

Incoming C/015/015
CC: PFO

U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING Mine Site Evaluation State Program



<p>1. Permittee/Person CONSOLIDATION COAL CO.</p> <p>2. Address P.O. BOX 566</p> <p>3. City Sesser</p> <p>4. State IL</p> <p>5. Zip Code 62884</p> <p>6. Phone Number (618) 625-6850</p> <p>7. Operator Name, if Different than Permittee EMERY DEEP MINE</p> <p>8. Mine Name EMERY DEEP MINE</p>	<p>9. Permit Number UT-015-015</p> <p>10. Permit Type PP</p> <p>11. Field Visit Date 02/15/2006 <small>mm - dd - yyyy</small></p> <p>12. Purpose O</p> <p>13. SRA Present Y</p> <p>14. Permit Status A</p> <p>15. Site Status AP</p> <p>16. Facility Type BEFG</p> <p>17. OSM Office # 140</p> <p>18. CCID # </p> <p>19. Land Code F</p> <p>20. M.S.H.A ID # 42-00079</p> <p>21. State Abrev. UT</p> <p>22. County Name EMERY</p> <p>23. AVS Permittee Entity ID Number 107373</p> <p>24. State Office </p>
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<p>25. Hours</p> <p>4.0 a. Permit Review</p> <p>5.0 b. Site Visit Time</p> <p>12.0 c. Travel Time</p> <p>1.5 d. Report Writing</p>	<p>26. Signature Block</p> <p style="text-align: center;"><i>Henry Austin</i> Signature: 2/21/06</p> <p style="text-align: center;">HENRY AUSTIN ID # 116</p> <p>Printed Name: _____</p> <p>Date: 02/21/2006</p>	<p>27. Reviewing Official:</p> <p style="text-align: center;"><i>J. Fulmer</i> Signature: _____</p> <p>Review Date: 3/1/06 <small>mm - dd - yyyy</small></p> <p>Is Supplemental MSE Page Used Y/N Y</p>
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Permit Type — Item 10 IP = Interim Program, PP = Permanent Program, NP = No Permit

Purpose Type Codes Item 12

Oxx.... Oversight	RFx.... Reclamation Fees	CCR.... Citizen Complaint Referral (non site visit)
Axx.... Assistance	Fxx..... Federal Actions	CC..... Citizen Complaint (initial site visit)
		CCF.... Citizen Complaint Follow-up

Joint Inspection — Item 13 A joint inspection is when a state inspector accompanies an OSM inspector any time during the review of the mine site.

Permit Status — Item 14

<p>A.... Active: Coal mining and reclamation activities occurring or permitted but not yet disturbed.</p> <p>IN.... Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit) Coal mining completed and reclamation activities initiated.</p> <p>BR... Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release.)</p>	<p>AB.... Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g)</p> <p>AB1.. Bond Forfeiture: Bond forfeiture officially in process or completed, and reclamation in progress or not yet commenced.</p> <p>AB2.. Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.</p> <p>AB3.. Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.</p> <p>NA... Not Applicable: When site is unpermitted.</p>	<p>NS.. Non-Site Visit: Status of site not determined.</p> <p>FP.. Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.</p> <p>FR.. Forfeited and Reclaimed: Forfeiture reclamation completed.</p> <p>FO.. Abandoned Site: Abandoned site that is permitted but there is no bond.</p> <p>WC.. Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.</p>
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Site Status Codes — Item 15

<p>ND... No Disturbance: No coal mining and reclamation operations have been started.</p> <p>EX... Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.</p> <p>AP.. Active Coal Producing: Coal surface mining activities are occurring.</p> <p>AN.. Active Non-Producing: Active non-producing facility such as tippie or preparation plant.</p> <p>NM.. No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.</p>	<p>MC.. Mining Complete: No mining activity on site, site regraded and awaiting phase bond release.</p> <p>TC.. Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.131(b).</p> <p>P1... Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.</p> <p>P2.. Phase II Release: At least Phase II bond release for the entire permitted area.</p> <p>P3.. Phase III Release: Reclamation completed and the RA has released all bond.</p>	<p>NS.. Non-Site Visit: Status of site not determined.</p> <p>FP.. Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.</p> <p>FR.. Forfeited and Reclaimed: Forfeiture reclamation completed.</p> <p>FO.. Abandoned Site: Abandoned site that is permitted but there is no bond.</p> <p>WC.. Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.</p>
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Facility Type Codes — Item 16

