

CONSOLIDATION COAL COMPANY

EMERY MINE

PERMIT ACT/015/015

ANNUAL REPORT FOR 2007

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GENERAL INFORMATION

Permittee Name	Consolidation Coal Company
Mine Name	Emery Deep Mine
Operator Name (If other than Permittee)	NA
Permit Expiration Date	January 6, 2011
Permit Number	015/0015
Authorized Representative Title	John Gefferth
Phone Number	(618) 625-6850
Fax Number	(618) 625-6844
E-mail Address	johngefferth@consolenergy.com
Mailing Address	P.O. Box 566, Sesser, IL 62884
Designated Representative	John Gefferth
Resident Agent	CT Corporation Systems
Resident Agent Mailing Address	50 W. Broadway, 8 th Floor, Salt Lake City, UT 84101-2006
Number of Binders Submitted	

IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-00079	Emery Mine	N/A
MSHA Impoundment(s)			
NPDES/UPDES Permit(s)	UT0022616	Minor Industrial	May, 2009
PSD Permit(s) (Air)	DAQE-AN00229004-04	Approval Order Issued 07/30/04	N/A
Other			

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06302008

CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	Required		Included or DOGM file location		Comments
	Yes	No	Included	Vol, Chapter, Page	
Excess Spoil Piles	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
Refuse Piles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		See Appendix A-1 – Annual Inspections
Other					
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If a written response is required, it should be filed under Appendix B to this report.

Admin R645-301-100	
Soils R645-301-200	
Has this commitment been acted on this year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Required for this year. <input type="checkbox"/>	<p>Title: CONTROL OF COAL FINES DEPOSITION Objective: Prevent coal fines from accumulating on undisturbed soils Frequency: monthly inspection of three transects, three sample sites each Status: Map of transect locations overdue. Monthly inspections should be ongoing during periods of production. Reports: baseline report and monthly reports to be kept onsite. (see also Division inspection report #258, 05/04/2004). Citation: Chap X-C page 5b.</p> <p><i>Response: Insignificant Revision to modify the dust control plan, Chapter X-C, page 5b was submitted for review March 26, 2008. The required map of transect locations was submitted as part of submittal. Deficiencies were found with the submittal and corrections are currently being drafted to resubmit.</i></p>
Biology R645-301-300	

<p>Has this commitment been acted on this year?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Not Required for this year. <input checked="" type="checkbox"/></p>	<p>Title: CULTURAL RESOURCES</p> <p>Objective: If during the course of mining operations, previously unidentified cultural resources are discovered, the Permittee shall ensure that the site(s) is not disturbed and shall notify the Division of Oil, Gas, and Mining. The Division, after coordination with OSM, shall inform the Permittee of necessary actions required. The Permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.</p> <p>Frequency: As needed.</p> <p>Status: Ongoing</p> <p>Reports: Annual.</p> <p>Citation: Permit Condition Sec. 16.</p>
<p>Has this commitment been acted on this year?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Not Required for this year. <input type="checkbox"/></p>	<p>Title: PROTECTION AND ENHANCEMENT PLAN</p> <p>Objective: Prior to extraction or second mining the permittee will need to revise chapter nine of the Mining and Reclamation plan. That revision will need to include a narrative and or plan that describes how wildlife will be protected and enhanced as a result of the potential impacts from subsidence. The information required updating the MRP prior to extraction or second mining must be submitted to the Division by no later than sixty days after the approval of this incidental boundary change.</p> <p>Frequency: as needed depending on the initiation of full extraction.</p> <p>Status: Ongoing</p> <p>Reports: Annual.</p> <p>Citation: Master TA, operation plan, fish and wildlife information, protection and enhancement plan, page 55.</p>
<p>Has this commitment been acted on this year?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Not Required for this year. <input type="checkbox"/></p>	<p>Title: WETLANDS AND HABITATS OF UNUSUALLY HIGH VALUE FOR FISH AND WILDLIFE</p> <p>Objective: Prior to extraction or second mining the MRP must be updated to include a protection plan for wetlands from potential impacts due to subsidence and a burrowing owl survey for the permit area expansion.</p> <p>Frequency: As needed depending on the initiation of full extraction.</p> <p>Status: Ongoing</p> <p>Reports: Annual Report</p> <p>Citation: Master TA, operation plan, fish and wildlife information, Wetlands and Habitats of Unusually High Value for Fish and Wildlife, page 56.</p>
<p>Landuse, Cultural Resources, Air Quality R645-301- 400</p>	
<p>Engineering R645-301-500</p>	
<p>Has this commitment been acted on this year?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Not Required for this year. <input type="checkbox"/></p>	<p>Title: SUBSIDENCE MONITORING</p> <p>Objective: 1a The Permittee will inspect the area outlined on Plate V-5 as full extraction areas when pillar splitting begins.</p> <p>Frequency: Monthly until there is no record of additional subsidence.</p> <p>Status: On going.</p> <p>Reports: Annual report.</p> <p>Citation: Chapter V 1 of 3 Chapter V page 36.</p>

Has this commitment been acted on this year?

Yes No

Not Required for this year.

Title: SUBSIDENCE MONITORING

Objective: New monitoring points established over partial pillar sections will be resurveyed within six months after final mining has taken place beneath them.

Frequency: As needed.

Status: On going.

Reports: Annual report.

Citation: Chapter V 1 of 3 Chapter V page 36.

Response: See Appendix B-1, for annual subsidence monitoring points survey

Has this commitment been acted on this year?

Yes No

Not Required for this year.

Title: SUBSIDENCE MONITORING

Objective: New monitoring points established over advancing sections such as mains and sub mains will be resurveyed within one year after mining has been completed beneath the station.

Frequency: As needed.

Status: On going.

Reports: Annual report.

Citation: Chapter V 1 of 3 Chapter V page 36.

Response: See Appendix B-1, for annual subsidence monitoring points survey

Has this commitment been acted on this year?

Yes No

Not Required for this year.

Title: SUBSIDENCE MONITORING

Objective: The Permittee will provide 3 copies of a subsidence monitoring report to DOGM within one month after completion of any subsidence monitoring field survey conducted pursuant to the approved subsidence control plan. Subsidence monitoring reports shall contain 1) Mine maps showing where pillars have been pulled and the month and year that such pillars were removed or partially removed, 2) Maps showing the location of survey monitoring stations and tension cracks and/or compression feature visible on the surface, 2a) The subsidence monitoring points above the areas outlined on Plate V-5 as full extraction areas will have photographs taken to record pre and post subsidence, 3) The differential level and horizontal survey summary, 4) a narrative.

