

0040



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

Representatives Present During the Inspection:

Company	Russell Hardy
OGM	Karl Houskeeper Environmental Scientist III

Inspection Report

Permit Number:	C0150015
Inspection Type:	COMPLETE
Inspection Date:	Tuesday, October 23, 2007
Start Date/Time:	10/23/2007 9:00:00 AM
End Date/Time:	10/23/2007 1:00:00 PM
Last Inspection:	Tuesday, September 11, 2007

Inspector: Karl Houskeeper, Environmental Scientist III

Weather: Clear, Temp. 44 Deg. F.

InspectionID Report Number: 1443

Accepted by: dhaddock

10/31/2007

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:

Permit Conditions: Emery Deep has one permit condition. The permittee must submit water quality data in an electronic format through the Electronic Data Input web site.

Citation 10005 abatement date is September 12, 2007. The operator/permittee turned information into the Division on September 7, 2007 for review. The clock on the citation has stopped. Upon review and a decision by the Division five (5) days remain on the allotted total of 90 days to abate the violation.

Inspector's Signature:

Karl R. Houskeeper

Karl Houskeeper, Environmental Scientist III

Inspector ID Number: 49

Date

Tuesday, October 23, 2007

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

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REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

The current DOGM permit C/015/015 was issued effective 01/06/2006 and expires 01/08/2011.

-Certificate of Insurance policy number BOG 9377 215-03, issued 11/05/2006 and terminates 11/05/2007.

-UPDES permit UT-0022616 effective 12/01/2006 and expires @ midnight 11/30/2011.

-Air Quality permit DAQE-AN0229006-05, issued July 20, 2005.

-SPCC Plan dated 10/24/06. The Plan is P.E. certified, stamped, signed and dated by a Utah P.E.

2. Signs and Markers

The mine ID signs are in place and contain the required information.

4.a Hydrologic Balance: Diversions

A power pole and several rocks are contained within the reaches of the disturbed diversion ditch adjacent to the cattle guard at the 4th East Portals. The items need to be removed immediately.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

The last sediment pond's inspections were done on 08/31/2007. No problems were noted.

4.d Hydrologic Balance: Water Monitoring

Second quarter 2007 water monitoring is in the EDI website and has been uploaded. A couple of stream sites for first quarter 2007 are in the EDI website, but have not been uploaded. Third quarter 2007 water monitoring is not in the EDI website.

4.e Hydrologic Balance: Effluent Limitations

The discharge monitoring reports for July, August and September 2007 were reviewed. July's report exceeded the weight average for TDS. DEQ was notified of the July exceeded parameter. September's report exceeded the weight average for TDS and the flow limit. DEQ was notified of the two exceeded parameters for September.

7. Coal Mine Waste, Refuse Piles, Impoundments

Drainage from the refuse and or coal storage pad is going down the access road and not into the designed diversions. The drainage problem needs to be addressed to prevent further erosion of the access road.

14. Subsidence Control

Reviewed the subsidence notifications for Township 22 South, Range 6 East, SLM, Utah, Sections 21, 22, 23, 27, & 28. The notifications were sent on February 16, 2007 to the following individuals:

John Gefferth, Consol
Kenneth & Earlene Christiansen
Bret Osburn Carter
Russell H. Odle
DU Company
John L. & Vickie Byars
Wayne & Delise Staley
Morgan C. Robertson
Jay Humphrey, Emery Water Conservancy District

The subsidence reports for July, August and September 2007 were reviewed. The reports contained the information from the weekly inspections.

18. Support Facilities, Utility Installations

All diesel fuel locations checked had the hoses from the tank outside of the containment. If the hose were to become severed the contents of the tanks would drain onto the ground and not into the designed containment.

20. Air Quality Permit

The Air Quality Permit Approval Order DAQE-AN0229006-05 was issued on July 20, 2005. The permit remains effective.

21. Bonding and Insurance

Bond #188617, May 3, 1991 and signed August 30, 2005. Bond amount was \$3,454,443.00 was revised to \$2,208,000.00 on July 23, 2004.