<p>A... Surface</p> <p>B... Underground</p> <p>C... Preparation Plant</p>	<p>D... Ancillary (Haulroad, Conveyor, and/or Rails)</p> <p>E... Refuse and/or Impoundment</p> <p>F... Loading Facility and/or Tippie</p> <p>G... Stockpiles</p>	<p>H... Exploration Permits</p> <p>I... Notice of Intent to Explore</p> <p>J... Exempt 16 and 2/3</p> <p>K... Government Financed Construction Exemption</p> <p>L... Remaining site permitted under 30 CFR 785.25</p>
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Small Business Regulatory Enforcement Fairness Act (SBREFA) Your Comments Are Important

MAR 06 2006

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to help small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

DIV OF OIL, GAS & MINING

RECEIVED

U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

Mine Site Evaluation

State Program

Permittee/
Person

CONSOLIDATION COAL

Permit
Number

UT-015-015

Field Visit
Date

02/15/2006

Continuation Page

28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited

<p>A. Administrative</p> <ol style="list-style-type: none"> 1. <u>1</u> Mining within Valid Permit 2. <u>1</u> Mining within Bonded Area 3. <u>2</u> Terms & Conditions of Permit 4. <u>1</u> Liability Insurance 5. <u>1</u> Ownership and Control 6. <u>1</u> Temporary Cessation 7. <u>1</u> AML Rec. Fees -- Non-Respondent 8. <u>1</u> AML Rec. Fees -- Failure to Pay <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 1. <u>1</u> Drainage Control 2. <u>1</u> Inspections & Certifications 3. <u>1</u> Siltation Structures 4. <u>1</u> Discharge Structures 5. <u>1</u> Diversions 6. <u>1</u> Effluent Limits 7. <u>1</u> Ground Water Monitoring 8. <u>1</u> Surface Water Monitoring 9. <u>1</u> Drainage -- Acid-Toxic Materials 10. <u>1</u> Impoundments 11. <u>1</u> Stream Buffer Zones <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <u>1</u> Removal 2. <u>1</u> Substitute Materials 3. <u>1</u> Storage and Protection 4. <u>1</u> Redistribution 	<p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 1. <u>1</u> Exposed Openings 2. <u>1</u> Contemporaneous Reclamation 3. <u>1</u> Approximate Original Contour 4. <u>1</u> Highwall Elimination 5. <u>3</u> Steep Slopes (includes downslope) 6. <u>1</u> Handling of Acid & Toxic Materials 7. <u>1</u> Stabilization (rills and gullies) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <u>3</u> Placement 2. <u>3</u> Drainage Control 3. <u>3</u> Surface Stabilization 4. <u>3</u> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 1. <u>1</u> Drainage Control 2. <u>1</u> Surface Stabilization 3. <u>1</u> Placement 4. <u>1</u> Inspections and Certifications 5. <u>1</u> Impounding Structures <p>G. Use Of Explosives</p> <ol style="list-style-type: none"> 1. <u>3</u> Blaster Certification 2. <u>3</u> Distance Prohibitions 3. <u>3</u> Blast Survey/Schedule 4. <u>3</u> Warnings & Records 5. <u>3</u> Control of Adverse Effects 	<p>H. <u>1</u> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 1. <u>1</u> Road Construction 2. <u>1</u> Certification 3. <u>1</u> Drainage 4. <u>1</u> Surfacing and Maintenance 5. <u>1</u> Reclamation <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <u>1</u> Signs 2. <u>1</u> Markers <p>K. <u>1</u> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <u>1</u> Vegetative Cover 2. <u>1</u> Timing <p>M. <u>1</u> Postmining Land Use</p> <p>N. Other</p> <table border="0" style="width: 100%;"> <tr> <td style="text-align: right;">General</td> <td style="width: 20px;"></td> </tr> <tr> <td style="text-align: right;">Performance</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: right;">Category</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> <td style="text-align: center;">1)</td> <td colspan="2">_____</td> </tr> <tr> <td></td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> <td style="text-align: center;">2)</td> <td colspan="2">_____</td> </tr> <tr> <td></td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> <td style="text-align: center;">3)</td> <td colspan="2">_____</td> </tr> </table>	General						Performance						Category							___	___	1)	_____			___	___	2)	_____			___	___	3)	_____	
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Performance Standard Categories 30 CFR Counterpart