Frequency: As needed.

Status: On going.

Reports: Annual report.

Citation: Chapter V 1 of 3 Chapter V page 37.

Response: Monthly reporting of subsidence inspections have been submitted electronically to various individuals within the coal regulatory program beginning June 2007. Application for an Insignificant Revision shall be submitted to modify the permit language concerning submittal of "3 copies" to filing electronic monthly reports.

Has this commitment been acted on this year?

Yes No

Not Required for this year.

Title: SUBSIDENCE MONITORING

Objective: Subsidence monitoring should, at a minimum, be established: a) at a point coincident to the geometric center of high extraction panels at least three months before mining occurs beneath the station and b) at periodic intervals over mains and sub mains at least every three months before mining activities occur beneath the station.

Frequency: As needed.

Status: On going.

Reports: Annual report.

Citation: Chapter V 1 of 3 Chapter V page 36.

Has this commitment been acted on this year?

Yes No

Not Required for this year.

Title: SUBSIDENCE MONITORING

Objective: The Permittee will establish pre-mining elevations and gradients of any irrigation ditches and pond embankments within the angle of draw. The Permittee will monitor these areas by visual inspection and post-subsidence ground survey to establish the effects of subsidence.

Frequency: As needed.

Status: On going.

Reports: Annual report.

Citation: Chapter V 1 of 3 Chapter V page 37.

Has this commitment been acted on this year?

Yes No

Not Required for this year.

Title: SUBSIDENCE MONITORING

Objective: The Permittee will update the existing pre-subsidence survey and plates six (6) months before full extraction and provide copies to the surface land owner, DOGM and the Water Conservancy District.

Frequency: As needed.

Status: On going.

Reports: Annual report.

Citation: Chapter V 1 of 3 Chapter V page 37.

Geology R645-301-600

Hydrology R645-301-700

Bonding & Insurance R645-301-800

Other Commitments

*Reminder: If equipment has been abandoned during 2007, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

CONTENTS

Annual Impoundment Inspections

Quarterly Coal Refuse Inspection

APPENDIX B

Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

CONTENTS

Annual Subsidence Survey

Raptor Survey Map

APPENDIX C

Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

CONTENTS

Department of Commerce Filing

Ownership & Control Information

APPENDIX D

Mine Maps

As required under R645-302-525-270

CONTENTS

2007 Annual Map

APPENDIX E

Other Information

In accordance with the requirements of R645-301 and R645-302

CONTENTS

To enter text, click in the box and type your response. If a box already contains an entry select the entry and type the replacement. You can use the **tab** key to move from one field to the next. To select a check box, click in the box or type an **x**.

GENERAL INFORMATION

Report Date	14 Dec 2007
Permit Number	ACT 015/015
Mine Name	Emery Mine
Company Name	Consolidated Coal Company

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Pond 1
Impoundment Number	UPDES Outfall 001
UPDES Permit Number	UT0022616
MSHA ID Number	NA

IMPOUNDMENT INSPECTION

Inspection Date	28 Nov 2007
Inspected by	R.B. White
Reason for Inspection	Annual

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

None

Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

- a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Design sediment storage volume = 10.3 AF
 60% sediment cleanout volume = 6.2 AF
 Sediment cleanout elevation = 5935.7 ft

- b. Principle and emergency spillway elevations.

Spillway elevation = 5939.3 ft
 With stop logs in place, the spillway elevation can be raise a minimum of 12 inches.

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

At the time of the inspection, the flow depth in the 9-inch Parshall flume at the pond outlet was 0.38 ft, representing 0.70 cfs. Stop logs were in place at the time of the inspection, raising the pond elevation 12 inches above the normal spillway elevation. There was no inflow at the time of the inspection. The borehole pump that discharges to this pond normally operates about 4 hours per day, during the early morning hours.

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period

The pond discharge measurement flume has begun to leak due to corrosion. The 18-inch diameter CMP downstream from this flume also leaks. The flume should be replaced and moved further downstream from the discharge chute. The new flume should be constructed of a material that will not corrode from the salinity of the water. The CMP downstream from the flume should also be replaced, probably with an HDPE culvert to avoid future corrosion.

QUALIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Richard D. Weber Date: 14 Dec 2007

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is impoundment designed and constructed in accordance with the approved plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMMENTS/ OTHER INFORMATION

Consol operates this pond and the other mine-water discharge pond (Pond 6) in a manner that allows them to meet the effluent standards. Occasional exceedances of these standards have occurred. Consol is negotiating with the Utah Division of Water Quality and is evaluating alternative uses for the mine water to ensure that effluent standards can be consistently met in the future.

CERTIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By: Richard B. White, P.E. - President, EarthFax Engineering, Inc.

Full Name and Title

Signature: Richard B. White Date 14 Dec 2007

P.E. Number & State 168246, UT

[P.E. Cert. Stamp]



*To enter text, click in the box and type your response. If a box already contains an entry select the entry and type the replacement. You can use the **tab** key to move from one field to the next. To select a check box, click in the box or type an **x**.*

GENERAL INFORMATION

Report Date	14 Dec 2007
Permit Number	ACT 015/015
Mine Name	Emery Mine
Company Name	Consolidated Coal Company

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Pond 2
Impoundment Number	UPDES Outfall 002
UPDES Permit Number	UT0022616
MSHA ID Number	NA

IMPOUNDMENT INSPECTION

Inspection Date	28 Nov 2007
Inspected by	R.B. White
Reason for Inspection	Annual

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

- 1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.**

None

Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

- a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Design sediment storage volume = 0.83 AF
 60% sediment cleanout volume = 0.50 AF
 Sediment cleanout elevation = 5903.0 ft

- b. Principle and emergency spillway elevations.

Spillway elevation = 5908.5 ft

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

Water flows into this pond via a 12-inch diameter PVC pipe, which discharges onto riprap down the inside embankment. There was neither water nor a substantial amount of sediment in the pond at the time of the inspection. Large boulders have been placed downstream from the pond outlet. No signs of erosion were observed during the inspection. The dewatering culvert has been fitted with a skimmer. The pond appears to be in good, functional shape.

