



CONSOL ENERGY™

COPY

C/O 15/015 Incoming
Consolidation Coal Company
P.O. Box 566
Sesser, IL 62884
(618) 625-2041

#3649
R

October 06, 2010

Daron Haddock, Permit Supervisor
Utah Coal Regulatory Program
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801

RE: Emery Mine
Permit No. ACT/015/015
Permit Renewal

Dear Mr. Haddock:

Enclosed please find a copy of Consolidation Coal Company's permit renewal for the above mentioned permit. Consolidation Coal Company requests that the permit be renewed for a five (5) year period from January 7, 2011 through January 7, 2016. This application is being filed under the guidelines of R645-303-230 of the Coal Mining Rules for the State of Utah. The following information is included as part of our application.

1. Certificate of Liability Insurance
2. Letter from St. Paul/Travelers which states that Seaboard Surety Company, Bond No. 188617 will remain in full force and effect for any renewal requested, as well as any additional bond required by the Division pursuant to R645-301-800
3. Current history of violations as of August 24,2010.

In addition, a copy of the draft public notice of application for the renewal is included for your review.

If you have questions or need additional information please contact me at 618-625-6850.

Sincerely,

John Gefferth
Environmental Engineer

File in:

- Confidential
- Shelf
- Expandable

Date Folder *10062010 C/O 15/0015*

See: *C/O Incoming* For additional information

JAG/jag emrenew11.doc

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OCT 06 2010

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

COPY

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Permit Renewal

Description, Include reason for application and timing required to implement:

Permit 015 Renewal

10/2010

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ increase decrease.
2. Is the application submitted as a result of a Division Order? DO# _____
3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
4. Does the application include operations in hydrologic basins other than as currently approved?
5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
6. Does the application require or include public notice publication?
7. Does the application require or include ownership, control, right-of-entry, or compliance information?
8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
9. Is the application submitted as a result of a Violation? NOV # _____
10. Is the application submitted as a result of other laws or regulations or policies?

Explain:

- 11. Does the application affect the surface landowner or change the post mining land use?
12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
13. Does the application require or include collection and reporting of any baseline information?
14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
15. Does the application require or include soil removal, storage or placement?
16. Does the application require or include vegetation monitoring, removal or revegetation activities?
17. Does the application require or include construction, modification, or removal of surface facilities?
18. Does the application require or include water monitoring, sediment or drainage control measures?
19. Does the application require or include certified designs, maps or calculation?
20. Does the application require or include subsidence control or monitoring?
21. Have reclamation costs for bonding been provided?
22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

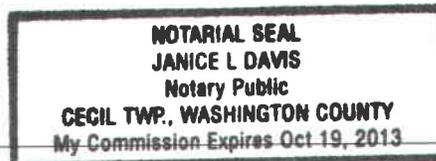
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Jonathan M. Pachter
Print Name

Jonathan M. Pachter 10/5/10
Sign Name, Position, Date
General Manager, Environmental Services

Subscribed and sworn to before me this 5th day of October, 2010

Janice L Davis
Notary Public
My commission Expires: October 19, 2013
Attest: State of Pennsylvania } ss:
County of Washington }



For Office Use Only:

Assigned Tracking Number:

Received by Oil, Gas & Mining

RECEIVED

OCT 06 2010

DIV. OF OIL, GAS & MINING

NOTICE

Notice is hereby given that Consolidation Coal Company, 1000 Consol Energy Drive, Canonsburg, Pennsylvania 15317, has filed application with the State of Utah, Department of Natural Resources, Division of Oil, Gas and Mining for a five-year permit renewal of Permit No. ACT/015/015 to operate the Emery Mine under the provisions of the Utah Coal Mining and Reclamation Act and the Utah R645 Coal Mining Rules.

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

Township 22 South, Range 6 East

Section 27: portions of NW/4, SW/4, NE/4

Section 30: portions of NE/4

Section 32: portions of NW/4, NE/4, SE/4

Section 33: portions of NW/4, NE/4, SW/4

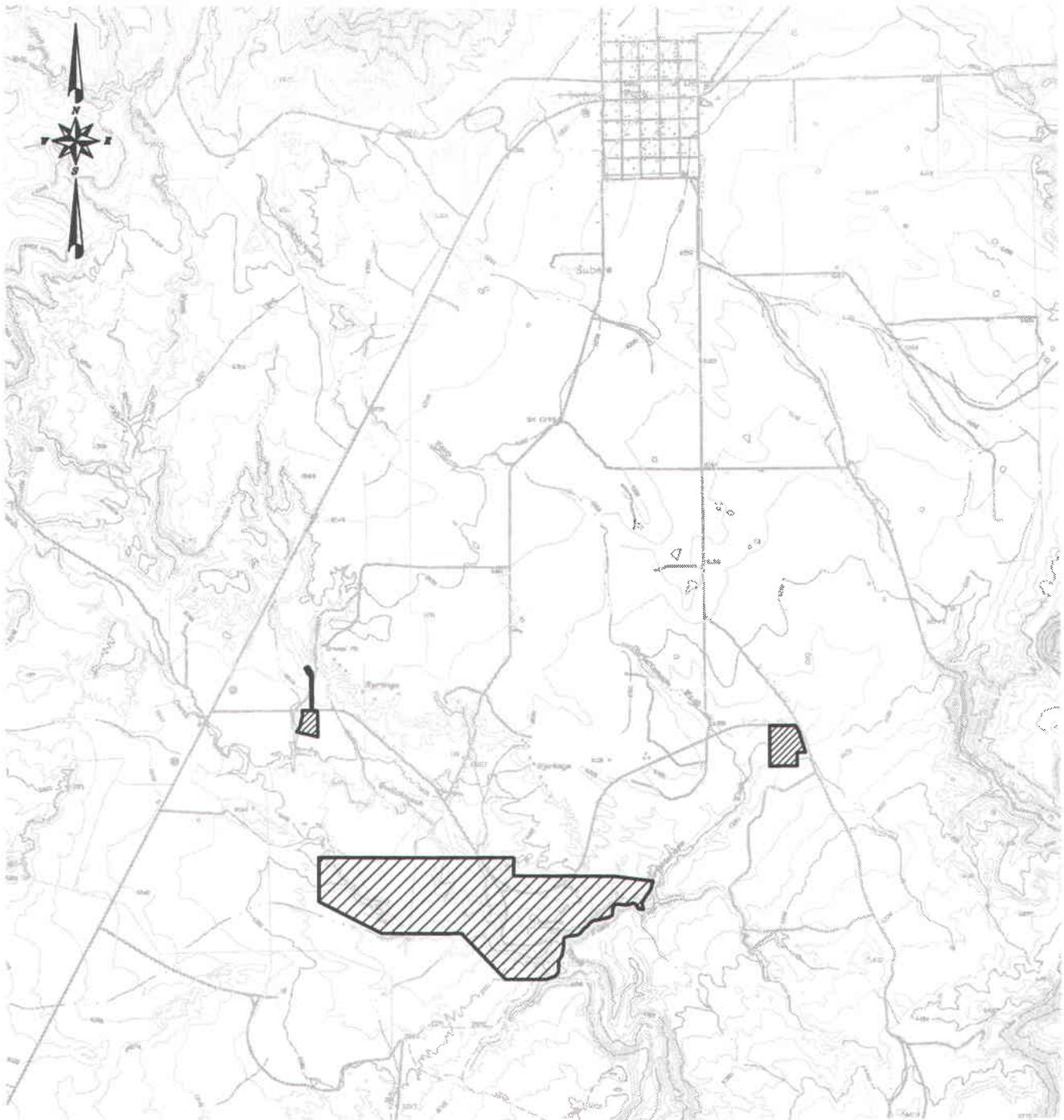
(Insert Map)

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

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

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

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



Consolidation Coal Company
 Emery Mine
 Emery County, Utah
 Permit # ACT015/015



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

LEGEND

 PERMIT AREA BOUNDARY



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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/10/2009

PRODUCER

Marsh USA, Inc.
Six PPG Place, Suite 400
Pittsburgh, PA 15222-5406

THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

00812-CONSO-CAS-09-10 CONDT COAL

INSURED

Consolidation Coal Company
CNX Center
1000 CONSOL Energy Drive
Canonsburg, PA 15317-6506

INSURERS AFFORDING COVERAGE**NAIC #**

INSURER A: N/A

N/A

INSURER B: N/A

N/A

INSURER C: Steadfast Insurance Company

26387

INSURER D: N/A

N/A

INSURER E:

8

COVERAGES

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

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
C	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR	BOG 9377215-06	11/05/2009	11/05/2010	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ N/A				
					MED EXP (Any one person) \$ N/A
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 1,000,000
					PRODUCTS - COMP/OP AGG \$ 1,000,000
	GENERAL AGGREGATE LIMIT APPLIES PER POLICY PROJECT LOC				
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$
					BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN AUTO ONLY: EA ACC \$
					AGG \$
	EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE \$
					AGGREGATE \$
					\$
					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE Y/N OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS: OTH-ER \$
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
					E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

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

CERTIFICATE HOLDER

CLE-002065517-19

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

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ~~SEND BY~~ MAIL 45 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT,

AUTHORIZED REPRESENTATIVE of Marsh USA Inc.
Paul Hoyt

IMPORTANT

If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

VERIFICATION CERTIFICATE FOR INDEFINITE TERM SURETY BOND

THIS IS TO CERTIFY that Bond Number 188617 (for Reclamation Permit No. C/015/015) issued by

Travelers Casualty and Surety Company of America, as Surety, dated the 3rd

day of May, 1991, in the amount of _____

Three Million Five Hundred And Ten Thousand (\$ 3,510,000.00), on behalf
And 00/100

of Consolidation Coal Company, as Principal,

and in favor of State of Utah, Division of Oil, Gas and Mining, and the U.S., as Obligee,
Department of Interior, Office of Surface Mining and Reclamation

covers a term which began on the 3rd day of May, 1991,

and ends only with the cancellation of said bond or other legal termination thereof; and that the said bond remains in effect, subject to all its agreements, conditions and limitations.

Signed, sealed and dated this 25th day of August, 2010.

Travelers Casualty and Surety Company of America
Surety

By: Mary Y. Volmar
Mary Y. Volmar, Attorney-In-Fact



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 222446

Certificate No. 003676096

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

Debra Elaine Clark-Kinhead, Joseph R. Poplawski, Tara W. Mealer, Mary Y. Volmar, and Sheri M. Sutton

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

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 19th day of May, 2010.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 19th day of May, 2010, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

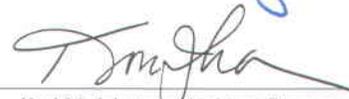
FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 25th day of August, 20 10.


Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.

CONSOL Energy and Related Companies - Violation History**August 24, 2007 - August 24, 2010**

Attachment Page 1 of 65

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

PERMIT NO: 060-E475 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-1891 DATE VIOL. ISSUED: 10/14/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code OT: Permittee began exploration core drilling before the exploration was permitted.

CURRENT STATUS: TERMINATED STATUS DATE: 10/21/2008
 REQUIRED ACTIONS: Cease all core drilling until the time that the exploration permit has been issued.

ABATEMENT ACTIONS: Violation Terminated - 10/21/2008.

PERMIT NO: 460-5092 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2306 DATE VIOL. ISSUED: 5/11/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code SC: Failed to maintain sediment control structure #1 according to approved plan. This is in reference to sediment clean-out levels & obstructions found in principal spillway.

CURRENT STATUS: EXTENDED STATUS DATE: 3/26/2010
 REQUIRED ACTIONS: Implement approved sediment clean-out plan, remove obstructions from within principal spillway, reestablish rip-rap for emergency spillway and remove all tree growths from upstream & downstream embankments.

ABATEMENT ACTIONS: Extended to 5/15/10

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0216 DATE VIOL. ISSUED: 4/13/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to provide adequate water quality for Clinton Handshoe.

CURRENT STATUS: TERMINATED STATUS DATE: 4/19/2010
 REQUIRED ACTIONS: The temporary water source must be brought within the approved guidelines for drinking water.

ABATEMENT ACTIONS:

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0215 DATE VIOL. ISSUED: 1/29/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failure to minimize disturbance to hydrologic balance in permit area by mining Elkhorn #3 seam. Permittee has impacted the Clinton Handshoe well.

CURRENT STATUS: Non-Correctable STATUS DATE:

REQUIRED ACTIONS: Disturbance to the hydrologic balance has adversely affected the water quality of the Clinton Handshoe well and the impact cannot be reversed.