<p>A. Administrative.....</p> <ol style="list-style-type: none"> 1. Valid Permit.....773.11 2. Mining within Bonded Area.....773.11 3. Terms & Conditions of Permit.....773.17 4. Liability Insurance.....800.60 5. Ownership and Control.....778.13 6. Temporary Cessation.....842.11(e) & 816/817.131 7. AML Rec. Fees -- Non-Respondant.....870.15(b) 8. AML Rec. Fees -- Failure to Pay.....870.15(a) <p>B. Hydrologic Balance.....(816/817.41-57)</p> <ol style="list-style-type: none"> 1. Drainage Control.....45 2. Inspections & Certifications.....49(a)(10) 3. Siltation Structures.....46 4. Discharge Structures.....47 5. Diversions.....43 6. Effluent Limits.....42 7. Ground Water Monitoring.....41(c) 8. Surface Water Monitoring.....41(e) 9. Drainage--Acid - Toxic Materials.....41(f) 10. Impoundments.....49 11. Stream Buffer Zones.....57 <p>C. Topsoil & Subsoil.....(816/817.22)</p> <ol style="list-style-type: none"> 1. Removal.....22(a) 2. Substitute Materials.....22(c) 3. Storage and Protection.....22(c) 4. Redistribution.....22(d) <p>D. Backfilling & Grading.....(816/817.95-107)</p> <ol style="list-style-type: none"> 1. Exposed Openings.....816/817.13, 14, 15, & 823.11 & 21 2. Contemporaneous Reclamation.....100 3. Approximate Original Contour.....102(a)(1) 4. Highwall Elimination.....102(a)(2) 5. Steep Slopes (includes downslope).....107 6. Handling of Acid & Toxic Materials.....102(c) 7. Stabilization (rills and gullies).....95(b) 	<p>E. Excess Spoil Disposal.....(816/817.71-74)</p> <ol style="list-style-type: none"> 1. Placement.....71(e) 2. Drainage Control.....71(f) 3. Surface Stabilization.....71(g) 4. Inspections & Certifications.....71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments)(816/817.81-84)</p> <ol style="list-style-type: none"> 1. Drainage Control.....83(a) 2. Surface Stabilization.....83(b) 3. Placement.....83(c) 4. Inspections and Certifications.....83(d) 5. Impounding Structures.....84 <p>G. Use of Explosives.....(816/817.61-68)</p> <ol style="list-style-type: none"> 1. Blaster Certification.....61(c) 2. Distance Prohibitions.....61(d) 3. Blast Survey/Schedule.....62-64 4. Warnings & Records.....66 & 68 5. Control of Adverse Effects.....67 <p>H. Subsidence Control Plan.....(817.121-122)</p> <p>I. Roads.....(816/817.150-151)</p> <ol style="list-style-type: none"> 1. Road Construction.....150(c) 2. Certification.....151(a) 3. Drainage.....150(b)-151(d) 4. Surfacing and Maintenance.....150(e)-151(d) 5. Reclamation.....150(f) <p>J. Signs & Markers(816/817.11)</p> <ol style="list-style-type: none"> 1. Signs.....11(a),(b),&(c) 2. Markers.....11(a),(b),(d),(e),&(f) <p>K. Distance Prohibitions.....(761.11)</p> <p>L. Revegetation.....(816/817.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover.....111 & 116 2. Timing.....113 <p>M. Postmining Land Use.....(816/817.133)</p>
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U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

Mine Site Evaluation

State Program
Continuation Page

Permittee/Person: **CONSOLIDATION COAL CO.** Permit Number: **UT-015-015** Field Visit Date: **02/15/2006**

29. Off-Site Impact Data and Identified Violation Data.

List all Ten-Day Notice actions and all Federal NOV or CO actions taken or reviewed during this current OSM site visit. List the off-site impacts associated with either State or Federal actions taken during this site visit.