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period

A small amount of soil has sloughed around the entrance to the pond dewatering pipe. This soil should be cleared away.

QUALIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Richard D. W. Lee Date: 14 Dec 2007

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is impoundment designed and constructed in accordance with the approved plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMMENTS/ OTHER INFORMATION

The pond appears to be functioning as designed.

CERTIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By: Richard B. White, P.E. - President, EarthFax Engineering, Inc.

Full Name and Title

Signature: Richard B. White Date 14 Dec 2007

P.E. Number & State 168246, UT

[P.E. Cert. Stamp]



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GENERAL INFORMATION

Report Date	14 Dec 2007
Permit Number	ACT 015/015
Mine Name	Emery Mine
Company Name	Consolidated Coal Company

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Pond 3
Impoundment Number	UPDES Outfall 005
UPDES Permit Number	UT0022616
MSHA ID Number	NA

IMPOUNDMENT INSPECTION

Inspection Date	28 Nov 2007
Inspected by	R.B. White
Reason for Inspection	Annual

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

- 1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.**

None

Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

- a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Design sediment storage volume = 1.13 AF
 60% sediment cleanout volume = 0.68 AF
 Sediment cleanout elevation = 5943.8 ft

- b. Principle and emergency spillway elevations.

Spillway elevation = 5949.2 ft

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

This pond has four 24-inch diameter inlet culverts (one CMP and three CHDPE). All inlets appear to be adequate. Only a minimal amount of water was in the pond at the time of the inspection. No substantial amount of sediment has accumulated in the pond. The open-channel spillway shows no sign of erosion. No signs of erosion were observed around the dewatering device (6-inch diameter PVC).

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period

No stability or operational concerns were noted.

QUALIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Richard Swiler Date: 14 Dec 2007

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is impoundment designed and constructed in accordance with the approved plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMMENTS/ OTHER INFORMATION

The pond appears to be functioning as designed.

CERTIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By: Richard B. White, P.E. - President, EarthFax Engineering, Inc.

Full Name and Title

Signature: Richard B. White

Date 14 Dec 2007

P.E. Number & State 168246, UT

[P.E. Cert. Stamp]



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GENERAL INFORMATION

Report Date 14 Dec 2007
Permit Number ACT 015/015
Mine Name Emery Mine
Company Name Consolidated Coal Company

IMPOUNDMENT IDENTIFICATION

Impoundment Name Pond 6
Impoundment Number UPDES Outfall 003
UPDES Permit Number UT0022616
MSHA ID Number NA

IMPOUNDMENT INSPECTION

Inspection Date 28 Nov 2007
Inspected by R.B. White
Reason for Inspection Annual

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

- 1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.**

None

Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

- a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Design sediment storage volume = 7.5 AF
60% sediment cleanout volume = 4.5 AF
Sediment cleanout elevation = 6012.5 ft

- b. Principle and emergency spillway elevations.

Spillway elevation = 6016.0 ft

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

At the time of the inspection, the flow depth in the 6-inch Parshall flume at the pond outlet was 0.92 ft, representing 1.81 cfs. The pond elevation was approximately 4.5 inches above the spillway elevation at the time of the inspection.

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period

The CMP downstream from the discharge measurement flume leaks. Consideration should be given to replacing this flume with a product that will not corrode from the salinity of the water (e.g. HDPE culvert). Minor seepage is occurring from the south toe of the embankment. This condition appears to have been occurring for a long period of time, without affecting the stability of the embankment.

QUALIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Richard Switzer Date: 14 Dec 2007

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is impoundment designed and constructed in accordance with the approved plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMMENTS/ OTHER INFORMATION

Consol operates this pond and the other mine-water discharge pond (Pond 1) in a manner that allows them to meet the effluent standards. Occasional exceedances of these standards have occurred. Consol is negotiating with the Utah Division of Water Quality and is evaluating alternative uses for the mine water to ensure that effluent standards can be consistently met in the future.

CERTIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By: Richard B. White, P.E. - President, EarthFax Engineering, Inc.

Full Name and Title

Signature: Richard B. White Date 14 Dec 2007

P.E. Number & State 168246, UT

[P.E. Cert. Stamp]



To enter text, click in the box and type your response. If a box already contains an entry select the entry and type the replacement. You can use the **tab** key to move from one field to the next. To select a check box, click in the box or type an **x**.

GENERAL INFORMATION

Report Date	14 Dec 2007
Permit Number	ACT 015/015
Mine Name	Emery Mine
Company Name	Consolidated Coal Company

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Pond 9
Impoundment Number	UPDES Outfall 009
UPDES Permit Number	UT0022616
MSHA ID Number	NA

IMPOUNDMENT INSPECTION

Inspection Date	28 Nov 2007
Inspected by	R.B. White
Reason for Inspection	Annual

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

None

Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

- a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Design sediment storage volume = 0.32 AF
60% sediment cleanout volume = 0.18 AF
Sediment cleanout elevation = 6051.7 ft

- b. Principle and emergency spillway elevations.

Spillway elevation = 6054.6 ft

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

There was no water or substantial sediment in the pond at the time of the inspection. No signs of erosion were noted at the pond outlet or the spillway. No signs of instability were observed.

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period

No stability or operational concerns were noted.

QUALIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Richard Bowler Date: 14 Dec 2007

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is impoundment designed and constructed in accordance with the approved plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMMENTS/ OTHER INFORMATION

The pond appears to be functioning as designed.

CERTIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By: Richard B. White, P.E. - President, EarthFax Engineering, Inc.

Full Name and Title

Signature: Richard B. White Date 14 Dec 2007

P.E. Number & State 168246, UT

[P.E. Cert. Stamp]



Questions a and b are required for an impoundment, which functions as a Sedimentation pond.

- a. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and estimated average elevation of existing sediment.

Design sediment storage volume = 1.14 AF
60% sediment cleanout volume = 0.68 AF
Sediment cleanout elevation = 5905.0 ft

- b. Principle and emergency spillway elevations.

Spillway elevation = 5907.8 ft

2. Field Information

Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/ instrumentation information, inlet/ outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/ repairs, monitoring information, vegetation on outslopes of embankments, etc.