ABATEMENT ACTIONS:

CONSOL Energy and Related Companies - Violation History

August 24, 2007 - August 24, 2010

Attachment Page 2 of 65

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

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-2278 DATE VIOL. ISSUED: 1/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code AP: Company and operator has allowed fugitive dust and/or coal dust to occur in an uncontrolled manner from the coal belt line and the coal stock pile area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/2/2009
 REQUIRED ACTIONS: Company must supply an adequate amount of water, consistently maintain the water sprinkler system, and follow the permitted and approved dust control plans at all times.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-2277 DATE VIOL. ISSUED: 12/23/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code AP: Allowed fugitive dust in an uncontrolled manner.
 2) Code SC: Failed to maintain the principle spillway according to plan
 3) Code DS: Failed to properly maintain diversion ditches.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2009
 REQUIRED ACTIONS: 1) Control all fugitive dust.
 2) Remove debris from principle spillway.
 3) Regrade diversion ditches
 ABATEMENT ACTIONS: Required work complete: Violation 1 Terminated
 Required work completed; Violation 2 Terminated
 Required work completed; Violation 2 Terminated

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0827 DATE VIOL. ISSUED: 12/1/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code AP: Company and or operator has allowed fugitive dust to occur in an uncontrolled manner from the coal belt line and coal stock pile area.
 CURRENT STATUS: TERMINATED STATUS DATE: 12/15/2008
 REQUIRED ACTIONS: Add additional sprinklers to the coal belt line, coal stock pile area, and add additional gravel within the coal stock pile area.
 ABATEMENT ACTIONS: Required action completed: Violation terminated 12/15/2008

PERMIT NO: 836-5238 MSHA NO: 15-18296 MSHA DATE: 10/31/00
 VIOLATION NO: 43-0826 DATE VIOL. ISSUED: 9/25/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code UO: Failed to comply with all terms & conditions of permit.
 2) Code BG: Failed to properly handle or dispose of toxic chemicals.
 3) Code AP: Allowed fugitive dust to occur in an uncontrolled manner.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/5/2009
 REQUIRED ACTIONS: 1) Remove operator and/or comply with permit and/or subit operator change. 2) Remove and properly dispose of chemicals. 3) Follow the approved and permitted plans to prevent air born dust.
 ABATEMENT ACTIONS: Violation 1&2: Terminated
 Violation 3: Terminated 10/22/2008

CONSOL Energy and Related Companies - Violation History

August 24, 2007 - August 24, 2010

Attachment Page 4 of 65

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

PERMIT NO: 860-0333 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2298 (5) DATE VIOL. ISSUED: 5/9/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 5) Code OD: Off permit material has been deposited around a citizen's residence located near the head waters of County Line Hollow.

CURRENT STATUS: TERMINATED STATUS DATE: 5/20/2009
 REQUIRED ACTIONS: 5) Retrieve all off permit materials and return to permitted area.
 Seed and mulch all disturbed areas.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 860-0333 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2298 (1-2) DATE VIOL. ISSUED: 5/9/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code BG: A slide had developed along the downslope of increment 6 located within County Line Hollow.
 2) Code WQ: Allowed substandard discharge to leave permitted area.

CURRENT STATUS: TERMINATED STATUS DATE: 9/29/2009
 REQUIRED ACTIONS: 1) Stabilize, seed and mulch all disturbed areas. Establish temp.
 sediment control for all disturbed areas.
 2) Immediately cease all substandard discharge from permitted area.

ABATEMENT ACTIONS: Violation 1 Terminated 9-29-09
 Violations 2-5 Terminated 5-20-09

PERMIT NO: 860-0390 MSHA NO: N/A MSHA DATE: 00/00/00
 VIOLATION NO: 53-2552 DATE VIOL. ISSUED: 4/30/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Non-coal waste was disposed of improperly.

CURRENT STATUS: TERMINATED STATUS DATE: 7/28/2008
 REQUIRED ACTIONS: All waste must be removed and properly disposed of. Disturbed areas must be seeded and mulched.

ABATEMENT ACTIONS: Required work completed; Violation terminated 07/28/2008

PERMIT NO: 860-5148 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2308 (3-4) DATE VIOL. ISSUED: 5/11/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 3) Code WQ: Discharge from blow-out area has exceeded max daily allowances for Iron. 4) Code EL: Discharge from blow-out area has exceeded max daily allowances for Iron.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 3) Treat blow-out discharge to ensure compliance.
 4) Treat blow-out discharge to ensure compliance.

ABATEMENT ACTIONS:

CONSOL Energy and Related Companies - Violation History

August 24, 2007 - August 24, 2010

Attachment Page 5 of 65

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

PERMIT NO: 860-5148 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2308 (1-2) DATE VIOL. ISSUED: 5/11/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code HR: A blow out has occurred within Sycamore Fork & deposited excessive amounts of sediment. 2) Code OD: A high velocity flow eroded portions of downslope below blow out area.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 1) Construct & maintain an adequate wet seal. Remove all deposited material and return to pre-existing conditions. 2) Restore all referenced areas to pre-existing conditions. Reclaim eroded area.
 ABATEMENT ACTIONS:

PERMIT NO: 860-5154 MSHA NO: N/A MSHA DATE:
 VIOLATION NO: 43-1444 DATE VIOL. ISSUED: 7/27/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Three to six feet of the discharge end of the principal spillway on sediment structure P-4A has eroded through to the embankment.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/16/2009
 REQUIRED ACTIONS: Repair and/or replace the principal spillway. Ascertain all woody vegetation is removed from the embankment and the principal and emergency spillway areas.
 ABATEMENT ACTIONS: Required work completed; violation terminated 9/16/09.

PERMIT NO: 860-5154 MSHA NO: unknown MSHA DATE: unknown
 VIOLATION NO: 43-1821 DATE VIOL. ISSUED: 1/29/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Code BG. Backfill material unstable, exposed highwall. (2) Code AC. Failed to maintain Road G. (3) Code SC Failed to maintain sediment structure P-11. (4) Code DS. Failed to maintain Hollow Fills 1, 2 & 3.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/26/2009
 REQUIRED ACTIONS: (1) Stabilize backfill material & eliminate exposed high-wall. (2) Maintain Road G. (3) Maintain sediment structure P-11. (4) Stabilize eroded side drains in Hollow Fills #1, #2 & #3.
 ABATEMENT ACTIONS: Violations 1 terminated: 10/07/2008
 Violation 3 terminated 07/03/2008
 Violation 2 & 4: terminated 01/26/2009

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0803 DATE VIOL. ISSUED: 10/28/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code EL: 2) Code WQ: Water is discharging from an underground mine area & leaving the permitted area. The water is not within allowable limits for Iron and pH.
 CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: 1) & 2): The discharge area should be added as a KPDRS monitoring point. Appropriate actions should be taken to ensure the discharge is brought back within allowable limits.
 ABATEMENT ACTIONS: Permit transferred to Deane Mining Co. 10-30-2008

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

PERMIT NO: 860-5202 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-2043 DATE VIOL. ISSUED: 12/20/2007 ISSUED BY: KY DMER
 VIOLATION DESCRIPTION: Code SB. Subsidence cracks have occurred above mined area

CURRENT STATUS: TERMINATED STATUS DATE: 11/11/2008
 REQUIRED ACTIONS: Areas affected should be sealed, graded, seeded & mulched.

ABATEMENT ACTIONS: Required work completed, violation terminated 11/11/2008

PERMIT NO: 860-5212 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-0473 DATE VIOL. ISSUED: 5/5/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code HR: Allowed uncontrolled discharge from mine works.
 2) Code OD: Allowed off permit disturbance to occur.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 1) Implement water monitoring plan. Submit & obtain revised KPDES permit. Repair all damage.
 2) Submit & obtain reclamation plan and a wet seal for blow out.

ABATEMENT ACTIONS:

PERMIT NO: 860-5218 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2290 (1-2) DATE VIOL. ISSUED: 5/27/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code AC: Failed to maintain Access Road #1 accord to plan.
 Allowed severe erosion and surface water runoff.
 2) Code OD: Allowed dirt & debris to leave permitted area.

CURRENT STATUS: TERMINATED STATUS DATE: 8/10/2009
 REQUIRED ACTIONS: 1) Repair and unstop culverts and ditch lines. Seed & mulch affected areas.
 2) Clean up dirt & debris. Seed & mulch affected area.

ABATEMENT ACTIONS: Required work completed; Violation Terminated

PERMIT NO: 860-5218 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2290 (3) DATE VIOL. ISSUED: 5/27/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 3) Code SC: Failed to properly maintain embankment of silt pond #1 according to approved plans. Allowed water to over flow down embankment and caused erosion.

CURRENT STATUS: TERMINATED STATUS DATE: 8/10/2009
 REQUIRED ACTIONS: 3) Regrade area of embankment affected by erosion. Seed & mulch affected area.

ABATEMENT ACTIONS:

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

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-2238 DATE VIOL. ISSUED: 6/11/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code EL 2) Code WQ: Exceeded effluent limitations by allowing substandard water to discharge from sediment structure #2 into Turtle Branch Creek.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/12/2009
 REQUIRED ACTIONS: 1&2) Immediately initiate all reasonable measures to stop the discharge of the substandard water into Turtle Branch Creek and bring all additional discharges into compliance with KPDES standards.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 860-5221 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2128 DATE VIOL. ISSUED: 3/4/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code HR) Failure to minimize disturbance to hydrologic balance by diminishing the water supply of households located on Hummingbird Lane.
 CURRENT STATUS: Non-Correctable STATUS DATE: 3/4/2009
 REQUIRED ACTIONS: Violation non-correctable because permittee has adversely affected the water supply of homes on Hummingbird Lane.
 ABATEMENT ACTIONS:

PERMIT NO: 860-5221 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-2129 DATE VIOL. ISSUED: 3/4/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code DS) Failure to submit critical stage certification and quarterly certification for temporary Side Hill Fill #4 for all quarters of '05, '06, '07 and '08. Failure to submit final certification for Side Hill Fill #4.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/2/2009
 REQUIRED ACTIONS: Submit the final certification for Side Hill Fill #4.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-2068 DATE VIOL. ISSUED: 12/29/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code EL: Discharge of substandard water from Pond #2.
 2) Code WQ: Discharge of substandard water from Pond #2.
 CURRENT STATUS: Non-Correctable STATUS DATE: 12/29/2008
 REQUIRED ACTIONS: 1) Non-Correctable
 2) Non-Correctable
 ABATEMENT ACTIONS: Violation Non-Correctable

CONSOL Energy and Related Companies - Violation History

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

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1893 DATE VIOL. ISSUED: 12/18/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code: OM. Permittee has failed to follow approved plans in Amendment #4 by not reconstructing Ponds #3 & #4, which were approved to be slightly relocated and enlarged.
 CURRENT STATUS: VACATED STATUS DATE: 1/21/2009
 REQUIRED ACTIONS: Permittee must either construct Ponds #3 & #4 according to approved plans in the AM #4 or submit, obtain and secure a Revision reflecting the infield condition of said ponds.
 ABATEMENT ACTIONS:

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1815 DATE VIOL. ISSUED: 4/11/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Code SC: Failed to certify sediment structure #6.
 (2) Code WM: Failed to submit quarterly water monitoring reports.
 (3) Code SW: Failed to submit quarterly water monitoring reports.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/13/2008
 REQUIRED ACTIONS: (1) Submit certification of construction for sediment structure #6.
 (2) Non-Correctable
 (3) Non-Correctable
 ABATEMENT ACTIONS: Required work completed, violation terminated 05/13/2008.

PERMIT NO: 860-5221 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1811 DATE VIOL. ISSUED: 2/26/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: (1) Code EL. Discharge of substandard water from Pond #4.
 (2) Code WQ. Discharge of substandard water from Pond #4.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/29/2008
 REQUIRED ACTIONS: (1 & 2) Must immediately stop discharge of substandard water and bring all additional discharges into compliance.
 ABATEMENT ACTIONS: Required work completed; violation terminated 2/29/2008

PERMIT NO: 860-5229 MSHA NO: 15-18166 MSHA DATE: 05/18/1999
 VIOLATION NO: 43-2324 DATE VIOL. ISSUED: 8/3/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Mining activities have caused several large subsidence cracks and surface openings on CRI # 08-04-0065 Ralph Martin Property.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Prevent public access to cracks and openings. Take appropriate measures to restore land. Seed and mulch immediately after reclamation. Submit & obtain permit revision for mitigation plan.
 ABATEMENT ACTIONS:

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

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0744 DATE VIOL. ISSUED: 7/7/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee has allowed beavers to clog up and block the function of the principle spillway pipe of sediment structure SS#1.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Unblock the principle spillway pipe of sediment structure SS#1.

ABATEMENT ACTIONS:

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0598 (1-2) DATE VIOL. ISSUED: 3/23/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code OD: An off permit slide has occurred.
 2) Code BG: Slumpage has occurred in the backfill area.

CURRENT STATUS: Pending STATUS DATE:
 REQUIRED ACTIONS: 1) Retrieve all materials possible from affected area. Stabilize, seed, and mulch. Submit revision to permit off-permit areas.
 2) Regrade, stabilize, seed, and mulch affected area.