1. A. Specific State Law/Regulations Violated: **R645-300-100**

B. Description: **Failure to operate within the terms and conditions of the permit.**

C. Performance Standard: **A3** D. Abated (Y/N): **N**

E. OSM Action: **1** F. OSM Action Number: Viol.#:

G. Optional: H. Any Off-Site Impacts Y/N: **N**

I. Latitude: **°00'00"** J. Longitude: **°00'00"** K. Elevation:

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. A. Specific State Law/Regulations Violated: _____

B. Description: _____

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol.#:

G. Optional: H. Any Off-Site Impacts Y/N:

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. A. Specific State Law/Regulations Violated: _____

B. Description: _____

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol.#:

G. Optional: H. Any Off-Site Impacts Y/N:

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. A. Specific State Law/Regulations Violated: _____

B. Description: _____

C. Performance Standard: D. Abated (Y/N):

E. OSM Action: F. OSM Action Number: Viol.#:

G. Optional: H. Any Off-Site Impacts Y/N:

I. Latitude: J. Longitude: K. Elevation:

L. Off-Site Impacts				
	People	Land	Water	Structures
Blasting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Encroachment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OSM Action

- 1) Deferred to State Action
- 2) TDN Issued
- 3) NOV Issued
- 4) FTA-CO Issued
- 5) IH-CO Issued (Imminent Environmental Harm)
- 6) ID-CO Issued (Imminent Danger to Public)
- 7) Previously Cited by RA, Abatement Pending
- 8) Abated during or before OSM Inspection
- 9) Follow-up of Federal Action

Off-Site Impacts

For each type of impact and resource affected, enter "N, D, or J" to describe the degree of off-site impact:
 N - Minor Occurrence
 D - Moderate Occurrence
 J - Major Occurrence

February 16, 2006

Consolidation Coal Company (Consol)
PO Box 566
Sesser, IL 62884

Emery Deep Mine
Complete, oversight inspection
February 15, 2006

Participants:

Russell Hardy, Consol
Steve Demczak, Utah Division of Oil, Gas, and Mining (OGM)
Henry Austin, Office of Surface Mining (OSM)

I participated in a complete, joint, inspection of the Emery Deep Mine with the above participants on February 15, 2006. Weather conditions were clear and cool with light winds, and ground conditions were dry. This mine was selected by the OGM / OSM Evaluation Team for inspection during the 2006 evaluation year. There were no offsite impacts identified during the inspection.

I reviewed permitting, inspection, and correspondence records for this mine at the OGM Salt Lake City office public information center on February 14, 2006. I noted the following during my review: 1/6/2006 letter from OGM to Consol approving the permit renewal (Permit term 1/6/06 through 1/7/2011) with one permit condition (The condition requires electronic, on line submittal of water monitoring data to OGM.); 1/6/2006 letter from Consol to OGM transmitting the second batch of maps to satisfy a condition in the OGM 6/1/2005, 1st North IBC approval; 12/20/2006 OGM memo indicating the Consol 3rd quarter water monitoring submittal has been uploaded by OGM; 12/14/2006 OGM inspection discussing the existing AVF boundary, Consol soil sampling and piezometer installation, and Consol's intent to submit information to narrow the existing AVF boundary; the most recent OGM Technical Analysis (TA) dated 11/4/2005 was completed during the permit renewal action noted above, and was briefly reviewed including the "Summary of Commitments" made in the TA (There are 3 commitments, each requiring one or more information submittal steps, or the like, to complete.); and finally I reviewed the 12/22/03 Reclamation Agreement and surety bond # 188617 in the amount of \$3,454,443 and total reclamation liability at the Emery Deep Mine complex shown as \$2,208,000.

