMENT ACTIONS: Annual certifications have been submitted and approved.

23-Aug-05

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (41) DATE VIOL. ISSUED: 8/27/2003 ISSUED BY: WV DEP
VIOLATION Failed to maintain signs and markers as required.

CURRENT STATUS: TERMINATED STATUS DATE: 11/24/2003
REQUIRED ACTIONS: Install, replace or correct signs as per regulations.

ABATEMENT ACTIONS: Signs have been installed. Violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (42) DATE VIOL. ISSUED: 8/27/2003 ISSUED BY: WV DEP
VIOLATION Failed to certify drainage system and access roads at specified facility sites.

CURRENT STATUS: TERMINATED STATUS DATE: 4/28/2004
REQUIRED ACTIONS: Certify drainage control structures and access roads in accordance with approved pre-plan or appropriate "as-built" certifications.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (43) DATE VIOL. ISSUED: 8/27/2003 ISSUED BY: WV DEP
VIOLATION Allowed dumping or discarding of non-coal wastes at Fish Creek Portal Area.

CURRENT STATUS: TERMINATED STATUS DATE: 4/19/2005
REQUIRED ACTIONS: Remove and properly discard all non-coal wastes.

ABATEMENT ACTIONS: Required work completed, violation terminated 4/18/2005.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (40) DATE VIOL. ISSUED: 6/11/2003 ISSUED BY: WV DEP
VIOLATION Failed to submit drainage control certifications at 5S 1L Bleeder Shaft site before surface disturbances started.

CURRENT STATUS: TERMINATED STATUS DATE: 1/23/2004
REQUIRED ACTIONS: Submit and obtain approved certifications.

ABATEMENT ACTIONS: Required work completed - violation terminated.

23-Aug-05

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (39) DATE VIOL. ISSUED: 6/6/2003 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain drainage control structure at the 5North #1 airshaft site.

CURRENT STATUS: TERMINATED STATUS DATE: 7/25/2003
REQUIRED ACTIONS: Repair control structure to as certified condition. Regrade, seed and mulch all disturbed areas.

ABATEMENT ACTIONS: Required work has been completed, violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (38) DATE VIOL. ISSUED: 3/5/2003 ISSUED BY: WV DEP
VIOLATION Failed to properly maintain pond embankment at 5N #1 Airshaft

CURRENT STATUS: TERMINATED STATUS DATE: 4/29/2003
REQUIRED ACTIONS: Repair slip on pond embankment.

ABATEMENT ACTIONS: Required work completed; violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (37) DATE VIOL. ISSUED: 12/19/2002 ISSUED BY: WV DEP
VIOLATION Off-site area disturbed by waste concrete dust.

CURRENT STATUS: TERMINATED STATUS DATE: 1/10/2003
REQUIRED ACTIONS: Clean up waste material, stabilize, seed and mulch area. Re-establish berm.

ABATEMENT ACTIONS: Required work has been completed - violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
VIOLATION NO: U-33-83 (36) DATE VIOL. ISSUED: 11/8/2002 ISSUED BY: WV DEP
VIOLATION Area disturbed off permit by de-gas borehole.

CURRENT STATUS: TERMINATED STATUS DATE: 5/20/2003
REQUIRED ACTIONS: Modify permit to include de-gas borehole site.

ABATEMENT ACTIONS: Permit IBR 31 approved; violation terminated.

23-Aug-05

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Entity to whom violation(s) were issued: McElroy Coal Company

PERMIT NO:	U-33-83	MSHA NO:	46-01437	MSHA DATE:	n/a
VIOLATION NO:	U-33-83 (35)	DATE VIOL. ISSUED:	9/26/2002	ISSUED BY:	WV DEP
VIOLATION	Area disturbed by construction before all sediment controls were in place				
CURRENT STATUS:	TERMINATED			STATUS DATE:	10/4/2002
REQUIRED ACTIONS:	Complete and certify drainage control system.				
ABATEMENT ACTIONS:	Required actions completed - violation terminated.				

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Entity to whom violation(s) were issued: Quarto Mining Company

PERMIT NO:	D-0433	MSHA NO:	33-01157	MSHA DATE:	00/00/00
VIOLATION NO:	24359	DATE VIOL. ISSUED:	3/18/2003	ISSUED BY:	OH DOR
VIOLATION	Pond 8 discharge exceeded pH and iron permit limits.				

CURRENT STATUS:	TERMINATED	STATUS DATE:	3/21/2003
REQUIRED ACTIONS:	Treat water so that discharge is in compliance with NPDES limits.		

ABATEMENT ACTIONS: Required work completed. Violation terminated.