ABATEMENT ACTIONS:

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0598 (3-4) DATE VIOL. ISSUED: 3/23/2010 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 3) Code AC: Failed to maintain Haulroad D and allowed material to fill and block ditches along Haulroads A and D.
 4) Code SC: Allowed principle spillway pipe of pond SS#2 to break.

CURRENT STATUS: Pending STATUS DATE:
 REQUIRED ACTIONS: 3) Stabilize and repair haulroad. Clean out ditches.
 4) Repair embankment and principle spillway pipe of pond SS#2.

ABATEMENT ACTIONS: 4) Terminated
 3) Terminated

PERMIT NO: 860-5260 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-2381 DATE VIOL. ISSUED: 11/12/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee mined into the outcrop barrier at the following approximate locations, North of Face up #2, Northwest of Face up #3, North of Face up #4, and West of Face up #1.

CURRENT STATUS: TERMINATED STATUS DATE: 9/2/2009
 REQUIRED ACTIONS: An appropriate permitting action should be submitted and obtained addressing the removal of the unmined outcrop barrier.

ABATEMENT ACTIONS: Required work completed; Violation terminated 09/02/2009.

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

PERMIT NO: 860-8005 MSHA NO: 15-17021 MSHA DATE:

VIOLATION NO: 43-2047 DATE VIOL. ISSUED: 3/17/2008 ISSUED BY: KY DSMRE

VIOLATION DESCRIPTION: 1) Code EL. Permittee allowed substandard discharge from Pond 005.
2) Code WQ. Permittee allowed substandard discharge from Pond 005
3) Code SC. Permittee allowed Pond 005 to exceed sediment capacity.

CURRENT STATUS: TERMINATED STATUS DATE: 3/25/2008

REQUIRED ACTIONS: 1) Cease discharge of substandard water.
2) Cease discharge of substandard water.
3) Remove sediment from Pond 005; return pond to original capacity.

ABATEMENT ACTIONS: Required work completed; violations 1&2 terminated 3/18/2008
Required work completed; violation 3 terminated 3/25/2008

PERMIT NO: 867-0446 MSHA NO: N/A MSHA DATE: N/A

VIOLATION NO: 53-2550 DATE VIOL. ISSUED: 4/2/2008 ISSUED BY: KY DSMRE

VIOLATION DESCRIPTION: Code: CR. Exposed Highwall

CURRENT STATUS: Non-Correctable STATUS DATE: 6/16/2008

REQUIRED ACTIONS: Begin reclamation work to eliminate all highwalls.

ABATEMENT ACTIONS: Violation changed to Non-Correctable due to the transfer to Deane Mining Co.

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: N/A

VIOLATION NO: 53-2555 DATE VIOL. ISSUED: 6/25/2008 ISSUED BY: KY DSMRE

VIOLATION DESCRIPTION: Code OD: Personnel working on behalf of Deane Mining LLC, have transported material to an area not permitted.

CURRENT STATUS: TERMINATED STATUS DATE: 10/27/2008

REQUIRED ACTIONS: Immediately provide temporary sediment control for the disturbed area and begin measures to reclaim the disturbance.

ABATEMENT ACTIONS: Violation deemed non-correctable because a transfer from Consol of Kentucky Permit #867-5182 to Deane Mining, LLC Permit #867-5300 has been issued.

PERMIT NO: 867-5182 MSHA NO: N/A MSHA DATE: N/A

VIOLATION NO: 53-2554 DATE VIOL. ISSUED: 6/10/2008 ISSUED BY: KY DSMRE

VIOLATION DESCRIPTION: 1) Code WQ: Permittee has allowed a substandard discharge.
2) Code EL: Permittee has allowed a substandard discharge.

CURRENT STATUS: TERMINATED STATUS DATE: 10/27/2008

REQUIRED ACTIONS: 1 & 2) Must immediately begin measures to stop the substandard discharge and install temp. treatment at the site. Must also submit a Revision that will allow an approved "designed pond."

ABATEMENT ACTIONS: Violation deemed non-correctable because a transfer from Consol of Kentucky Permit #867-5182 to Deane Mining, LLC Permit #867-5300 has been issued.

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

PERMIT NO: 867-5184 MSHA NO: MSHA DATE:
 VIOLATION NO: 53-2317 DATE VIOL. ISSUED: 3/28/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code: OM. Failed to follow plans for the sealing of "punch-outs."
 Plans requires pipes to be installed within punch-out openings

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Must install pipes as required by permit or obtain revision that
 deletes this requirement.

ABATEMENT ACTIONS: Modified to Non-Correctable - 12/08/2008

PERMIT NO: 867-9007 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 53-0426 DATE VIOL. ISSUED: 11/13/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code WD: Allowed water to flow over the downstream slope of the
 refuse impoundment. 2) Code DV: Failed to maintain perimeter
 diversions around the downstream face of the refuse impoundment.

CURRENT STATUS: Non-Correctable STATUS DATE: 12/14/2009
 REQUIRED ACTIONS: 1) Reconstruct area of violation to divert all surface runoff to
 associated drain sites. 2) Reconstruct perimeter diversions & install
 rip-rap to prevent further erosions and washouts from occurring.

ABATEMENT ACTIONS: Modified to Non-Correctable due to the issuance of transfer
 to permit #867-9022.

PERMIT NO: 867-9007 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 53-0111 DATE VIOL. ISSUED: 10/8/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code: EL, 2) Code: WQ. Allowed substandard water to be
 discharged from KPDES Point #3 and enter into Waters of the
 Commonwealth, Razorblack Branch.

CURRENT STATUS: TERMINATED STATUS DATE: 10/23/2009
 REQUIRED ACTIONS: 1&2) Immediately take any and all measures to bring discharge of
 KPDES Point #3 into compliance with KPDES limitations.

ABATEMENT ACTIONS:

PERMIT NO: 867-9007 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 53-2870 DATE VIOL. ISSUED: 6/24/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code WQ: Failed to pass all surface drainage through sediment
 control. Allowed water to pass through breach in Diversion Ditch #3.
 2) Code DV: Allowed large breach in Diversion Ditch #3.

CURRENT STATUS: TERMINATED STATUS DATE: 8/20/2009
 REQUIRED ACTIONS: 1&2) Install temp. sediment control. Reconstruct/repair breach.
 Retrieve as much material as possible without creating additional
 environmental damage. Seed & mulch disturbed areas.

ABATEMENT ACTIONS: Extended to 8/23/09
 Required work completed; Violation Terminated

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

PERMIT NO: 867-9007 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 53-2314 DATE VIOL. ISSUED: 2/3/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code EL: Permittee has allowed substandard water to be discharged from Pond #5. 2) Code WQ: Permittee has allowed substandard water to be discharged from Pond #5.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/6/2009
 REQUIRED ACTIONS: 1&2) Permittee shall take any and all measures necessary to bring discharge of Pond #5 into compliance with KPDES Permit Limitations.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 867-9007 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 53-2305 DATE VIOL. ISSUED: 1/21/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Permittee has failed to remove junk equipment, equipment parts, etc from an area designated as a "topsoil storage area."
 CURRENT STATUS: TERMINATED STATUS DATE: 4/8/2009
 REQUIRED ACTIONS: Permittee shall immediately begin measures to remove all junk equipment, etc. from area in violation and dispose of in approved manner. Permittee must also seed and mulch all disturbed areas.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 867-9007 MSHA NO: MSHA DATE: N/A
 VIOLATION NO: 53-0664 DATE VIOL. ISSUED: 11/30/2007 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Failed to maintain adequate drainage for the Coal Waste Dam
 CURRENT STATUS: TERMINATED STATUS DATE: 12/14/2007
 REQUIRED ACTIONS: Eastablish adequate drainage and repair damage
 ABATEMENT ACTIONS: Required work completed, violation terminated 12/14/2007.

PERMIT NO: 877-0166 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-2279 DATE VIOL. ISSUED: 2/2/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code AC: Permittee and/or operator has failed to properly maintain access road #1 according to approved plans. 2) Code OD: Permittee and operator has allowed mud and debris to be tracked off permit area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/11/2009
 REQUIRED ACTIONS: 1) Regrade the surface of access road.
 2) Remove, return and properly dispose of the mud and debris.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

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

PERMIT NO: 877-0166 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0791 DATE VIOL. ISSUED: 8/1/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code OD: Material has been tracked from Haul Road #3 onto state road 3336.

CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2008
 REQUIRED ACTIONS: Retrieve all material which has been tracked onto 3336 and return it to the permitted area.

ABATEMENT ACTIONS: Required work completed: violation terminated 08/04/2008.

PERMIT NO: 877-0166 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-2079 DATE VIOL. ISSUED: 6/24/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code CR: Failed to eliminate high-wall in timely manner.
 2) Code OD: Created surface disturbances outside permitted area.
 3) Code OO: Operator extended past underground permit boundary

CURRENT STATUS: TERMINATED STATUS DATE: 2/26/2009
 REQUIRED ACTIONS: 1) Eliminate all remaining high-wall.
 2) Obtain a revision which will bring this area within permit boundary.
 3) Obtain a revision which will bring this area within permit boundary.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: 877-0166 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-1934 DATE VIOL. ISSUED: 3/27/2008 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: Code: UE. Failed to maintain blasting records.

CURRENT STATUS: Non-Correctable STATUS DATE: 3/27/2008
 REQUIRED ACTIONS: Contract blasting company no longer operating on site.

ABATEMENT ACTIONS:

PERMIT NO: 877-0189 MSHA NO: N/A MSHA DATE: N/A
 VIOLATION NO: 43-0441 (7-8) DATE VIOL. ISSUED: 11/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 7) Code OT: Failed to leave a natural undisturbed barrier throughout the permitted area. 8) Code DV: Failed to construct diversion ditches according to approved plans.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 7) Reconstruct and maintain a barrier.
 8) Construct diversion ditches according to approved plans.

ABATEMENT ACTIONS: 7) TERMINATED

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

PERMIT NO: 877-0189 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-0441 (9-10) DATE VIOL. ISSUED: 11/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 9) Code OM: Failed to follow the approved method of operation thru out the permitted area. 10) Code SM: Failed to post and maintain perimeter markers thru out the permitted area.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 9) Follow the approved method of operation on the remaining areas to be mined.
 10) Post and maintain perimeter markers thru out permitted area.
 ABATEMENT ACTIONS: Violation 10 has been completed.

PERMIT NO: 877-0189 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-0441 (1-2) DATE VIOL. ISSUED: 11/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 1) Code CR: Failed to follow the approved reclamation plans.
 2) Code OD: Constructed Silt Pond #8 off the permitted and bonded area.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 1) Cease hauling or dumping any excess spoil within the disposal area.
 2) Submit a revision to bring the off permit disturbance under permit.
 ABATEMENT ACTIONS: 1) TERMINATED

PERMIT NO: 877-0189 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-0441 (5-6) DATE VIOL. ISSUED: 11/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 5) Code DS: Allowed excess spoil to be placed on outer edge of berm.
 6) Code WQ: Failed to pass all surface drainage through approved sediment control.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 5) Remove all excess spoil material. Seed and mulch.
 6) Divert all surface water drainage through approved sediment control structures.
 ABATEMENT ACTIONS: 5) TERMINATED

PERMIT NO: 877-0189 MSHA NO: MSHA DATE:
 VIOLATION NO: 43-0441 (3-4) DATE VIOL. ISSUED: 11/16/2009 ISSUED BY: KY DSMRE
 VIOLATION DESCRIPTION: 3) Code SC: Failed to construct, maintain & certify Silt Pond #8 according to approved plans. 4) Code SS: Placed rocks, overburden material and debris on the down slope below coal seam.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: 3) Reconstruct emergency spillway.
 4) Retrieve all rock, overburden material and debris from down slope area. Seed and mulch all affected area.
 ABATEMENT ACTIONS: 4) TERMINATED

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

PERMIT NO: S-5009-05 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (11) DATE VIOL. ISSUED: 1/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to protect off-site areas during surface mining by not preventing waste accumulations outside the permit area, in that wet coal from trucks was despositing black water onto highway 119.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/6/2009
 REQUIRED ACTIONS: Permittee is to load coal in a manner that will insure that it is not saturated with pit water. Permittee is to submit a statement on how material will be done to prevent this in the future.
 ABATEMENT ACTIONS:

PERMIT NO: S-5009-05 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (10) DATE VIOL. ISSUED: 1/13/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to prevent air pollution and fugitive dust in that a blast from permit shot dust over highway 119, 1200 feet north of the permit.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/6/2009
 REQUIRED ACTIONS: Permittee is to place wind socks at edge of permit on operator and permittee work zones. Blasting is to only occur when wind direction is towards the permit.
 ABATEMENT ACTIONS:

PERMIT NO: S-5009-05 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (9) DATE VIOL. ISSUED: 1/13/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to prevent damage from occurring off permitted areas in that rocks were below SD 22 area of permit. Some of these were above residences but are stable at their present location.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/6/2009
 REQUIRED ACTIONS: Remove rocks from offsite areas or place them in the nearby subsidence cracks of Bronzite mine.
 ABATEMENT ACTIONS:

PERMIT NO: S-5009-05 MSHA NO: 46-08904 MSHA DATE:
 VIOLATION NO: S-5009-05 (8) DATE VIOL. ISSUED: 1/7/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to construct and maintain sediment control systems in that pond 6 was unable to pass less than a 1 year storm event without erosion of the embankment around the spillway.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/6/2009
 REQUIRED ACTIONS: Stabilize eroded area around the spillway and provide erosion protection. Reconstruct spillway riprap and grout upon completion.
 ABATEMENT ACTIONS:

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

PERMIT NO: S-5018-06 MSHA NO: MSHA DATE:
 VIOLATION NO: S-5018-06 (1) DATE VIOL. ISSUED: 8/18/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee conducted surface mining activities in a component drainage area without certifying a sediment control structure for said drainage area.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/19/2009
 REQUIRED ACTIONS: Permittee is to cease disturbances in component drainage areas of Valley Fill 1 until ponds are properly constructed & certified.