There was neither water nor a substantial amount of sediment in the pond at the time of the inspection. The overflow consists of a 42-inch diameter riser with two 6-inch diameter side inlets (one with its invert located 15.5 inches below the top of the riser and the other with its invert 58 inches below the top of the riser). Both riser side inlets are fitted with gate valves, which were closed at the time of the inspection. The riser outlet invert is located 69 inches below the top of the riser. There were no signs of recent water on the inside of the riser, indicating that the pond has not recently filled to this elevation. No signs of instability were observed, including on the steep, natural outslope on the north embankment.

3. Field Evaluation.

Describe any changes in the geometry of the impounding structure, average and maximum depths and elevation of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period

The point of inflow to the lower riser inlet could not be found. This should be uncovered. There was also an area on the west side of the pond, where the natural slope meets a loos berm, where water has begun to pipe through the disturbed soil. This should be repaired to minimize the potential for future piping and erosion.

QUALIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous condition of the structure affecting stability.

Signature: Richard B. White Date: 14 Dec 2007

CERTIFIED REPORT

IMPOUNDMENT EVALUATION

If you answer NO to these questions, please explain under comments

- | | YES | NO |
|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Is impoundment designed and constructed in accordance with the approved plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous conditions? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

COMMENTS/ OTHER INFORMATION

The pond appears to be functioning as designed.

CERTIFICATION STATEMENT:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved designs and meets or exceeds the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By: Richard B. White, P.E. - President, EarthFax Engineering, Inc.

Full Name and Title

Signature: Richard B. White Date 14 Dec 2007

P.E. Number & State 168246, UT

[P.E. Cert. Stamp]



To enter text, click in the box and type your response. If a box already contains an entry select the entry and type the replacement. You can use the tab key to move from one field to the next. To select a check box, click in the box or type an x.

GENERAL INFORMATION

Report Date	14 Dec 2007
Permit Number	ACT 015/015
Mine Name	Emery Mine
Company Name	Consolidated Coal Company

IMPOUNDMENT IDENTIFICATION

Impoundment Name	Pond 5
Impoundment Number	UPDES Outfall 007
UPDES Permit Number	UT0022616
MSHA ID Number	NA

IMPOUNDMENT INSPECTION

Inspection Date	28 Nov 2007
Inspected by	R.B. White
Reason for Inspection	Annual

(Annual, quarterly or other periodic inspections, critical installation , or completion of construction.)

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.

None

INSPECTION FORM

COAL REFUSE PILES AND COAL WASTE IMPOUNDMENTS

Name Quinn Healy Title PE
 Date 2/12/07 Date last inspected 11/2/06
 Site Name Emery Temp Coal Stockpile Mine Name Emery
 Refuse Facility ID # 1211-UT-00079-01

Refuse piles---Part A only
 Impoundments---Part A and Part B

Part A

- | | | |
|---------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| 1. Foundation preparation (vegetation, topsoil removal?)----- | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Lift Thickness (inches)----- | | |
| 3. Compaction (4 to 6 complete passes)----- | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Burning* (specify extent and location)----- | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Angle of Slope (degrees)----- | <u>2:1</u> | |
| 6. Seepage* (specify location, color, & appr. volume)----- | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Cracks or scarps* (location, size)----- | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Major erosion problems* (location and extent)----- | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Water impounding against toe* ----- | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

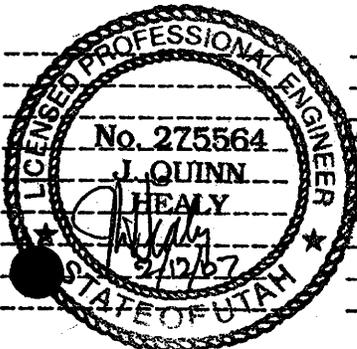
Part B

- | | | |
|--------------------------------------------------------------------------|------------------------------|-----------------------------|
| 10. Embankment freeboard (feet)----- | | |
| 11. <u> </u> Increase <u> </u> Decrease in water level (feet)----- | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12. Sumps or sinkholes in slurry surface----- | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 13. Clogging* (pipes, ditches, spillway)----- | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14. Trash racks clear and in place----- | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

* Adverse conditions noted in these items should be described (extent, location, volume, etc.) in the space provided. Major adverse changes could cause instability.

Inspection
Category

Comments



Inspected area on 2/9/07
New material has been added since the last inspection. Mine personnel will level and compact in lifts not to exceed 24-inches.
The drainage impoundment ditches are intact. There are no visible instabilities or other hazardous conditions.

INSPECTION FORM

COAL REFUSE PILES AND COAL WASTE IMPOUNDMENTS

Name Quinn Healy Title PE
 Date 5/28/07 Date last inspected 2/9/07
 Site Name Emery Temp Coal Stockpile Mine Name Emery
 Refuse Facility ID # 1211-UT-00079-01

Refuse piles---Part A only
 Impoundments---Part A and Part B

Part A

- | | | | | |
|--------------------------------------------------------------|-------------------------------------|-----|-------------------------------------|----|
| 1. Foundation preparation (vegetation, topsoil removal?)---- | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2. Lift Thickness (inches)----- | | | | |
| 3. Compaction (4 to 6 complete passes)----- | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 4. Burning* (specify extent and location)----- | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| 5. Angle of Slope (degrees)----- | <u>2:1</u> | | | |
| 6. Seepage* (specify location, color, & appr. volume)----- | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| 7. Cracks or scarps* (location, size)----- | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| 8. Major erosion problems* (location and extent)----- | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |
| Water impounding against toe* ----- | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> | No |

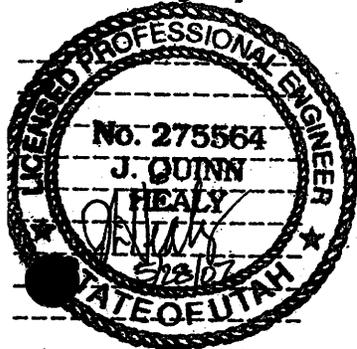
Part B

- | | | | | |
|--------------------------------------------------------------------------|--------------------------|-----|--------------------------|----|
| 10. Embankment freeboard (feet)----- | | | | |
| 11. <u> </u> Increase <u> </u> Decrease in water level (feet)----- | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 12. Sumps or sinkholes in slurry surface----- | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 13. Clogging* (pipes, ditches, spillway)----- | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 14. Trash racks clear and in place----- | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

* Adverse conditions noted in these items should be described (extent, location, volume, etc.) in the space provided. Major adverse changes could cause instability.