Mr. Demczak began the inspection on Feb. 15 by conducting a thorough review of permitting and environmental monitoring records at the Emery Deep Mine offices. We reviewed the following: sediment pond inspections documented through the 3rd quarter of 2005 (9/30/05) and the annual sediment pond re-certifications dated 11/02/05 with no major problems noted; storm water management inspection for UPDES UT 0022616 dated 12/6/05; DMR's are current and have been submitted through Jan 2006. On 10/2/05 the Utah Division of Water Quality (DWQ) took a grab sample at one of the mine water pumpage ponds, and it exceeded the iron effluent limit (1.77 mg/l is over the approved limit of 1.25 mg/l, a citation was not issued by DWQ). Mr. Hardy indicated he thought this exceedence was due to a pump change out for this pond and the associated rust. Coal refuse pile inspections are current with no problems noted.

Emery Deep Mine, pg. 2

This discharge was sampled again by Utah DWQ 11/30/05 and was found in compliance. Liability insurance is held current through 11/05/06. We reviewed a 1/23/04 letter from Utah DWQ to Consol. that administratively extends the expired UPDES permit. The letter indicates that DWQ is recalculating the "salt units" portion(s) of the UPDES permit, and presumably this recalculation is the only reason delaying the permit re-issuance.

Finally, we spent time reviewing and discussing the Emery Deep Mine TA "Summary of Commitments". It appears from the documents we reviewed that on May 11, 2005, Consol. provided subsidence control-public notification letters (Public Notice of Proposed Mining at Utah Rule R645-301-525.700) to the Emery County Water Conservancy District as required, and to Consol. as surface landowners. We discussed the need to provide this notice to the Christiansen property owners "at least 6 months prior to, or within that period if approved by the Division," *We did not find evidence during the inspection that the Christiansen notification has been provided; and we decided Mr. Demczak will make this determination in further discussion with Consol. after the inspection.* We discussed the subsidence cracks repair beginning last Fall over the 2nd South Panel. Secondary mining-pillar recovery was approved and implemented for 2nd South. in 2005, that resulted in the subsidence cracks. We did not see the repaired subsidence cracks during the inspection.

We began the field inspection at the equipment storage yards, sediment ponds, stockpiles, and the non-coal waste disposal area located around the office buildings complex. No problems were noted in this area. Current coal extraction and the active coal stockpile is located at the 4th East Portal, and active coal mining is not occurring at this time through the original portals located at the office complex. We inspected the coal refuse pile, and associated sediment pond with no problems noted.

We next inspected the subsidence cracks above the 1st South pillar extraction area. Cracks are minor, and we discussed not reclaiming them unless they become a trip and fall hazard for wildlife and humans. No troughs or other depressions were noted associated with the subsidence cracks here.

We inspected the 4th East Portal facility. A large wind barrier-net has been installed on the west side of the coal stockpile that appears to be effective. Mr. Hardy pointed out modifications including earthen berms, and steel plates attached to metal livestock gates, being made to the base of the netting to protect it from the coal stockpile and make it more effective. The sediment pond is being cleaned out to restore sediment storage capacity, and no problems were evident there. Roadside ditches have been maintained and appeared functional. The topsoil stockpile is bermed for protection and appeared stable. Mr. Demczak ordered the removal of old belting, metal piping, and debris from the roadside ditches at the northwest corner of the disturbance area; and also by the small berm just west of the coal sampling building.

Emery Deep Mine, pg. 3

We concluded the inspection observing the discharge of the mine water pond 6 (UPDES outfall 003). The discharge was clear, and was not sampled during the inspection. This pond is one of two mine water discharge ponds, and the only one operational at this time. The discharge flows to Quitchapah Creek.

This concluded the inspection. We returned to the mine office where Mr. Demczak inquired about OGM approval and mapping of the new coal sampling building at the 4th East portals, and discussed other aspects of the inspection with Mr. Hardy. I spoke to Mr. Demczak on Feb. 16, and he indicated he was issuing OGM-Notice of Violation 06-39-2-1 for failure to receive OGM permitting approval prior to installation of the coal sampling facility.

Please address any questions concerning this inspection report to Henry Austin, Senior Reclamation Specialist, at haustin@osmre.gov or to (303) 844-1400 x1466.