ABATEMENT ACTIONS:

PERMIT NO: S-5038-93 MSHA NO: 46-01938 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (22) DATE VIOL. ISSUED: 4/13/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Material was allowed to escape permit boundaries during sediment ditch construction.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/27/2010
 REQUIRED ACTIONS: Remove material from the off-site area.

ABATEMENT ACTIONS:

PERMIT NO: S-5038-93 MSHA NO: 46-01938 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (21) DATE VIOL. ISSUED: 10/14/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to progressively construct the permanent drainage to ensure stability of fill, control erosion and minimize water infiltration into VF DRF 1103.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/4/2010
 REQUIRED ACTIONS: Construct rock groins to coincide with constructed lifts, clean SD 1103, seed and mulch all disturbed areas.

ABATEMENT ACTIONS:

PERMIT NO: S-5038-93 MSHA NO: 46-01938 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (20) DATE VIOL. ISSUED: 6/3/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to protect off-site areas from slides or damages during surface mining operations.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/24/2009
 REQUIRED ACTIONS: Permittee is to reconstruct portion of SC-II and re-install outfall 008; remove slide from off-site area and reclaim all disturbances.

ABATEMENT ACTIONS:

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

PERMIT NO: S-5038-93 MSHA NO: 46-09138 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (19) DATE VIOL. ISSUED: 8/21/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to protect off-site areas from damages occurring during mining in that dozers have worked below SC JJ, and outside the limits of Fill DFR 1101.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/14/2008
 REQUIRED ACTIONS: Repair Ditch SC JJ. Remove any offsite materials and reseed disturbed areas. Submit an IBR to add disutrbed areas onto permit.
 ABATEMENT ACTIONS: Violation Terminated - 10/14/2008

PERMIT NO: S-5038-93 MSHA NO: 46-09138 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (18) DATE VIOL. ISSUED: 8/21/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to follow permit conditions in that the reclamation required for Phase II of mining has not been completed and Phase II distrubance has begun.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/6/2009
 REQUIRED ACTIONS: Cease any additional disturbance and reclaim all areas required for Phase II of the mining and reclamation plan.
 ABATEMENT ACTIONS: Completed DRF 2 work regarding reclamation.

PERMIT NO: S-5038-93 MSHA NO: 46-09138 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (17) DATE VIOL. ISSUED: 8/13/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to protect off-site areas from slides or damage occurring during surface mining operations.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/13/2008
 REQUIRED ACTIONS: Actions were already being taken by the permittee. No remedial measures ordered.
 ABATEMENT ACTIONS: Violation Terminated -08/13/2008

PERMIT NO: S-5038-93 MSHA NO: 46-09138 MSHA DATE: n/a
 VIOLATION NO: S-5038-93 (16) DATE VIOL. ISSUED: 6/3/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to prevent disposal of organic materials in a fill area.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/4/2008
 REQUIRED ACTIONS: Cease hauling spoil to DRF 1103 until trees and roots are removed.
 ABATEMENT ACTIONS: Violation Terminated - 06/04/2008

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

PERMIT NO: S-95-85 MSHA NO: 06089 MSHA DATE:
 VIOLATION NO: S-95-85 (29) DATE VIOL. ISSUED: 6/7/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain sediment control in that sediment ditch 95 did not have capacity and was allowing discolored water to leave the permitted area.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/9/2010
 REQUIRED ACTIONS: Clean sediment ditch 95 to 100% capacity.

ABATEMENT ACTIONS:

PERMIT NO: U-5001-08 MSHA NO: 46-09307 MSHA DATE:
 VIOLATION NO: U-5001-08 (5) DATE VIOL. ISSUED: 4/21/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to properly maintain the approved drainage system.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/27/2010
 REQUIRED ACTIONS: Restore capacity of haulroad sumps and remove obstructions from haulroad ditchline.

ABATEMENT ACTIONS:

PERMIT NO: U-5001-08 MSHA NO: 46-09307 MSHA DATE:
 VIOLATION NO: U-5001-08 (4) DATE VIOL. ISSUED: 2/12/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas by depositing accumulated wastes outside permitted area and onto Rte. 119.
 CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Remove all accumulated deposits from affected off-site areas and develop a method to limit such depositions from accumulating off-site in the future

ABATEMENT ACTIONS:

PERMIT NO: U-5001-08 MSHA NO: 46-09307 MSHA DATE:
 VIOLATION NO: U-5001-08 (3) DATE VIOL. ISSUED: 3/10/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to place material in a controlled manner in fill 2 area.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/26/2009
 REQUIRED ACTIONS: Complete all clearing and grubbing and removal of organics, trash and other deliterious materials prior to fill placement. Permittee must also install curtains in Pond 1 to alleviate short-circuiting of fill runoff.

ABATEMENT ACTIONS:

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

PERMIT NO: U-5001-08 MSHA NO: 46-09307 MSHA DATE:
 VIOLATION NO: U-5001-08 (2) DATE VIOL. ISSUED: 3/10/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to properly construct/maintain access road. This allowed runoff without sediment control.

CURRENT STATUS: TERMINATED STATUS DATE: 3/26/2009
 REQUIRED ACTIONS: Property surface access roadway and construct suitable sediment control for any roadway runoff.

ABATEMENT ACTIONS:

PERMIT NO: U-5001-08 MSHA NO: MSHA DATE:
 VIOLATION NO: U-5001-08 (1) DATE VIOL. ISSUED: 11/5/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to construct and certify sediment control structures prior to any surface mining activities in the component drainage area of Pond 1.
 CURRENT STATUS: TERMINATED STATUS DATE: 11/18/2008
 REQUIRED ACTIONS: Cease cutting of trees within drainage areas controlled by Pond 1. Complete and certify Pond 1.

ABATEMENT ACTIONS: Required action complete; Violation terminated.

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE: 1/16/1987
 VIOLATION NO: U-5038-86 (15) DATE VIOL. ISSUED: 1/16/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to prevent tacking off permit in that coal fines are being carried onto 119 by trucks.

CURRENT STATUS: TERMINATED STATUS DATE: 1/17/2008
 REQUIRED ACTIONS: Stop coal haulage from haulroad. Clean haulroad.

ABATEMENT ACTIONS:

PERMIT NO: U-5038-86 MSHA NO: 46-06760 MSHA DATE:
 VIOLATION NO: U-5038-86 (14) DATE VIOL. ISSUED: 9/6/2007 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to follow the approved mining limits of the permit.

CURRENT STATUS: TERMINATED STATUS DATE: 10/1/2009
 REQUIRED ACTIONS: Cease activity outside approved mining limits.

ABATEMENT ACTIONS:

24-Aug-10

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

PERMIT NO: 30841316 MSHA NO: MSHA DATE:
VIOLATION NO: 251193 DATE VIOL. ISSUED: 10/14/2009 ISSUED BY: PA DEP
VIOLATION DESCRIPTION: Failed to perform a pre-mining structure survey for Property
#2204-121 (Betty Kulla), prior to the time that the structures fell
within a 30 degree angle of the draw of underground mining.
CURRENT STATUS: TERMINATED STATUS DATE:
REQUIRED ACTIONS:

ABATEMENT ACTIONS:

CONSOL Energy and Related Companies - Violation History*August 24, 2007 - August 24, 2010*

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

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: DATE VIOL. ISSUED: 5/9/2009 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to report damage within 10 days of being advised of subsidence damage to a structure or surface feature for the Finnegan Property.
 CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: DATE VIOL. ISSUED: 5/8/2009 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failure to notify within 24 hours of being advised of water supply contamination, diminution or interruption for the property owner (Doug Tharp & Jennifer Gilbert) above or near Bailey Mine.
 CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: 30841316 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: DATE VIOL. ISSUED: 3/19/2008 ISSUED BY: Fish & Boat C
 VIOLATION DESCRIPTION: Black water, laden with coal fines, was flowing directly out of the emergency spillway and discharging directly into the Enlow Fork of Wheeling Creek.
 CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: CMAP 30841316 MSHA NO: MSHA DATE:
 VIOLATION NO: 255131 DATE VIOL. ISSUED: 2/18/2010 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to conduct pre-mine survey within 30 days of mining for Robert W. Postlethwaite Property.
 CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

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

PERMIT NO: CMAP 30841317 MSHA NO: MSHA DATE:
 VIOLATION NO: DATE VIOL. ISSUED: 3/2/2010 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failure to certify all ponds.

CURRENT STATUS: STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: CMAP 30841317 MSHA NO: MSHA DATE:
 VIOLATION NO: DATE VIOL. ISSUED: 3/2/2010 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failure to certify all access roads and haulroads.

CURRENT STATUS: STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: CMAP 30841317 MSHA NO: MSHA DATE:
 VIOLATION NO: DATE VIOL. ISSUED: 3/2/2010 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failure to maintain drainage control system.

CURRENT STATUS: STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: CMAP 30841317 MSHA NO: MSHA DATE:
 VIOLATION NO: 242847 DATE VIOL. ISSUED: 2/13/2009 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to locate and identify a structure which has appeared since the permit application on the current submitted Enlow Fork 6 month map.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Submit a revised 6 month map, sheet 2-614. Revised map must show the location of the above mentioned structure.

ABATEMENT ACTIONS:

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

PERMIT NO: CMAP 30841317 MSHA NO: MSHA DATE:
 VIOLATION NO: 240127 DATE VIOL. ISSUED: 2/1/2009 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Mining induced changes to the streambed; After mining under the stream sections went dry; Approximately 200 fish died.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: CMAP 30841317 MSHA NO: MSHA DATE:
 VIOLATION NO: 242444 DATE VIOL. ISSUED: 2/1/2009 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Unauthorized discharge of drill water into Crafts Creek.

CURRENT STATUS: Terminated STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: CMAP 30841317 MSHA NO: MSHA DATE:
 VIOLATION NO: DATE VIOL. ISSUED: 12/16/2008 ISSUED BY: PA DEP
 VIOLATION DESCRIPTION: Failed to notify PA DEP within 10 days of being advised of the claim of subsidence damage.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS:

ABATEMENT ACTIONS:

PERMIT NO: U-2006-01 MSHA NO: 36-07230 MSHA DATE: 10/01/81
 VIOLATION NO: U-2006-01 (5) DATE VIOL. ISSUED: 11/2/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from damages in that the access road for the 14H bleeder site deviated from bonded permit area and the cleared area for the borehole site is larger than permitted.

CURRENT STATUS: Terminated STATUS DATE:
 REQUIRED ACTIONS: Submit and receive approval of an IBR to the permit to show the actual disturbed area.

ABATEMENT ACTIONS:

24-Aug-10

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

PERMIT NO: U-2006-01 MSHA NO: 36-07230 MSHA DATE: 10/01/81
VIOLATION NO: U-2006-01 (4) DATE VIOL. ISSUED: 7/30/2009 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Failed to provide certification for drainage and sediment designs.

CURRENT STATUS: TERMINATED STATUS DATE: 8/12/2009
REQUIRED ACTIONS: Submit certifications for drainage and sediment control designs.

ABATEMENT ACTIONS:

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

PERMIT NO: 1400047 MSHA NO: MSHA DATE:
 VIOLATION NO: KXH0006465 DATE VIOL. ISSUED: 2/3/2009 ISSUED BY: VA DMLR
 VIOLATION DESCRIPTION: The Poly pipe that carries mine water from Buch#1 - VP3 failed to function as described in approved application. This resulted in an unauthorized discharge.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/18/2009
 REQUIRED ACTIONS: Re-Evaluate the Chloride water transmission system and submit the evaluation to DMLR prior to the resumption of pumping.