Inspection
Category

Comments



Inspected site on 5/27/07

New material has been added. Mine personnel will level and compact in lifts not to exceed 24-inches.

The drainage impoundment ditches have been cleaned and are intact. There are no visible instabilities or other hazardous conditions.

INSPECTION FORM

COAL REFUSE PILES AND COAL WASTE IMPOUNDMENTS

Name Quinn Healy Title PE
 Date 8/16/07 Date last inspected 5/27/07
 Site Name Emery Temp. Coal Stockpile Mine Name Emery
 Refuse Facility ID # 1211-UT-00079-01

Refuse piles---Part A only
 Impoundments---Part A and Part B

Part A

- | | | | |
|----------------------------------------------------------|-----|-----|----|
| 1. Foundation preparation (vegetation, topsoil removal?) | ✓ | Yes | No |
| 2. Lift Thickness (inches) | | | |
| 3. Compaction (4 to 6 complete passes) | ✓ | Yes | No |
| 4. Burning* (specify extent and location) | Yes | ✓ | No |
| 5. Angle of Slope (degrees) | 2:1 | | |
| 6. Seepage* (specify location, color, & appr. volume) | Yes | ✓ | No |
| 7. Cracks or scarps* (location, size) | Yes | ✓ | No |
| 8. Major erosion problems* (location and extent) | Yes | ✓ | No |
| 9. Water impounding against toe* | Yes | ✓ | No |

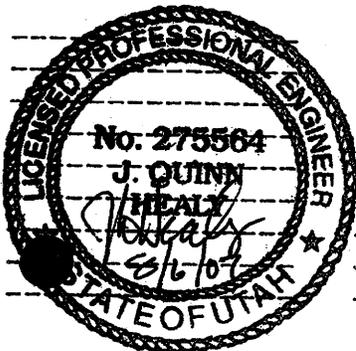
Part B

- | | | | |
|---------------------------------------------------------------------|-----|----|--|
| 10. Embankment freeboard (feet) | | | |
| 11. <u> </u> Increase <u> </u> Decrease in water level (feet) | Yes | No | |
| 12. Sumps or sinkholes in slurry surface | Yes | No | |
| 13. Clogging* (pipes, ditches, spillway) | Yes | No | |
| 14. Trash racks clear and in place | Yes | No | |

* Adverse conditions noted in these items should be described (extent, location, volume, etc.) in the space provided. Major adverse changes could cause instability.

Inspection
Category

Comments



Inspected site on 8/16/07.
All new material has been graded and compacted.
The site drainage impoundment ditches are intact. There are no visible instabilities or other hazardous conditions.

INSPECTION FORM

COAL REFUSE PILES AND COAL WASTE IMPOUNDMENTS

Name Quinn Healy Title PE
 Date 11/19/07 Date last inspected 8/6/07
 Site Name Emery Temp Coal Stockpile Mine Name Emery
 Refuse Facility ID # 121-UT-00079-01

Refuse piles---Part A only
 Impoundments---Part A and Part B

Part A

- | | | | | |
|----------------------------------------------------------|-------------------------------------|-----|-------------------------------------|----|
| 1. Foundation preparation (vegetation, topsoil removal?) | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 2. Lift Thickness (inches) | | | | |
| 3. Compaction (4 to 6 complete passes) | | | | |
| 4. Burning* (specify extent and location) | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| 5. Angle of Slope (degrees) | | Yes | <input checked="" type="checkbox"/> | No |
| 6. Seepage* (specify location, color, & appr. volume) | <u>2:1</u> | | | |
| 7. Cracks or scarps* (location, size) | | Yes | <input checked="" type="checkbox"/> | No |
| 8. Major erosion problems* (location and extent) | | Yes | <input checked="" type="checkbox"/> | No |
| 9. Water impounding against toe* | | Yes | <input checked="" type="checkbox"/> | No |

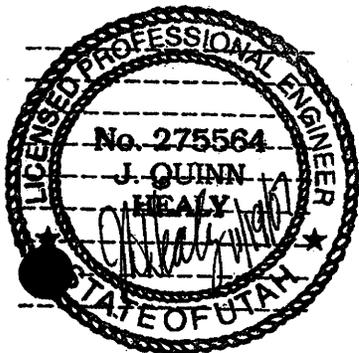
Part B

- | | | | | |
|---------------------------------------------------------------------|--|-----|--------------------------|----|
| 10. Embankment freeboard (feet) | | | | |
| 11. <u> </u> Increase <u> </u> Decrease in water level (feet) | | Yes | <input type="checkbox"/> | No |
| 12. Sumps or sinkholes in slurry surface | | Yes | <input type="checkbox"/> | No |
| 13. Clogging* (pipes, ditches, spillway) | | Yes | <input type="checkbox"/> | No |
| 14. Trash racks clear and in place | | Yes | <input type="checkbox"/> | No |

* Adverse conditions noted in these items should be described (extent, location, volume, etc.) in the space provided. Major adverse changes could cause instability.

Inspection
Category

Comments



Inspected site on 11/19/07.
New material has been added since last inspection. Mine personnel will level and compact 10 lifts not to exceed 24-inches.
The site drainage impoundment ditches are intact. There are no visible instabilities or other hazardous conditions.

Consolidation Coal Co.

