



State of Utah
Department of
Natural Resources

MICHAEL R. STYLER
Executive Director

Division of
Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Inspection Report

Representatives Present During the Inspection:		
OGM	Priscilla Burton	Environmental Scientist III
OGM	Joe Helfrich	Environmental Scientist III
Company	John Gefferth	Environmental Engineer
Company	Russell Hardy	

Permit Number:	C0150015
Inspection Type:	TECHNICAL
Inspection Date:	Thursday, May 31, 2007
Start Date/Time:	5/31/2007 11:00:00 AM
End Date/Time:	5/31/2007 2:30:00 PM
Last Inspection:	Thursday, May 17, 2007

Inspector: Priscilla Burton, Environmental Scientist III

Weather: sun 70 F

InspectionID Report Number: 1312

Accepted by: whedberg
 6/8/2007

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

Current Acreages

5,568.00	Total Permitted
62.50	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- Federal
- State
- County
- Fee
- Other

Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

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

Consolidation Coal requested a field evaluation of the wetland area located in the NW1/4 NE1/4 Sec 29 T.22S., R. 6 E. (immediately above the full extraction of the 14th West panel). The location is shown on Plate VI-2/VI-2A as the location of SP 10. In attendance were those persons listed above and Hollis Jencks representing the U.S. Army Corps of Engineers and Consol's consultants: Bob Long (soils), Karla Knoop (hydrology), and Patrick Collins (vegetation). In addition the Permittee had a summer intern, Matt Hyita, attend. Doug White, Consol's Wyoming land specialist was present during our initial discussion, but did not accompany us in the field. It is Consol's intention to provide documentation to the U.S. Army Corps that this wetland does not fit the criteria for "jurisdictional" wetland.

Inspector's Signature: _____

Priscilla Burton

Priscilla Burton, Environmental Scientist III
 Inspector ID Number: 37

Date

Friday, June 01, 2007

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

REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

Administrative approval dated April 11, 2007 was granted for full extraction of the 14th west panel. An amendment to the Mining and Reclamation Plan that addresses all the requirements of the coal rules for full extraction and planned subsidence of the 14th and 15th west panels and 8th North Main was approved on May 23, 2007. The pre-subsidence survey map from this application was used as a guide to the field reconnaissance. Upon returning to the office and comparing the location of spring Sp10 on Plate VI-2/VI-2A with that shown on the Pre-Subsidence Survey Update 14th/15th West Area (Figure 1 App. V-4), it was concluded that the pre-subsidence survey (Figure 1 App. V-4) was in error. This map must be re-drawn showing the correct location of the spring. Since the May 23, 2007 conditional approval, the Division requested a revision of the hydrologic information by July 2, 2007, and perhaps this revision could be included. The pre-subsidence survey map may have to be re-sent to the appropriate parties.

9. Protection of Fish, Wildlife and Related Environmental Issues

The Division and Consol have previously discussed the effect of subsidence on wildlife habitat including wetlands. The wetland of concern is located in the NW1/4 NE1/4 Sec 29 T. 22 S. R. 6 E. Mr. Gefferth felt that the determination of whether the wetland was a jurisdictional wetland was the first approach to dealing with the issue. The assembled persons first met in the Emery Mine office and discussed the jurisdiction of the U.S. Army Corps. According to Mr. Jencks, the US Army Corps has no jurisdiction over man-made wetlands, providing that the surface owner can provide evidence that the wetland is man-made. Mr. Jencks further stated that improving a jurisdictional wetland requires a Nationwide 27 permit application. In addition, the point was made that since there would be no dredging or filling of the wetland, there is no US Army Corp regulation of the mining activity.

The Permittee described how the wetlands were the result of irrigation return flows on the pediments above. The source of the water is the Muddy Creek Irrigation Co. water shares on Muddy Creek, approximately 20 miles upstream of the mine. Mr. Gefferth reported that according to Morris Sorenson, the irrigation company has 4,500 shares of muddy creek which equates to 90 acre ft. per day. This water percolates downward and re-appears at the surface when it encounters the impermeable Mancos shale.

Then, we all drove approximately 2,000 ft. up County Road 906 and parked. We began walking up a drainage immediately west of the road, using the Pre-Subsidence Survey Update 14th/15th West Area (Figure 1 App. V-4) as our field guide. Water was flowing in the center of the draw. The soil in the bottom of the draw was supersaturated with water. I noted the following wetland obligates: cattails (*Typha*); arrowgrass (*Triglochin*); sedges (*Carex*). According to mine representatives, the flow through the wetland was due to irrigation return flow. The Permittee's representatives pointed out the location of the breached earthen dam that spanned the drainage at one time and the remnants of irrigation pipe and structures along the way. The irrigation return flow channels on the side slopes were observed to be dry. Near the head of the drainage, we observed a point in the drainage where water bubbled to the surface. This unexpected concentration of flow and its relationship to the irrigation return flow was discussed. At the head of the drainage we observed a trickle of irrigation water entering the drainage. (As noted above, Figure 1 App. V-4 did not show a spring at the head of the drainage. It was not until later, after Bob Long, Patrick Collins, Joe Helfrich, and Hollis Jencks had left that those remaining discovered that spring SP10 was at the head of the drainage as shown on Plate VI-2/VI-2A).

The MRP Chap VI, pp. 142- 143 provides information on springs in the vicinity, including spring SP10. This information was confirmed by the Division of Water Rights. The flow emanating from water right 94-30 (Spring 10) had a maximum flow of 0.672 sec.-ft. on August 20, 1951. The application for the water right was recorded a flow as 0.25 sec. - ft.

Back at the office the Permittee agreed to determine whether the source of the bubbling water was the irrigation water from above with the following methods: 1) sample the electrical conductivity of both waters, 2) apply a tracer dye to the plateau surface water, 3) determine whether irrigation piping extended down to the drainage, 4) sample the flow in the drainage monthly, 5) continue to sample flow monthly during the period of no irrigation (October 15, 2007 - mid April 2008). For determination of jurisdiction, the U.S. Army Corps also requested a map showing the boundary of mining and the area of the wetland and a calculation of how much wetland would be lost to non-jurisdictional use. The Division requested that Steve Christensen receive a copy of the sampling plan.

10. Slides and Other Damage

We observed a subsidence crack approximately one inch wide on the surface of the irrigated pasture, north of the wetland. According to Russell Hardy, the crack was perpendicular to the works below.