ABATEMENT ACTIONS:

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10056 DATE VIOL. ISSUED: 6/15/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to maintain Diversion (Culvert) leading into Pond No. 9, 4th East Portal Area. Culvert 100% plugged.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/15/2010
 REQUIRED ACTIONS: Clean culvert.

ABATEMENT ACTIONS:

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10055 DATE VIOL. ISSUED: 6/15/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to maintain Diversion (Culvert A), located at the base of the access road to the refuse pile. Culvert 100% plugged.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/15/2010
 REQUIRED ACTIONS: Clean culvert.

ABATEMENT ACTIONS:

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10057 DATE VIOL. ISSUED: 6/15/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to maintain siltation structures associated with the 4th East Portal Area. Sil Fences #1 & #3 on the North and West side of the permit area are sun rotted and wind ripped. Varmint holes on the berm.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/15/2010
 REQUIRED ACTIONS: Replace Silt Fences #1 & #3. Repair varmint holes.

ABATEMENT ACTIONS:

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

PERMIT NO: ACT/015/015 MSHA NO: 42-00079 MSHA DATE: 05/13/75
 VIOLATION NO: 10048 DATE VIOL. ISSUED: 3/11/2010 ISSUED BY: UT DOGM
 VIOLATION DESCRIPTION: Failure to control noncoal waste in a controlled manner in the designated control structure.

CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: The noncoal waste items need to be cleaned up and placed in the designated control structures by March 16, 2010.

ABATEMENT ACTIONS:

PERMIT NO: C0150015 MSHA NO: MSHA DATE:
 VIOLATION NO: 10027 DATE VIOL. ISSUED: 8/12/2008 ISSUED BY: Utah DOGM
 VIOLATION DESCRIPTION: Failure to obtain a permit prior to mining and reclamation activities. Operator began construction on a concrete pad before the Division completed it's review or granted approval.

CURRENT STATUS: TERMINATED STATUS DATE: 8/18/2008
 REQUIRED ACTIONS: The operator/permittee must get an approved permit amendment that allows the concrete pad for the training tent or return the area to the approved status.

ABATEMENT ACTIONS: Violation terminated.

PERMIT NO: C0150015 MSHA NO: MSHA DATE:
 VIOLATION NO: 10018 DATE VIOL. ISSUED: 1/22/2008 ISSUED BY: Utah DOGM
 VIOLATION DESCRIPTION: Failure to obtain a permit prior to mining and reclamation activities.

CURRENT STATUS: TERMINATED STATUS DATE: 4/24/2008
 REQUIRED ACTIONS: Must obtain an approved permit amendment that allows the storage yard expansion and fence relocation at the 4th east portals or return the facilities to the approved status.

ABATEMENT ACTIONS:

PERMIT NO: O-1001-00 MSHA NO: 46-01436 MSHA DATE: n/a
 VIOLATION NO: O-1001-00 (7) DATE VIOL. ISSUED: 6/7/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to hydrologic balance in that the discharge from toe pond (Outlet20) spillway entered into Boggs Run causing heavy iron desposits.

CURRENT STATUS: TERMINATED STATUS DATE: 6/7/2010
 REQUIRED ACTIONS: Stop the discharge from the pond and take measures to prevent such a discharge from occurring again during heavy rain events.

ABATEMENT ACTIONS:

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

PERMIT NO: O-1011-93 MSHA NO: 01968 MSHA DATE:
 VIOLATION NO: O-1011-93 (2) DATE VIOL. ISSUED: 7/20/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from damages in that you disturbed areas beyond permit boundaries. Specifically, disturbed area south of infrequently used access road 3.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Submit and obtain approval for a modification to permit to include all disturbed areas outside permit limits.

ABATEMENT ACTIONS:

PERMIT NO: O-1011-93 MSHA NO: 01968 MSHA DATE:
 VIOLATION NO: O-1011-93 (1) DATE VIOL. ISSUED: 6/17/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit an application for permit renewal at least 120 days in prior to the expiration of the valid permit and failed to obtain approved permit renewal.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Obtain approved permit renewal

ABATEMENT ACTIONS:

PERMIT NO: O-2018-06 MSHA NO: MSHA DATE:
 VIOLATION NO: O-2018-06 (3) DATE VIOL. ISSUED: 9/8/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to hydrologic balance; discharge from sump at the beginning of the beltline access road from Boggs Run Rd. was in violation of 46-CRS-1-3-2(a) causing bad water.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/23/2009
 REQUIRED ACTIONS:

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: O-2018-06 MSHA NO: MSHA DATE:
 VIOLATION NO: O-2018-06 (2) DATE VIOL. ISSUED: 2/18/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to minimize disturbance to hydrologic balance in that discharge in violation of 46-CRS-1-3-2(a) which caused condition not allowable in state water (Boggs Run) below Fill #3.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/26/2009
 REQUIRED ACTIONS: Clean out sedimentation sump at the toe of disturbance and contribute additional measures for erosion control and sedimentation retention.

ABATEMENT ACTIONS: Required work completed; Violation terminated
 Sedimentation controls were maintained and added to site.

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

PERMIT NO: O-2018-06 MSHA NO: MSHA DATE:
 VIOLATION NO: O-2018-06 (1) DATE VIOL. ISSUED: 7/2/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Water was flowing off the permitted area with suspended solids,
 discoloring the receiving stream, Bogg's Run.

CURRENT STATUS: TERMINATED STATUS DATE: 7/3/2008
 REQUIRED ACTIONS: Control the carry over of sediment off the permitted area during
 construction.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

PERMIT NO: P-2021-07 MSHA NO: MSHA DATE:
 VIOLATION NO: P-2021-07 (1) DATE VIOL. ISSUED: 1/31/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to install haybales & sediment fences to control soil erosion

CURRENT STATUS: TERMINATED STATUS DATE: 4/17/2008
 REQUIRED ACTIONS: Correctly install haybales & silt fences. Stbilize any disturbed areas.

ABATEMENT ACTIONS:

PERMIT NO: P-2034-07 MSHA NO: MSHA DATE:
 VIOLATION NO: P-2034-07 (1) DATE VIOL. ISSUED: 1/22/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to notify Environmental Inspector 5 days prior to operation

CURRENT STATUS: TERMINATED STATUS DATE: 2/1/2008
 REQUIRED ACTIONS: Notify inspector prior to moving drilling equipment.

ABATEMENT ACTIONS: Violation Terminated: 2/01/2008

PERMIT NO: S-4004-03 MSHA NO: 46-09001 MSHA DATE: NA
 VIOLATION NO: S-4004-03 (8) DATE VIOL. ISSUED: 3/17/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow permit conditions in that Seismic Monitoring was not
 being conducted monthly at the nearest protected structure for air
 blast and ground vibration.

CURRENT STATUS: TERMINATED STATUS DATE: 4/16/2008
 REQUIRED ACTIONS: Conduct monthly monitoring for air blast and ground vibration at the
 nearest protected structure.

ABATEMENT ACTIONS: Required work completed: Violation terminated.

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

PERMIT NO: U-104-83 MSHA NO: 46-013318 MSHA DATE:
 VIOLATION NO: U-104-83 (75) DATE VIOL. ISSUED: 5/22/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining that caused a violation of applicable water quality standards. Water in Rob. Run was discolored by fine coal particles.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/22/2009
 REQUIRED ACTIONS: Cease discharge of black water containing coal fines immediately. Locate and correct the cause of the non-compliant discharge.
 ABATEMENT ACTIONS: Black water discharge ceased and was replaced by fresh water discharge. Culvert has been cleaned.

PERMIT NO: U-104-83 MSHA NO: 46-013318 MSHA DATE:
 VIOLATION NO: U-104-83 (76) DATE VIOL. ISSUED: 5/22/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to certify that an approved drainage system was constructed as designed prior to commencement of surface-mining operations. 18A Bleeder Shaft.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/23/2009
 REQUIRED ACTIONS: Certify the following structures: Drainage System 18A Bleeder Shaft Access Road, Sed Detention Pond 18A Shaft Site, Relocated Stream Channel 18A Shaft, Diversion Ditches 1&2, Flumes 1&2 at 18A.
 ABATEMENT ACTIONS:

PERMIT NO: U-104-83 MSHA NO: 46-013318 MSHA DATE:
 VIOLATION NO: U-104-83 (74) DATE VIOL. ISSUED: 9/23/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit all information required by the director in the application for permit renewal prior to the expiration of the valid Article 3 Surface Mining Permit.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/15/2009
 REQUIRED ACTIONS: Complete requirements and obtain approval of permit renewal.
 ABATEMENT ACTIONS: Extension granted to 12/23/2008. Required work completed; Violation terminated

PERMIT NO: U-104-83 MSHA NO: 46-013318 MSHA DATE:
 VIOLATION NO: U-104-83 (73) DATE VIOL. ISSUED: 6/21/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Conducted surface mining operations in such a manner as to create an imminent danger to the safety of the public in that material rolled down-slope beyond the permit boundary into a citizen's yard.
 CURRENT STATUS: PENDING STATUS DATE: 9/19/2008
 REQUIRED ACTIONS: Remove materials from citizen's yard, Stabilize outslopes, Guard area, Submit a report explaining why this danger occurred and what measures will be taken to prevent further occurrences.
 ABATEMENT ACTIONS: Extension granted to 05/17/2009

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

PERMIT NO: U-46-84 MSHA NO: 46-01968 MSHA DATE:
 VIOLATION NO: U-46-84 (26) DATE VIOL. ISSUED: 6/25/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to timely report within 24 hours a water or slurry discharge spill in accordance with NPDES and Groundwater Protection Permits.

CURRENT STATUS: TERMINATED STATUS DATE: 7/25/2008
 REQUIRED ACTIONS: Must timely report all spills.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: U-46-84 MSHA NO: 46-01968 MSHA DATE:
 VIOLATION NO: U-46-84 (27) DATE VIOL. ISSUED: 6/25/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Caused off-site damages to Consolidation Coal and M. Staggers properties located behind the Fresh water Impoundment in that you allowed a discharge of slurry water into a creek.

CURRENT STATUS: TERMINATED STATUS DATE: 8/14/2008
 REQUIRED ACTIONS: 1) Must immediately install monitoring system. 2) Must submit proof of notification of landowner. 3) Must initiate and continue remedial efforts to clean up mess. 4) Must clean headwaters of impoundment.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: U-78-83 MSHA NO: 46-01433 MSHA DATE: n/a
 VIOLATION NO: U-78-83 (42) DATE VIOL. ISSUED: 4/16/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow permit conditions in that a pre-subsidence survey, or waiver was not conducted and approved for the Dodd's property.

CURRENT STATUS: TERMINATED STATUS DATE: 4/17/2009
 REQUIRED ACTIONS: Before mining begins in an area, verify that a pre-subsidence survey or waiver has been approved for each owner and resident listed in the U007883 permit.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-78-83 MSHA NO: 46-01433 MSHA DATE: n/a
 VIOLATION NO: U-78-83 (41) DATE VIOL. ISSUED: 7/3/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limitations as set forth in the NPDES Program at Outlets 024 & 025 in that the AI was above the limit.

CURRENT STATUS: TERMINATED STATUS DATE: 7/18/2008
 REQUIRED ACTIONS: Meet effluent limits at Outlets 024 & 025.

ABATEMENT ACTIONS: Required work completed, violation terminated.

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

PERMIT NO:	U-78-83	MSHA NO:	46-01433	MSHA DATE:	n/a
VIOLATION NO:	U-78-83 (40)	DATE VIOL. ISSUED:	4/8/2008	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION:	Failed to maintain effluent limitations as set forth in the NPDES Program at Outlet 025 in that the AI was 4.5ppm which is above the allowed limit.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	5/8/2008		
REQUIRED ACTIONS:	Meet effluent limits at Outlet 025.				

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO:	UO-431	MSHA NO:	46-05620	MSHA DATE:	n/a
VIOLATION NO:	UO-431 (3)	DATE VIOL. ISSUED:	7/3/2008	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION:	Failed to maintain effluent limitations as set forth in the NPDES Program at Outlet 002 in that the AI was 1.48 ppm which is above the allowed limit of 0.75 ppm.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	7/18/2008		
REQUIRED ACTIONS:	Meet effluent limits at Outlet 002.				

ABATEMENT ACTIONS: Required work completed; Violation terminated.