November 2007 - Annual Subsidence Survey

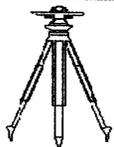
NAD 1983, Utah Central, US Survey feet

NAVD 1988

MEASURED POINTS

POINT NAME	NORTHING	EASTING	PREVIOUS ELEVATION	Nov. 2007 ELEVATION
			ADJUSTED OCT. 06 ELEV.	
H-1	6758256.55	1713035.05	6082.81	6082.74
36	6756805.63	1713716.02	6041.05	6040.79
SMH	6755882.85	1712049.12	6057.67	6057.32
90-1	6755171.22	1712000.26	6037.91	6037.45 ✓
90-2	6755593.14	1712304.86	6053.83	6053.39 ✓
35	6761558.54	1711229.20	6106.36	6106.67
83-1	6759093.54	1713116.69	6065.51	6065.46
86-1	6757857.39	1706660.25	6003.40	6003.59
86-2	6758652.96	1705551.95	6040.48	6040.76
86-4	6760837.61	1702889.91	6078.44	6079.20
86-5	6760155.85	1704278.88	6163.45	6163.97
86-13	6759176.02	1704251.23	6036.06	6036.50
88-2	6759134.95	1703887.62	6016.57	6017.01
88-3	6758692.06	1704300.65	6014.34	6014.83
88-4	6758006.11	1704828.28	5988.26	5988.56
88-5	6757972.48	1705259.42	5994.61	5994.92
88-6	6757177.64	1705879.38	5975.05	5975.24
89-2	6762836.20	1705604.61	6200.08	6200.84
89-3	6761091.78	1704846.48	6170.31	6170.90
89-4	6762473.44	1706321.62	6184.86	6185.60
90-03	6756435.50	1712926.84	6037.17	6036.93 ✓
90-04	6757182.04	1713517.48	6031.02	6030.74 ✓
90-05	6757982.75	1714123.43	6048.00	6047.81 ✓
90-4	6756652.76	1713321.91	6043.29	6043.02 ✓
90-5	6757394.42	1713688.58	6036.66	6036.41 ✓
90-6	6758779.41	1714726.46	6050.72	6050.62 ✓
SM-C	6758743.87	1714106.30	6051.44	6051.38
91-01	6756669.94	1712000.00	6052.23	6052.01
91-02	6757585.42	1713036.14	6051.46	6051.28
91-03	6758030.88	1713361.38	6055.63	6055.45
91-04	6758791.86	1713935.17	6051.81	6051.72
87-1	6757159.14	1706351.37	5990.51	5990.59
97-1	6759589.84	1709488.21	6117.57	6117.83
97-2	6758894.76	1709132.54	6116.53	6116.66
E	6759462.66	1712234.87	6082.64	6082.75
E1/4 28	6758451.40	1713666.32	6054.53	6054.45
H-6	6758064.50	1711094.12	6095.91	6095.93
W	6756275.89	1705674.96	5958.82	5958.80
L	6754880.54	1705574.55	5950.19	5950.06
N	6755536.21	1706165.54	5950.23	5950.16
SMK-2	6758755.59	1710054.13	6102.92	6102.95
SMK-3	6758965.95	1711660.45	6082.15	6082.18
			11-2006 ELEVATION	
6-01	6761645.96	1710904.27	6110.04	6110.09
6-02	6761002.37	1710059.15	6116.61	6116.60
6-03	6760565.27	1709554.45	6117.32	6117.33
6-04	6758380.42	1707028.80	6023.68	6023.77
6-05	6758719.90	1706656.21	6030.59	6030.68
6-06	6759875.49	1705933.25	6143.18	6142.91

6-07	6760863.83	1706266.65	6170.20	6169.65
6-08	6759343.46	1706993.37	6065.73	6065.23
6-09	6760017.86	1706164.92	6141.75	6139.26
6-10	6760383.96	1705795.14	6150.80	6148.22
6-11	6759493.36	1715652.26	6056.86	6056.87
6-12	6760098.03	1714699.42	6076.19	6076.15
6-13	6760891.31	1713698.10	6090.16	6090.17
6-14	6761793.53	1712734.97	6097.29	6097.30
6-15	6762265.78	1712329.15	6107.03	6107.08
6-16	6759657.74	1716089.80	6059.39	6059.44
6-17	6761139.50	1717065.30	6071.56	6071.66
6-18	6761947.48	1717858.85	6081.27	6081.34
6-19	6762448.91	1718246.74	6085.90	6085.96
6-20	6762741.05	1718538.73	6090.48	6090.52
6-21	6760438.20	1716180.06	6070.28	6070.30
6-22	6761333.56	1714916.16	6090.69	6090.68
6-23	6762101.13	1714019.00	6111.33	6111.31
6-24	6761067.04	1716301.20	6080.76	6080.80
6-25	6762329.01	1714637.51	6106.02	6106.01
6-27	6764041.79	1715533.49	6114.65	6114.65
6-29	6762703.00	1712897.66	6141.81	6141.85
6-30	6763349.98	1713654.71	6131.17	6131.20
6-34	6760357.41	1706945.65	6148.20	6148.07
86-11	6760330.48	1707019.83	6153.72	6153.62
86-8	6762484.75	1713660.38	6125.27	6125.27
R BOLT	6759584.85	1705565.44	6151.78	6151.79
			9-14-07 ELEVATION	
07-01	6759689.65	1717605.56	6077.19	6077.17
07-02	6761395.09	1718892.63	6080.35	6080.35
07-03	6759677.37	1716935.01	6059.25	6059.28
07-04	6760461.70	1717523.64	6067.06	6067.06
07-05	6761257.03	1718095.27	6075.77	6075.80
07-06	6760573.27	1718252.26	6078.10	6078.13
07-07	6759021.04	1716449.85	6065.37	6065.43
07-08	6762043.96	1718677.76	6082.46	6082.48



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Utah Department of Commerce
Division of Corporations & Commercial Code
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Salt Lake City, UT 84114-6705
Phone: (801) 530-4849
Toll Free: (877)526-3994 Utah Residents
Fax: (801) 530-6438
Web Site: <http://www.commerce.utah.gov>

Registration Number: 599621-0143
Business Name: CONSOLIDATION COAL COMPANY
Registered Date: AUGUST 22, 1966

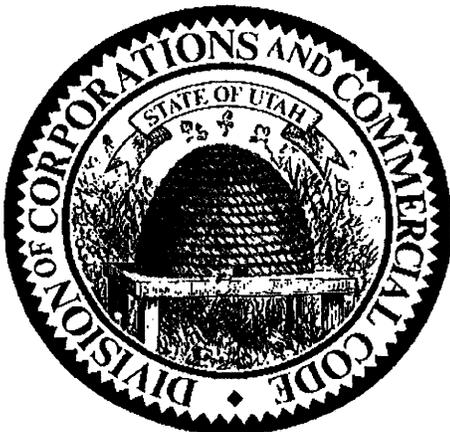
April 13, 2007

CERTIFIED COPY OF APPLICATION FOR CERTIFICATE OF AUTHORITY

THE UTAH DIVISION OF CORPORATIONS AND COMMERCIAL CODE ("DIVISION") HEREBY CERTIFIES THAT THE ATTACHED IS TRUE, CORRECT, AND COMPLETE COPY OF THE APPLICATION FOR CERTIFICATE OF AUTHORITY OF

CONSOLIDATION COAL COMPANY

AS APPEARS OF RECORD IN THE OFFICE OF THE DIVISION.



Kathy Berg
Director
Division of Corporations and Commercial Code

Dept. of Professional Licensing
(801)530-6628

Real Estate
(801)530-6747

Public Utilities
(801)530-6651

Securities
(801)530-6600

Consumer Protection
(801)530-6601

Filing Fee: \$20.00

File in Duplicate Originals

RECEIVED
OFFICE OF
SECRETARY OF STATE

APPLICATION FOR CERTIFICATE OF

1966 AUG 22 PM 2 12
AUTHORITY OF

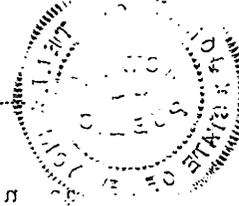
CONSOLIDATION COAL COMPANY
(EXACT CORPORATE NAME)

FILED to the office of the Secretary of State of the State of Utah, on the 22 day of August A.D. 1966

Clyde L. Miller
Secretary of State

To the Secretary of State of the State of Utah:

45461



Pursuant to the provisions of Section 16-10-106 of the Utah Business Corporation Act, the undersigned corporation hereby applies for a Certificate of Authority to transact business in your State, and for that purpose submits the following statement:

FIRST: The name of the corporation is CONSOLIDATION COAL COMPANY

SECOND: It is incorporated under the laws of Delaware

THIRD: The date of its incorporation is December 8, 1965

and the period of its duration is perpetual

FOURTH: The address of its principal office in the state or country under the laws of which it is incorporated is 100 West Tenth Street, Wilmington, Delaware, c/o The Corporation Trust Company

FIFTH: The address of its proposed registered office in your State is 175 South Main Street, c/o C T Corporation System, Salt Lake City 11, Utah
and the name of its proposed registered agent in your State at that address is C. T. CORPORATION SYSTEM

SIXTH: The purpose or purposes which it proposes to pursue in the transaction of business in Utah are to market, distribute, buy, sell and deal in coal and other minerals and carry on any business which it may lawfully do incidental or appropriate to the same.

SEVENTH: The names and respective addresses of its directors and officers are:
(SEE ATTACHED RIDER)

<u>Name</u>	<u>Office</u>	<u>Address</u>
	Director	
	Director	
	Director	
	President	
	Vice President	
	Secretary	
	Treasurer	

EIGHTH: The aggregate number of shares which it has authority to issue, itemized by classes, par value of share, shares without par value, and series, if any, within a class, is:

<u>Number of Shares</u>	<u>Class</u>	<u>Series</u>	<u>Par Value per Share or Statement that Shares are without Par Value</u>
75,000	Common		\$1,000 par value per share

#6377
\$5.00

NINTH: The aggregate number of its issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, is:

<u>Number of Shares</u>	<u>Class</u>	<u>Series</u>	<u>Par Value per Share or Statement that Shares are without Par Value</u>
1	Common		\$1,000.00

TENTH: The amount of its stated capital is \$ 1,000.00

ELEVENTH: An estimate of the value of all property to be owned by it for the following year, wherever located, is \$ 100,000.

TWELFTH: An estimate of the value of its property to be located within Utah during such year is \$ NONE

THIRTEENTH: An estimate of the gross amount of business to be transacted by it during such year is \$ 100,000.

FOURTEENTH: An estimate of the gross amount of business to be transacted by it at or from places of business in Utah during such year is \$ 100.

FIFTEENTH: This Application is accompanied by a copy of its articles of incorporation and all amendments thereto, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

Dated August 4, 19 66

CONSOLIDATION COAL COMPANY

EXACT CORPORATE NAME

By *N. B. Mavis*
PRESIDENT OR VICE PRESIDENT

By *Mary E. Cassity*
SECRETARY OR ASSISTANT SECRETARY

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.

I, *JONATHAN TELL*, a notary public, do hereby certify that on this 4th day of August, 19 66, personally appeared before me N. B. MAVRIS and MARY E. CASSITY, who, being by me first duly sworn, declared that they are Vice President and Assistant Secretary of CONSOLIDATION COAL COMPANY, that they signed the foregoing document as such officers of the corporation, and that the statements therein contained are true.

In witness whereof I have hereunto set my hand and seal this 4th day of August A.D. 19 66

My commission expires *March 30, 1967*

Jonathan Tell
NOTARY PUBLIC

JONATHAN TELL
NOTARY PUBLIC, State of New York
No. 24-3949540
Qualified in Kings County
Cert. filed in New York County
Commission Expires March 30, 1967



ANNUAL REPORT / RENEWAL FORM

Entity Number	Entity Type	Renewal Fee	Expiration Date	LATE DATE & FEE
599621-0143	Corporation - Foreign - Profit	\$12.00	8/22/2007	10/21/2007

SUBMIT SEPARATE PAYMENTS & SEPARATE COUPONS FOR MULTIPLE RENEWALS

This form must be type written or computer generated

LLC DESIGNATED / PRINCIPAL OFFICE ADDRESS

Entity Name: CONSOLIDATION COAL COMPANY
 (Print name exactly as filed)

Signature: _____
 (Required for LLCs & LPs)

Printed Name & Title of Managing Authority (LLC) or General Partner (LP)

PLEASE READ THE INSTRUCTIONS CAREFULLY

INSTRUCTIONS FOR ANNUAL REPORT / RENEWAL FORM

- ENTITY NUMBER:** This is the number issued to your business entity or trademark, either a 6 or 7 digit number followed by a hyphen and another 4 digit number.
- ENTITY TYPE:** This is the type of entity that you are renewing
- RENEWAL FEE:**
- | | | | |
|--------------------------------------------|---------|----------|---------|
| Domestic & Foreign Profit Corporations | \$12.00 | Late Fee | \$10.00 |
| Domestic & Foreign Non-Profit Corporations | \$ 7.00 | Late Fee | \$10.00 |
| Domestic & Foreign LLC | \$12.00 | Late Fee | \$10.00 |
| Domestic & Foreign LP | \$12.00 | Late Fee | \$10.00 |
| DBA | \$22.00 | Late Fee | \$ N/A |
| Domestic & Foreign LLP | \$22.00 | Late Fee | \$ N/A |
| Business Trust | \$22.00 | Late Fee | \$ N/A |
| Trademark | \$22.00 | Late Fee | \$ N/A |