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

PERMIT NO: CMAP 63831302 MSHA NO: MSHA DATE:
VIOLATION NO: 244939 DATE VIOL. ISSUED: 4/13/2009 ISSUED BY: PA DEP
VIOLATION DESCRIPTION: Failed to notify PA DEP within 24 hours of being advised of water
supply contamination, diminuation or interruption for the property of
JoAnn Standish 2-11-5.4.
CURRENT STATUS: Non-Correctable STATUS DATE:
REQUIRED ACTIONS:

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S-2005-02 MSHA NO: 46-08377 MSHA DATE:
 VIOLATION NO: S-2005-02 (18) DATE VIOL. ISSUED: 10/20/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow the approved plan in that they failed to immediately clean up a fuel spill coming out of the o&k shovel. 5-10 gallons was observed on the ground, with more discharging at time of inspection.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/22/2009
 REQUIRED ACTIONS: Stop fuel leak immediately.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S-2005-02 MSHA NO: 46-08377 MSHA DATE:
 VIOLATION NO: S-2005-02 (17) DATE VIOL. ISSUED: 1/7/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to minimize the disturbance to the prevailing hydrologic balance at outfall 025 & 026.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/20/2009
 REQUIRED ACTIONS: Operator needs to construct additional sumps along internal haul roads and divert water from haul road to constructed sediment cells.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S-2005-99 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2005-99 (7) DATE VIOL. ISSUED: 4/1/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to prevent the downslope placement of spoil material in that spoil from a contour cut as allowed to leave the mining area and flow through the windrow.
 CURRENT STATUS: PENDING STATUS DATE: 5/17/2010
 REQUIRED ACTIONS: Recover spoil material, grade, and reseed the disturbed area.

ABATEMENT ACTIONS:

PERMIT NO: S-2005-99 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2005-99 (6) DATE VIOL. ISSUED: 3/17/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failure to properly complete a blast log. On 3-11-10 at 1608, a blast was initiated and log filled out. The blaster failed to fill in the blaster information on the back of the blast log.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/30/2010
 REQUIRED ACTIONS: Properly complete the blast log from 3-11-10 at 1608.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S-2005-99 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2005-99 (5) DATE VIOL. ISSUED: 3/17/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Initiated a blast which caused flyrock to leave permitted area.

CURRENT STATUS: PENDING STATUS DATE: 4/12/2010

REQUIRED ACTIONS: 1. Provide a Causation and Prevention Plan to address how and why
 this occurred and measures you will take to prevent it in the future.
 2. Video all shots. 3. Report all incidents immediately.

ABATEMENT ACTIONS:

PERMIT NO: S-2005-99 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2005-99 (4) DATE VIOL. ISSUED: 9/10/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits in that Outlet #003 discharged
 water that exceeded the max limit for Al.

CURRENT STATUS: TERMINATED STATUS DATE: 9/10/2009

REQUIRED ACTIONS: Take action to bring the Outlet into compliance.

ABATEMENT ACTIONS:

PERMIT NO: S-2006-05 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2006-05 (5) DATE VIOL. ISSUED: 3/11/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to follow the approved pre-plan and placed material
 outside the bonded area below temporary Diverstion Ditch #2.

CURRENT STATUS: TERMINATED STATUS DATE: 6/17/2010

REQUIRED ACTIONS: Recover as much material as possible and vegetate area ASAP.

ABATEMENT ACTIONS:

PERMIT NO: S-2006-05 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2006-05 (4) DATE VIOL. ISSUED: 7/10/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow approved mining and reclamation plan. All surface
 operations shall be conducted so as to comply with approved plan.
 Exceeded the allowed disturbed acreage of 30.8.

CURRENT STATUS: TERMINATED STATUS DATE: 11/9/2009

REQUIRED ACTIONS: 1) Must revise and submit mining and reclamation plan to include
 disturbed acres on SM#4. 2) Provide inspector with a new
 progress map within 30 days.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S-2006-97 MSHA NO: 46-08133 MSHA DATE: 1/8/2002
 VIOLATION NO: S-2006-97 (38) DATE VIOL. ISSUED: 4/16/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to meet/maintain effluent limits in that water samples taken were non-compliant for Aluminum at Outlets 2 & 3.

CURRENT STATUS: PENDING STATUS DATE: 5/17/2010
 REQUIRED ACTIONS: Take action to meet effluent limits.

ABATEMENT ACTIONS:

PERMIT NO: S-2007-98 MSHA NO: 46-08727 MSHA DATE: 12/22/93
 VIOLATION NO: S-2007-98 (20) DATE VIOL. ISSUED: 2/27/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to properly maintain haulroad sumps. Sump was discharging muddy water into Right Fork of Leatherwood.

CURRENT STATUS: TERMINATED STATUS DATE: 3/16/2009
 REQUIRED ACTIONS: Clean haul road sumps and re-grade road so that water flows through all constructed sumps. Place hay bales at the exit channel of truck wash and maintain.

ABATEMENT ACTIONS:

PERMIT NO: S-2012-98 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (4) DATE VIOL. ISSUED: 1/8/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to prevent the placement of spoil material on unbonded area below the current mining operation.

CURRENT STATUS: TERMINATED STATUS DATE: 3/17/2010
 REQUIRED ACTIONS: Recover as much spoil as safely possible. Grade and seed all disturbed areas.

ABATEMENT ACTIONS:

PERMIT NO: S-2012-98 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (3) DATE VIOL. ISSUED: 2/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow the approved pre-plan (permit) in that the highwall mining was being conducted in an area not approved for highwall mining.

CURRENT STATUS: TERMINATED STATUS DATE: 3/12/2009
 REQUIRED ACTIONS: Cease highwall mining in the unapproved areas. Cover highwall mining holes to prevent access.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S-2012-98 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (2) DATE VIOL. ISSUED: 2/6/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow the approved Pre-Plan (Permit) in that several roads were built off bonded area.

CURRENT STATUS: TERMINATED STATUS DATE: 4/17/2009
 REQUIRED ACTIONS: Submit Permit Revision to include all distrubed areas and incorporate these areas into the Reclamation Plan.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S-2012-98 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2012-98 (1) DATE VIOL. ISSUED: 2/5/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to submit surface and groundwater monitoring reports for the 4th Quarter 2008.

CURRENT STATUS: TERMINATED STATUS DATE: 2/10/2009
 REQUIRED ACTIONS: Submit Article 3 water monitoring data for the 4th Quarter 2008.

ABATEMENT ACTIONS:

PERMIT NO: S-2013-98 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (15) DATE VIOL. ISSUED: 1/28/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has failed to protect off-site area from a slide in Peachorchard Hollow.

CURRENT STATUS: TERMINATED STATUS DATE: 3/26/2010
 REQUIRED ACTIONS: Operator needs to recover as much material from the slide area as possible. Maintain/repair temporary ditch and vegetate ASAP.

ABATEMENT ACTIONS:

PERMIT NO: S-2013-98 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (14) DATE VIOL. ISSUED: 8/27/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has failed to pass all runoff from the disturbed area through sedimentation control structure.

CURRENT STATUS: TERMINATED STATUS DATE: 12/8/2009
 REQUIRED ACTIONS: Operator needs to maintain and repair temporary diversion ditch and certify.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Fola Coal Company, L.L.C.

PERMIT NO: S-2013-98 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (13) DATE VIOL. ISSUED: 2/19/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has placed spoil material on the downslope. Spoil material is located between Valley Fill #1 and below the coalburg seam.

CURRENT STATUS: TERMINATED STATUS DATE: 3/20/2009
 REQUIRED ACTIONS: Operator needs to recover material, reclaim and vegetate area.

ABATEMENT ACTIONS:

PERMIT NO: S-2013-98 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (12) DATE VIOL. ISSUED: 2/19/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator has failed to follow permit conditions in that, operator has exceeded the 300' wing dumping of spoil material in Valley Fill 3.

CURRENT STATUS: TERMINATED STATUS DATE: 3/20/2009
 REQUIRED ACTIONS: Operator must follow the approved preplan and fix areas disturbed by the excess wing dumping.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S-2013-98 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (10) DATE VIOL. ISSUED: 1/30/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to handle material that is potentially toxic and/or acid producing within 30 days after initial exposure. Area above Valley Fill #4 and the right side of Valley Fill #1.

CURRENT STATUS: TERMINATED STATUS DATE: 4/15/2009
 REQUIRED ACTIONS: Must follow the approved preplan. Any and all material determined to be toxic/acid producing will be placed in the backfill within 30 days after exposure. Remove all pit cleanings from Valley Fill #1 & #4.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S-2013-98 MSHA NO: 46-08377 MSHA DATE: 12/22/1993
 VIOLATION NO: S-2013-98 (9) DATE VIOL. ISSUED: 1/30/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to keep operations current; mining operations and reclamation operations were not coordinated to minimize total disturbance and did not keep reclamation contemporaneous as possible.

CURRENT STATUS: TERMINATED STATUS DATE: 6/29/2009
 REQUIRED ACTIONS: Must reclaim areas to keep reclamation operations current and coordinate mining operations to minimize total disturbance. Must backfill and grade highwall at the head of Valley Fill #1.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: **Fola Coal Company, L.L.C.**

PERMIT NO:	S-2013-98	MSHA NO:	46-08377	MSHA DATE:	12/22/1993
VIOLATION NO:	S-2013-98 (11)	DATE VIOL. ISSUED:	1/30/2009	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION:	During construction, operator has failed to maintain in such a manner as to prevent water from discharging over the face of the Valley Fill (Fill #4)				
CURRENT STATUS:	TERMINATED	STATUS DATE:	4/15/2009		
REQUIRED ACTIONS:	Operator needs to configure the top of the Fill to prevent water from discharging over the face and construct groin ditches to minimize erosion.				
ABATEMENT ACTIONS:	Required work completed; Violation terminated				

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

PERMIT NO: 1201231 MSHA NO: MSHA DATE:
VIOLATION NO: GZC0002750 DATE VIOL. ISSUED: 9/1/2009 ISSUED BY: VA DMLR
VIOLATION DESCRIPTION: Failed to submit surface water monitoring reports for May 2009, for
Pond 01.

CURRENT STATUS: TERMINATED STATUS DATE: 10/23/109
REQUIRED ACTIONS:

ABATEMENT ACTIONS: Permittee submitted other water monitoring reports as required, but
no sample was taken for May. Therefore, there is no remedial action
required for this violation.

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

PERMIT NO: U-5013-93 MSHA NO: 46-08292 MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (8) DATE VIOL. ISSUED: 11/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to control or prevent air pollution attendant to erosion and siltation, including road dust as well as dust occurring on other exposed surfaces in accordance with prudent engineering practices.
 CURRENT STATUS: TERMINATED STATUS DATE: 11/23/2009
 REQUIRED ACTIONS: Clean and remove all material accumulations from Upper Sheppardstown Road from Rt. 119 through the Spring Branch access to the mine site.
 ABATEMENT ACTIONS:

PERMIT NO: U-5013-93 MSHA NO: 46-08292 MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (7) DATE VIOL. ISSUED: 4/21/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain effluent limits as set forth in the approved NPDES permit.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/22/2009
 REQUIRED ACTIONS: Maintain water so that all effluent limits are met. Submit measures to DEP that will be incorporated to prevent future flows outside of set limits.
 ABATEMENT ACTIONS:

PERMIT NO: U-5013-93 MSHA NO: n/a MSHA DATE: n/a
 VIOLATION NO: U-5013-93 (6) DATE VIOL. ISSUED: 4/4/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Runoff from permit haulroad was contributing to suspended solids in Spring Branch.
 CURRENT STATUS: TERMINATED STATUS DATE: 4/9/2008
 REQUIRED ACTIONS: Add temporary sediment controls at Stream Crossing #1.
 Add sumps to haulroad.
 ABATEMENT ACTIONS: Violation Terminated - 04/09/2008

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Entity to whom violation(s) were issued: Little Eagle Coal Company, L.L.C.

PERMIT NO: U028800 MSHA NO: 08676 MSHA DATE:
 VIOLATION NO: U028800 (28) DATE VIOL. ISSUED: 10/20/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failure to maintain secondary containment.

CURRENT STATUS: TERMINATED STATUS DATE: 10/29/2009
 REQUIRED ACTIONS: Maintain secondary containment.

ABATEMENT ACTIONS:

PERMIT NO: U028800 MSHA NO: MSHA DATE:
 VIOLATION NO: U028800 (27) DATE VIOL. ISSUED: 11/13/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain haulroad sumps to meet the performance standards of this part and any additional criteria specified by the Secretary.

CURRENT STATUS: TERMINATED STATUS DATE: 11/26/2008
 REQUIRED ACTIONS: Maintain and/or clean haulroad sumps as per your approved application and/or the regulations.

ABATEMENT ACTIONS: Required work completed: Violation terminated

PERMIT NO: U200405 MSHA NO: MSHA DATE:
 VIOLATION NO: U200405 (3) DATE VIOL. ISSUED: 6/17/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to follow the approved subsidence control plan. Operator has failed to notify owners of property and residents within the area above the underground workings.