- EXPIRATION DATE:** This is the date that the renewal is due (Anniversary date of the entity)
- LATE DATE & FEE:** This is the date at which the renewal is overdue (see list above for applicable late fees)
- ENTITY NAME:** This is the name of the entity that you are renewing
- SIGNATURE:** LLCs & LPs must be signed by an authorized party - include the person's printed name & title on the line provide
- DESIGNATED OFFICE:** Domestic LLCs must provide their Designated Office Address, Foreign LLCs must provide their Principal Office Address
- TIMELY RENEWAL:** Pursuant to Utah Law, all renewals must be filed within their legally prescribed time. Failure to do so may result in the loss of all protection and privileges in the State of Utah
- CHANGES:** The Registration Information Change Form is used to make changes to your filing.
 Download: <http://www.commerce.utah.gov>
 Orders: orders@br.state.ut.us or (801) 530-4849, toll free in-state (877) 526-3994

There is no fee involved with the Registration Information Change Form when it is filed in conjunction with the Annual Report Renewal form during the entity's renewal period. However, if the Registration Information Change Form is filed at any other time during the year, the \$12.00 non-refundable processing fee is still applicable.

- OTHER:** Carefully detach Renewal Coupon and submit to the Division of Corporations with the appropriate fee. For multiple renewals please submit separate payments. Payments are accepted by check or money order and should be payable to "State of Utah. **DO NOT SEND CASH.** Please indicate entity number and/or entity name on check. If you are faxing you must include a cover sheet with the number of a Visa or MasterCard and the date of expiration (Fax (801) 530-6438).
- If you have questions concerning this renewal or would like to check the status of your record please contact the Corporation Information Center at: (801) 530-4849 or toll free in-state (877) 526-3994 or go to <http://www.utah.gov/serv/bes>. Forms may be downloaded from our Web site: <http://www.commerce.utah.gov>



State of Utah
DEPARTMENT OF COMMERCE
Division of Corporations & Commercial Code
Corporation Registration Information Change Form

Non-Refundable Processing Fee: \$12.00

Entity File Number: 599621-0143

Entity Name: CONSOLIDATION COAL COMPANY

For each Yes button that you mark the question will appear below for you to fill out.

- 1). Do you want to Change the Business Purpose? Yes No
- 2). Do you want to Change the Registered Agent or the Address of the Registered Agent? Yes No
- 3). Do you want to Change the Principal Address of the Business Entity? Yes No
- 4). Do you want to Add individuals to the Business Entity? Yes No
- 5). Do you want to Remove individuals from the Business Entity? Yes No
- 6). Do you want to Change the Address of the Business Entity's Principal(s)? Yes No

Under GRAMA {63-2-201}, all registration information maintained by the Division is classified as public record. For confidentiality purposes, you may use the business entity physical address rather than the residential or private address of any individual affiliated with the entity.

Under penalties of perjury and as an authorized authority, I declare that this statement of change(s), has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.

Name/Title: Lori L. Ritter / Assistant Secretary

Signature: *Lori L. Ritter*

Date: 8/8/2007

4). If Yes, who do you want to Add to the Business Entity and what Position will they hold?

Name: L. Barletta, Jr. Position: Vice-President
 Address: 1800 Washington Road City Pittsburgh State PA Zip 15241
 Name: See Attached Listing Position: Officers
 Address: _____ City _____ State _____ Zip _____

5). If Yes, who do you want to Remove from the Business Entity and what Position do they hold?

Name: W. D. Stanhagen Position: Vice-President
 Name: R. G. Stovash Position: Vice-President
 Name: P. M. Greene Position: Secretary

Ownership and Controll Report

Company Consolidation Coal Company **FEIN:** 13-2566594

Relationship Director

NAME	TITLE	ADDRESS CITY STATE ZIP	PHONE NO	OWNERSHIP %	START DATE END DATE
J. Brett Harvey	Director	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	01/01/1998
Bart J. Hyita	Director	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	01/01/2006
Robert P. King	Director	1800 Washington Road. Pittsburgh PA 15241	(412) 831-4000	zero	10/09/2007
Peter B. Lilly	Director	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	11/01/2002
William J. Lyons	Director	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	09/30/2000
John M. Reilly	Director	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	07/10/2002
P. Jerome Richey	Director	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	03/01/2005

Company Consolidation Coal Company

FEIN: 13-2566594

Relationship

Officer

NAME	TITLE	ADDRESS CITY STATE ZIP	PHONE NO	OWNERSHIP %	START DATE END DATE
Louis Barletta Jr.	Vice President	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	01/01/2006
James A. Brock	Vice President	1 Bridge Street Monongah WV 26554	(304) 534-4700	zero	09/12/2005
Daniel S. Cangilla	Treasurer	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	01/01/2006
Rodney E. Ford	Assistant Secretary	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	06/15/2003
J. Brett Harvey	Chief Executive Officer	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	10/09/2007
J. Brett Harvey	Chairman	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	10/09/2007
Bart J. Hyita	Chief Operating Officer	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	10/09/2007
Robert P. King	Vice President	1800 Washington Road. Pittsburgh PA 15241	(412) 831-4000	zero	08/21/2006
Peter B. Lilly	President	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	10/09/2007
Alexander J. Reyes	Secretary	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	10/09/2007
Lorraine L. Ritter	Controller	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	10/09/2007
Lorraine L. Ritter	Assistant Secretary	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	zero	03/01/2006

Company Consolidation Coal Company FEIN: 13-2566594

Relationship [Redacted] Officer

NAME	TITLE	ADDRESS CITY STATE ZIP	PHONE NO	OWNERSHIP %	START DATE END DATE
John F. Zachwieja	Vice President	10545 Riverside Drive Oakwood VA 24631	(276) 498-8200	zero	06/15/2003

Company Consolidation Coal Company **FEIN:** 13-2566594

Relationship Shareholder

NAME	TITLE	ADDRESS	PHONE NO	OWNERSHIP	START DATE
		CITY STATE ZIP		%	END DATE

CONSOL Energy Inc.	Sole Shareholder	1800 Washington Road Pittsburgh PA 15241	(412) 831-4000	100%	01/01/1992
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