CURRENT STATUS: TERMINATED STATUS DATE: 8/11/2008
 REQUIRED ACTIONS: Operator needs to follow the approved SCP and submit a revision to show the area outside the permit boundary. Must notify Lyle & Maxine Exline of the underground mining & notify other property owners.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

PERMIT NO: U-2004-05 MSHA NO: MSHA DATE:
 VIOLATION NO: U-2004-05 (4) DATE VIOL. ISSUED: 1/12/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Operator failed to maintain effluent limits for AL @ Outfall 001. Sample was taken on 12/12/08 during a complete inspection. Lab results showed a 1.195 mg/l and the flow was <20 gpm.

CURRENT STATUS: TERMINATED STATUS DATE: 6/12/2009
 REQUIRED ACTIONS: Operator needs to maintain limits.

ABATEMENT ACTIONS: Maintained Effluent Limits at Outfall 001

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

PERMIT NO: U-1026-92 MSHA NO: 46-01437 MSHA DATE: 00/00/00
 VIOLATION NO: U-1026-92 (4) DATE VIOL. ISSUED: 4/16/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to install and certify the proper extension of Collection Ditch #1
 Sediment 3C in accordance with the approved preplan.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Install drainage control for disturbed area and reclaim disturbance
 in accordance with the approved preplan.

ABATEMENT ACTIONS: Required work completed, violation terminated.

PERMIT NO: U-2007-07 MSHA NO: 46-01437 MSHA DATE:
 VIOLATION NO: U-2007-07 (2) DATE VIOL. ISSUED: 10/16/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off site areas from damage resulting from mine
 operations. Pre-grouting for shaft development resulted in concrete
 entering into an unnamed trib. Of North Fork.

CURRENT STATUS: TERMINATED STATUS DATE: 12/4/2009
 REQUIRED ACTIONS: 1) Cease grouting operations to avoid further stream contamination.
 2) Develop a plan to deal with damage to both streams and have
 said plan approved by DEP personnel. 3) Implement approved plan.

ABATEMENT ACTIONS:

PERMIT NO: U-2007-07 MSHA NO: 46-01437 MSHA DATE:
 VIOLATION NO: U-2007-07 (1) DATE VIOL. ISSUED: 6/24/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off site areas from damage resulting from mine
 operations. Used unbonded access road to enter site.

CURRENT STATUS: TERMINATED STATUS DATE: 7/1/2009
 REQUIRED ACTIONS: Revegetate access route that's been disturbed or obtain IBR to
 allow use of area.

ABATEMENT ACTIONS: Unbonded access road blocked off, disturbed area seeded, mulched.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (67) DATE VIOL. ISSUED: 11/13/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limitations set forth in the NPDES permit.
 Fish Creek Portal outlet 002 discharging 3.51 pH and +10ppm Fe.

CURRENT STATUS: TERMINATED STATUS DATE: 11/14/2008
 REQUIRED ACTIONS: Treat the discharge in order to meet effluent limits or eliminate
 discharge.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

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

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (66) DATE VIOL. ISSUED: 11/12/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limitations set forth in the NPDES permit.
 Fish Creek Portal outlet 002 discharging 3.51 pH and +10ppm Fe.

CURRENT STATUS: Violation modified to Cessation Order #67 STATUS DATE: 11/13/2008
 REQUIRED ACTIONS: Treat the discharge in order to meet effluent limits or eliminate discharge.

ABATEMENT ACTIONS: Violation modified to Cessation Order #67

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (65) DATE VIOL. ISSUED: 10/8/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limitations set forth in the NPDES Program or other water quality standards.

CURRENT STATUS: TERMINATED STATUS DATE: 10/30/2008
 REQUIRED ACTIONS: Set forth measures to eliminate leaching of product into nearby drainage system. Remove contaminated medium and dispose of properly.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (64) DATE VIOL. ISSUED: 5/22/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from damage resulting from mining operations.

CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Regrade and revegetate all disturbed area outside of bonded area or obtain a permit for this area.

ABATEMENT ACTIONS: Required work completed; violation terminated.

PERMIT NO: U-33-83 MSHA NO: 46-01437 MSHA DATE: n/a
 VIOLATION NO: U-33-83 (63) DATE VIOL. ISSUED: 3/5/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharge from the sump located below the 63 Breaker failed to meet effluent limitations in that the field pH was 5.5 & the iron concentration exceeded 10.0+ ppm.

CURRENT STATUS: TERMINATED STATUS DATE: 3/18/2008
 REQUIRED ACTIONS: Treat the discharge to meet effluent limits for pH & iron or eliminate discharge.

ABATEMENT ACTIONS: Required work completed; violation terminated 3/18/2008

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

PERMIT NO:	U-33-83	MSHA NO:	46-01437	MSHA DATE:	n/a
VIOLATION NO:	U-33-83 (62)	DATE VIOL. ISSUED:	11/13/2007	ISSUED BY:	WV DEP
VIOLATION DESCRIPTION:	The discharge from the sump located below the 63 Breaker failed to meet effluent limitations in that the Iron concentration exceeded 6.0 ppm.				
CURRENT STATUS:	TERMINATED	STATUS DATE:	11/19/2008		
REQUIRED ACTIONS:	Treat the discharge to meet effluent limits for Iron or eliminate discharge. Also, need to install a boom prior to the discharge pipe to eliminate possibility of surfactants to be discharged.				
ABATEMENT ACTIONS:	Required work completed; Violation terminated				

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: O-3005-00 MSHA NO: 46-08889 MSHA DATE:
 VIOLATION NO: O-3005-00 (7) DATE VIOL. ISSUED: 2/3/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation
 of effluent limitations as governed by the NPDES permit at outfall 001.

CURRENT STATUS: WITHDRAWN STATUS DATE:
 REQUIRED ACTIONS: Maintain effluent limits at outfall 001.

ABATEMENT ACTIONS:

PERMIT NO: O-3005-00 MSHA NO: 46-08889 MSHA DATE:
 VIOLATION NO: O-3005-00 (6) DATE VIOL. ISSUED: 10/20/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water form areas disturbed by surface mining in violation
 of effluent limitations as governed by your NPDES permit at
 Outlet001. Aluminum 0.259
 CURRENT STATUS: Terminated STATUS DATE: 12/16/2009
 REQUIRED ACTIONS: Maintain effluent limits at Outlet 001.

ABATEMENT ACTIONS:

PERMIT NO: O-3005-00 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3005-00 (5) DATE VIOL. ISSUED: 4/22/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water form areas disturbed by surface mining in violation
 of effluent limitations as governed by your NPDES permit at
 Outlet001. Aluminum 0.474
 CURRENT STATUS: TERMINATED STATUS DATE: 5/20/2009
 REQUIRED ACTIONS: Maintain effluent limits at Outlet 001.

ABATEMENT ACTIONS: Maintained Effluent Limits at Outfall 001

PERMIT NO: O-3007-00 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3007-00 (19) DATE VIOL. ISSUED: 7/22/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failure to control dust on mouth of Haulroad.

CURRENT STATUS: TERMINATED STATUS DATE: 7/23/2010
 REQUIRED ACTIONS: Control dust.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: O-3007-00 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3007-00 (18) DATE VIOL. ISSUED: 4/30/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain haulroad as per approved application and/or the regulations in that various sumps were full and/or various pipes were crushed and/or and and/or all comments as listed in the annual cert.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/27/2009
 REQUIRED ACTIONS: Maintain haulroad as per approved application and/or the regulations and address any and/or all comments in the annual certification.
 ABATEMENT ACTIONS: Company has addressed all maintenance issues of the haulroad and has submitted a new annual certification.

PERMIT NO: O-3007-00 MSHA NO: MSHA DATE:
 VIOLATION NO: O-3007-00 (17) DATE VIOL. ISSUED: 11/13/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to erect and maintain permanent monument throughout the life of the permit at points of ingress and egress on the permit area from public roads and highways.
 CURRENT STATUS: TERMINATED STATUS DATE: 11/26/2008
 REQUIRED ACTIONS: Erect and maintain permanent monument (sign) at points in ingress and egress on the permit area from public roads and highways.
 ABATEMENT ACTIONS: Required work completed; Violation terminated.

PERMIT NO: S-2011-99 MSHA NO: MSHA DATE:
 VIOLATION NO: S-2011-99 (59) DATE VIOL. ISSUED: 3/29/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits for pH and Mn at Outfall 019.
 CURRENT STATUS: PENDING STATUS DATE: 4/12/2010
 REQUIRED ACTIONS: Continue to treat water and clean sediment channels to maintain effluent limits.
 ABATEMENT ACTIONS:

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (14) DATE VIOL. ISSUED: 7/31/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failure to maintain Effluent Limits at NPDES Outfall #007.
 CURRENT STATUS: TERMINATED STATUS DATE: 8/4/2009
 REQUIRED ACTIONS: Maintain Effluent Limits at NPDES Outfall 007.
 ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (13) DATE VIOL. ISSUED: 4/29/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain effluent limits in areas disturbed by surface mining at outlet 012 in that you violated the effluent limits as governed by the standards set forth in your NPDES permit.
 CURRENT STATUS: TERMINATED STATUS DATE: 5/26/2009
 REQUIRED ACTIONS: Maintain effluent limits at outlet 012.

ABATEMENT ACTIONS: Treated water to maintain Effluent Limits

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (12) DATE VIOL. ISSUED: 3/11/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off site areas from slides and/or damage in the vicinity of sediment ditches 5 & 6 during surface mining operations in that you placed and/or caused spoil material outside the permit area.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/11/2009
 REQUIRED ACTIONS: Gather and remove spoil material or any part of the operations from outside the permitted area. Stabilize, seed and mulch all affected area and add the slide area to your current pending IBR application.

ABATEMENT ACTIONS: Extended to 4/09/2010

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (11) DATE VIOL. ISSUED: 9/12/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to conduct all surface coal mining operations only as described in your approved application in that you failed to construct berm, road and ditch in drainage area 5 as per your approved application.
 CURRENT STATUS: TERMINATED STATUS DATE: 10/29/2008
 REQUIRED ACTIONS: Construct berm, road and ditch in drainage area 5 as per your approved application

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (10) DATE VIOL. ISSUED: 7/10/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and certify permanent sediment control ditches and/or sediment control structures in drainage area 4, 1000 linear ft. or less from the active pit.
 CURRENT STATUS: TERMINATED STATUS DATE: 9/11/2008
 REQUIRED ACTIONS: Construct, certify, and have certification accepted by DEP of permanent sediment ditches and/or sediment control structures in drainage area 4 as measured on 1000 linear ft. or less from active pit.

ABATEMENT ACTIONS: Required work completed; Violation terminated.

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (9) DATE VIOL. ISSUED: 7/10/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation of effluent limitations as governed by the standards as set forth in your approved NPDES permit.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/15/2008
 REQUIRED ACTIONS: Treat water at Outlets 010 and 013 so as to cease the discharging of non-compliant water from said outlets and/or bonded area.
 ABATEMENT ACTIONS: Required work completed: Violation terminated.

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (8) DATE VIOL. ISSUED: 6/11/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation of effluent limitations at outlet 010.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/27/2008
 REQUIRED ACTIONS: Treat water so as to maintain effluent limits at outlet 010.
 ABATEMENT ACTIONS:

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (7) DATE VIOL. ISSUED: 6/11/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to conduct and submit a complete list of surface and ground water monitoring reports as per your approved application for the months of Sept. Oct. Nov. and Dec. 2007.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/27/2008
 REQUIRED ACTIONS: Conduct and submit a complete list of surface and ground water monitoring reports as per your approved application or obtain a waiver to discontinue monitoring.
 ABATEMENT ACTIONS: Required work completed: Violation terminated.

PERMIT NO: S-3002-07 MSHA NO: MSHA DATE:
 VIOLATION NO: S-3002-07 (6) DATE VIOL. ISSUED: 6/11/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Created a disturbance by surface mining activities in drainage area 5 between outlet 011 and 012 prior to certifying the sediment control structure for this area.
 CURRENT STATUS: TERMINATED STATUS DATE: 6/12/2008
 REQUIRED ACTIONS: Cease all mining activities in drainage area 5 between outlets 011 and 012 until such time that said drainage structure/sediment ditch 5 is certified.
 ABATEMENT ACTIONS: Required work completed: Violation terminated.

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (30) DATE VIOL. ISSUED: 4/22/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation of effluent limits as governed by the NPDES permit at Outfall 017.

CURRENT STATUS: TERMINATED STATUS DATE: 5/5/2010
 REQUIRED ACTIONS: Maintain effluent limits at NPDES outfall 017.

ABATEMENT ACTIONS:

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (29) DATE VIOL. ISSUED: 3/31/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or maintain sediment control structures: Sed Ditch 1, 2, 3, 4, 6, 9, 14, 15, 16 and 17.

CURRENT STATUS: PENDING STATUS DATE: 4/12/2010
 REQUIRED ACTIONS: Maintain sediment control on the above mentinoed Sediment Ditches
 Clean, stop all leaking, and repair outer beams.

ABATEMENT ACTIONS:

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (28) DATE VIOL. ISSUED: 3/29/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation of effluent limitations as governed by your NPDES permit at Outfalls 027, 028, 029 and 030.

CURRENT STATUS: TERMINATED STATUS DATE: 4/7/2010
 REQUIRED ACTIONS: Maintain effluent limits at outfalls.

ABATEMENT ACTIONS:

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (26) DATE VIOL. ISSUED: 4/21/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or maintain sediment control structures, Pond 1 and sediment ditches near outlets 001, 002 & 004 in that structures are full and/or have reached capacity.

CURRENT STATUS: TERMINATED STATUS DATE: 2/17/2010
 REQUIRED ACTIONS: Construct and/or maintain sediment control structures, Pond 1 & sediment ditches near Outlets 001, 002, & 004 as per the regulations and/or your approved application.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (27) DATE VIOL. ISSUED: 4/21/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow approved application in that you failed to construct Valley Fills A, B, C & D so as to minimize infiltration of surface water in that you allowed water to flow over the face of the Fills.
 CURRENT STATUS: WITHDRAWN STATUS DATE: 7/21/2009
 REQUIRED ACTIONS: Construct Valley Fills A, B, C & D with all associated drainage structures as per your approved application and/or remove all material from Valley Fills and regrade to natural ground, seed & mulch affected areas.
 ABATEMENT ACTIONS:

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (25) DATE VIOL. ISSUED: 1/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from slides and/or damage during surface mining in that you placed and/or caused to be placed spoil material on part of the outside permitted area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/1/2009
 REQUIRED ACTIONS: Gather and/or remove spoil material and/or any part of the operation from outside of the permitted area, stabilize and seed all affected area and construct and/or maintain any sediment control structures affected.
 ABATEMENT ACTIONS:

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (24) DATE VIOL. ISSUED: 10/8/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to conduct surface coal mining and reclamation operations only on land specifically designated as the permit area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/17/2010
 REQUIRED ACTIONS: Reclaim, stabilize, seed & mulch all affected areas of disturbance outside approved bonded area & submit an IBR to cover all disturbances.
 ABATEMENT ACTIONS: Extension granted to 03/08/2010.

PERMIT NO: S-3003-01 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3003-01 (23) DATE VIOL. ISSUED: 3/20/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to protect off-site areas from slides and damage during surface mining activities at sediment ditch 5 in the vicinity of outlet 005 & 006. Spoil material, mud, rock & debris was deposited out of permitted area.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/18/2008
 REQUIRED ACTIONS: Gather and remove all material that resulted from off-site damage, stabilize, seed and mulch all affected areas and submit an updated progress map showing the limits of off-site damage.
 ABATEMENT ACTIONS: Required work completed; Violation terminated.

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Entity to whom violation(s) were issued: Powellton Coal Company, L.L.C.

PERMIT NO: S-3004-00 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (78) DATE VIOL. ISSUED: 4/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to follow approved application in that you failed to construct Valley Fill D so as to minimize infiltration of surface water. Failed to construct and/or use temp. ditches, sumps.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/22/2009
 REQUIRED ACTIONS: Construct Valley Fill D with all associated drainage structures as per approved application and/or remove all material from valley fill and regrade, seed & mulch.
 ABATEMENT ACTIONS:

PERMIT NO: S-3004-00 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (79) DATE VIOL. ISSUED: 4/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or certify outcrop barriers on the permit and/or parts thereof in which the natural barrier was mined and/or removed as per the regulations.
 CURRENT STATUS: TERMINATED STATUS DATE: 7/22/2009
 REQUIRED ACTIONS: Construct and/or certify all parts of the permit in which the natural barriers were removed, If natural barriers were not removed on all and/or parts of the permit then certify which of those barriers remain.
 ABATEMENT ACTIONS:

PERMIT NO: S-3004-00 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (77) DATE VIOL. ISSUED: 3/25/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain and/or construct sediment ditch 11 as per the regulations and/or your approved application in that the ditch is leaking.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/30/2009
 REQUIRED ACTIONS: Maintain and/or construct sediment ditch 11 as per the regulations and/or your approved application.
 ABATEMENT ACTIONS:

PERMIT NO: S-3004-00 MSHA NO: 46-48889 MSHA DATE:
 VIOLATION NO: S-3004-00 (76) DATE VIOL. ISSUED: 1/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to construct and/or maintain sediment control structures and/or other water retention structures as per the regulations and/or approved application in that sediment ditch has developed a breach.
 CURRENT STATUS: TERMINATED STATUS DATE: 1/21/2009
 REQUIRED ACTIONS: Construct and/or maintain sediment control structures and/or other water retention structures as per the regulations and/or your approved application.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

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Entity to whom violation(s) were issued: Southern West Virginia Resources, LLC

PERMIT NO: O-42-83 MSHA NO: MSHA DATE:
 VIOLATION NO: O-42-83 (10) DATE VIOL. ISSUED: 1/26/2010 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain a haul road to meet the performance standards specified by the secretary, in that, the surface of the haul road is not graded to allow run-off to reach sediment control structures.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Must gravel and grade the haulroad to allow run-off to reach the sediment control structures and to prevent mud from staying on the road surface.
 ABATEMENT ACTIONS:

PERMIT NO: O-42-83 MSHA NO: MSHA DATE:
 VIOLATION NO: O-42-83 (9) DATE VIOL. ISSUED: 3/26/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to maintain sediment control structure cell 5 at 59+00, in that runoff from this cell was draining from the bottom of the sump instead of through the outlet pipe through which it was designed to flow.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/28/2009
 REQUIRED ACTIONS: Maintain this sump so that it functions properly.
 ABATEMENT ACTIONS:

PERMIT NO: O-5031-88 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-5031-88 (16) DATE VIOL. ISSUED: 9/23/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain a haul road to meet the performance standards specified by the secretary in that, mud was being tracked off of the bonded area.
 CURRENT STATUS: VACATED STATUS DATE: 11/12/2009
 REQUIRED ACTIONS: Surface the haulroad with material sufficiently durable for the anticipated volume weight and speed of vehicles using the road.
 ABATEMENT ACTIONS:

PERMIT NO: O-5031-88 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-5031-88 (15) DATE VIOL. ISSUED: 2/27/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain a haul road to meet the performance standards specified by the secretary in that, mud was being tracked off of the bonded area.
 CURRENT STATUS: TERMINATED STATUS DATE: 2/27/2009
 REQUIRED ACTIONS: Permittee must gravel the haulroad to prevent mud from being tracked on to Laurel Creek Road.
 ABATEMENT ACTIONS: Required work completed; Violation terminated

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Entity to whom violation(s) were issued: Southern West Virginia Resources, LLC

PERMIT NO: O-8-85 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (70) DATE VIOL. ISSUED: 12/14/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to control or prevent additional contributions of suspended solids to stream flow in that blacktop from County Rt. 65/1 was washing into Big Branch.
 CURRENT STATUS: TERMINATED STATUS DATE: 3/2/2010
 REQUIRED ACTIONS: Submit an IBR to bond County Rt. 65/1. Gravel and grade haulroads.

ABATEMENT ACTIONS:

PERMIT NO: O-8-85 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (69) DATE VIOL. ISSUED: 10/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Failed to pass all runoff thru approved sediment control in that runoff from the security station upstream to where the road in bonded was allowed to flow off the bonded area and cross State Rt. 65/1.
 CURRENT STATUS: PENDING STATUS DATE:
 REQUIRED ACTIONS: Must pass all runoff thru approved sediment control.

ABATEMENT ACTIONS:

PERMIT NO: O-8-85 MSHA NO: 46-06089 MSHA DATE:
 VIOLATION NO: O-8-85 (67) DATE VIOL. ISSUED: 10/5/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: CO #66 modified to NOV #67.
 CURRENT STATUS: TERMINATED STATUS DATE:
 REQUIRED ACTIONS: Submit revision to the slurry transport system. Initiate and provide weekly samples of upstream & downstream Pigeon creek sites to inspector. Clean up Big Branch. Provide weekly progress reports.

ABATEMENT ACTIONS:

PERMIT NO: O-8-85 MSHA NO: MSHA DATE:
 VIOLATION NO: O-8-85 (66) DATE VIOL. ISSUED: 10/1/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Slurry line broke and runoff is flowing into Big Branch.
 CURRENT STATUS: Modified to NOV 67 STATUS DATE: 10/5/2009
 REQUIRED ACTIONS: Repair slurry line, cease the pumping from the freshwater impound, initiate treatment of the associated sediment control structures to contain the slurry, and clean slurry from affected areas.

ABATEMENT ACTIONS:

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Entity to whom violation(s) were issued: Southern West Virginia Resources, LLC

PERMIT NO: O-8-85 MSHA NO: MSHA DATE:
 VIOLATION NO: O-8-85 (65) DATE VIOL. ISSUED: 5/26/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to certify Pond H in accordance with the plans, designs, and specifications set forth in the approved IBR.

CURRENT STATUS: WITHDRAWN STATUS DATE: 5/29/2009
 REQUIRED ACTIONS: Permittee must complete and certify Pond H before completing any more construction on the Aldrich Branch truck dump.

ABATEMENT ACTIONS:

PERMIT NO: O-8-85 MSHA NO: MSHA DATE:
 VIOLATION NO: O-8-85 (64) DATE VIOL. ISSUED: 2/24/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain a haul road to meet performance standards. Surface of the haul road is not graded to allow run-off to reach sediment control structure.

CURRENT STATUS: TERMINATED STATUS DATE: 3/26/2009
 REQUIRED ACTIONS: Permittee must gravel and grade the haulroad to allow run-off to reach the sediment control structures and to prevent mud from staying on the road surface.

ABATEMENT ACTIONS:

PERMIT NO: S-5062-91 MSHA NO: MSHA DATE:
 VIOLATION NO: S-5062-91 (16) DATE VIOL. ISSUED: 12/30/2008 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to maintain effluent limits as set forth in the NPDES permit in that Outlet 001 was discharging water with a pH of 9.5.

CURRENT STATUS: TERMINATED STATUS DATE: 1/5/2009
 REQUIRED ACTIONS: Permittee must bring the discharge of Outlet 001 into compliance with the effluent limits set forth in the NPDES permit.

ABATEMENT ACTIONS: Required work completed; Violation terminated

PERMIT NO: UO-646 MSHA NO: 46-05978 MSHA DATE:
 VIOLATION NO: UO-646 (24) DATE VIOL. ISSUED: 1/15/2009 ISSUED BY: WV DEP
 VIOLATION DESCRIPTION: Permittee failed to protect off-site areas from slides or damage occurring during surface mining in that seepage from the outcrop created a slide on Marrowbone Creek.

CURRENT STATUS: WITHDRAWN STATUS DATE:
 REQUIRED ACTIONS: Permittee is to submit and obtain approval of an IBR which bonds all off-site disturbances. Permittee is to reclaim and stabilize all off-site disturbances. Permittee is to control the flow of water from this source.

ABATEMENT ACTIONS:

24-Aug-10

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Entity to whom violation(s) were issued: Terry Eagle Coal Company, L.L.C.

PERMIT NO: S-6010-89 MSHA NO: 46-07782 MSHA DATE: 10/17/1989
VIOLATION NO: S-6010-89 (37) DATE VIOL. ISSUED: 4/20/2010 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Failed to maintain sediment control structures. Sed Ditch #E-10-A
has developed a hole. Pond W-2 has a breach.

CURRENT STATUS: TERMINATED STATUS DATE: 6/25/2010
REQUIRED ACTIONS: Repair hole. Seal Pond W-2.

ABATEMENT ACTIONS:

24-Aug-10

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Entity to whom violation(s) were issued: Terry Eagle Coal Company, LLC

PERMIT NO: P-569 MSHA NO: MSHA DATE:
VIOLATION NO: P-569 (39) DATE VIOL. ISSUED: 1/22/2010 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Discharged water from areas disturbed by surface mining in violation
of effluent limits and approved NPDES permit at outlet 004.

CURRENT STATUS: TERMINATED STATUS DATE: 1/26/2010
REQUIRED ACTIONS: Maintain effluent limits as per approved NPDES permit and/or
approved application.

ABATEMENT ACTIONS:

24-Aug-10

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Entity to whom violation(s) were issued: **Wolfpen Knob Development Co.**

PERMIT NO: O-1052-91 MSHA NO: MSHA DATE:
VIOLATION NO: O-1052-91 (1) DATE VIOL. ISSUED: 12/2/2009 ISSUED BY: WV DEP
VIOLATION DESCRIPTION: Failed to provide proof of insurance on an annual basis.

CURRENT STATUS: TERMINATED STATUS DATE: 1/25/2010
REQUIRED ACTIONS: Submit current insurance certificate

ABATEMENT ACTIONS:
