


Neubert/7375

December 3, 2003

Operations and Readiness Division
Regulatory Branch
200200371

Mr. Jonathan Pachter
Consol Energy, Inc.
1800 Washington Road
Pittsburgh, Pennsylvania 15241-1421

Dear Mr. Pachter:

Enclosed for your records is a fully executed copy of Department of the Army Permit No. 200200371, to place fill into 1.37 acres of wetland and 13,198 linear feet of unnamed tributaries to Enlow Fork, in Richhill and Gray Townships, Greene County, Pennsylvania for the purpose of constructing a new coal refuse disposal facility for the Bailey Mine Complex.

The issuance of this permit does not relieve you of the responsibility to obtain any other required state, local, or Federal authorizations.

Please note that a copy of this permit must be available at the work site at all times. In addition, the Construction Notification form at the end of this permit must be completed and returned to this office 10 days prior to commencement of the work.

If you have any questions, please contact Christina L. Neubert at (412) 395-7375.

Sincerely,

Scott A. Hans
Chief, Regulatory Branch

Enclosure

CF:

**RECORD
FILE**

Chan Funk, PHMC

Cindy Tibbott, USFWS

Joseph R. Leone, PADEP, California District Office


Neubert/7375

November 26, 2003

Operations and Readiness Division
Regulatory Branch
200200371

Mr. Jonathan Pachter
Consol Pennsylvania Coal Company
1800 Washington Road
Pittsburgh, Pennsylvania 15241-1421

Dear Mr. Pachter:

We have completed our review of your Department of the Army Permit application identified as Application No. 200200371. In this permit application you proposed to place fill into 1.37 acres of wetland and 13,198 linear feet of unnamed tributaries to Enlow Fork in Richhill Township and Gray Township, Greene County, Pennsylvania for the purpose of constructing a coal refuse disposal facility for the Bailey Mine Complex.

Enclosed are two draft copies of Department of the Army Permit No. 200200371.

At this time you should review the permit and all of the conditions, sign and date both copies, and return them to this office with a check or money order for \$100.00 payable to the "USAED, Pittsburgh." If these draft permits are not returned to this office within 30 days, with fee, your application will be considered withdrawn, and returned to you.

By Federal law, no Department of the Army Permit can be issued until a State Section 401 Water Quality Certification has been issued or waived. You have indicated that the Pennsylvania Department of Environmental Protection has issued a Section 401 Water Quality Certification for your proposed work. However, the Corps has not received a copy of the 401 Certification. Please include a copy of your State Section 401 Water Quality Certification with your signed draft permits and check. Conditions of the State 401 Water Quality Certification will become conditions of the final Department of the Army Permit.

**RECORD
FILE**

Your Department of the Army Permit will not be valid until we have returned a copy to you bearing both your signature and the signature of the appropriate Corps official.

If you have any questions regarding this matter, please contact Christina L. Neubert at (412) 395-7375.

Sincerely,

Scott A. Hans
Chief, Regulatory Branch

Enclosures

Copies Furnished:

William S. Plassio
Pennsylvania Department of Environmental Protection
California District Mining Office
25 Technology Park
Coal Center, PA 15423

**FINAL ENVIRONMENTAL ASSESSMENT
&
STATEMENT OF FINDINGS
BAILEY CENTRAL MINE COMPLEX**

November 14, 2003

APPLICANT: Consol Pennsylvania Coal Company
1800 Washington Road
Pittsburgh, PA 15241

AUTHORIZED AGENT: Michael Baker Jr., Incorporated
Airside Business Park
100 Airside Drive
Moon Township, PA 15108

Civil & Environmental Consultants, Inc.
333 Baldwin Road
Pittsburgh, PA 15205-9702

APPLICATION NUMBER: 200200371

Public Notice No. 02-53, Dated September 23, 2002

I. Description of Proposed Project:

A. Location: The project is located in two unnamed tributaries to Enlow Fork, near West Finley, in Richhill Township and Gray Township, Greene County, Pennsylvania.

B. Basic Project Purpose: To impact 13,198 feet of perennial and intermittent stream channel and 1.37 acres of wetland in order to construct a liner for the coal refuse disposal areas.

C. Overall Project Purpose: To construct a coarse and fine coal refuse disposal facility that is needed to support continued coal mining of the Bailey Central Mine Complex.

D. Description of Work: The applicant has proposed to construct a new coal refuse disposal facility for the Bailey Mine Complex. The existing disposal areas that service the mine are nearing full capacity. The new disposal facility will be comprised of two coal refuse disposal areas: a slurry impoundment for coarse and fine coal refuse disposal and a coarse coal refuse disposal area. Both disposal areas will be valley fill type facilities. Together they will provide the Bailey Mine Complex with approximately 15 years of disposal capacity at projected refuse generation rates.

The project site encompasses two headwater streams to Enlow Fork. The liner that will be installed for the refuse disposal facility will impact 13,198 linear feet of perennial and intermittent stream channel and 1.37 acres of wetland associated with these streams and spring seeps. Rock underdrains will be installed under the liner to accommodate the flow provided by the spring seeps. One stream channel will be impacted by construction of a sedimentation pond beginning at a point approximately 450 feet west of the confluence of Enlow Fork and the main unnamed tributary and continuing upstream for a length of 850 feet. From the upstream limit of the sediment pond, stream flow will be carried under the proposed disposal areas by the use of a rock drain. This drain will extend upstream through the project site through both unnamed tributaries. Clayey site soils will be used for constructing a two foot thick compact soil liner to prepare the area for the slurry impoundment, coarse coal refuse, and sedimentation pond.

II. Project History and Administrative Record:

A. On May 8, 2001 a pre-application site visit took place with the Corps and other resource agencies in attendance. Site No. 1 and No. 4 were examined in the field for potential resources.

B. On May 8, 2002 Scott Hans, Christina Neubert, and Nancy Mullen met with Michelle Stewart of Baker and Jonathan Pachter of Consol to walk the preferred site to verify the wetland boundaries.

C. On September 19, 2002 a letter from the Corps was sent to the applicant regarding deficiencies in the proposed wetland mitigation plans.

D. On October 7, 2002 the applicant and their consultant met with Scott Hans, Christina Neubert, and Nancy Mullen in the Federal Building to discuss the original wetland mitigation plan which proposed preserving existing wetland areas the applicant claimed to have created by longwall mining subsidence. The applicant did not have enough supporting documentation to prove that the wetlands were recently created by longwall mining.

E. Public Notice No. 02-53 was issued on September 23, 2002, to solicit comments on the proposed project.

1. On September 30, 2002, the Commonwealth of Pennsylvania Department of Transportation sent in a letter of no objection in response to the Public Notice.

2. On October 23, 2003 the United States Fish and Wildlife Service (USFWS) sent a letter objecting to the proposed

impacts based on the cumulative impacts to the watershed.

3. On October 23, 2003 the United States Environmental Protection Agency (USEPA) sent a letter recommending withdrawal of the permit based on water quality issues and an insufficient mitigation plan.

4. All of the public and agency comments were provided to the applicant's consultant to be addressed, with responses required on the agency comments by letter dated October 30, 2003.

5. As a result of the USFWS and USEPA comment letters, a meeting was scheduled with the applicant, their consultants, the Corps of Engineers, USFWS, and USEPA. Stream and wetland mitigation details were discussed and the resource agencies came to agreement with the applicant's revised mitigation plans. However, the issues regarding the various contaminants identified by USFWS biologists during water sampling downstream of the existing coal refuse disposal facility and discussed in the USFWS letter dated October 23, 2003 could not be resolved at this time. Another meeting was scheduled to discuss sampling protocol and interpretation of water quality data results with the USFWS.

6. On January 7, 2003, the applicant's consultant, CEC forwarded a sample location map and selenium data, and several scientific papers on selenium toxicology.

7. On January 10, 2003, Christina Neubert and Marcia Haberman met at the USFWS State College office with Cindy Tibbot, Jennifer Kagel, Mark Roberts, all from the USFWS, David Rider, from the USEPA, and the applicant and their consultants to discuss water quality sampling downstream from the existing facility and the proposed facility. After much debate and references of various literature, nothing was resolved. The main concern of the resource agencies was the elevated levels of Polycyclic Aromatic Hydrocarbons (PAHs) found in the water sampling taken by the USFWS biologist. The applicant's consultant had also conducted some water sampling but did not want to disclose all of the results at the time of the meeting. The resource agencies expressed concern that these contaminants were present in the water column and stream sediment as a direct result of the ongoing coal processing operation and that the new facility would add to the cumulative effect of these contaminants. The resource agencies wanted more data to determine the exact cause of the contaminants, to determine whether the contaminants were bio-accumulating in organisms higher up in the food chain, and to better assess the level of contamination. The applicant expressed concern that the request for sampling was really an attempt by the USFWS to obtain data for further research. The applicant also feared the differences regarding the proposed facility would never be resolved by spending exorbitant amounts of money performing water quality

sampling and that the results would continue to be interpreted differently by the resource agencies and the applicant. The meeting concluded at an impasse.

8. On January 21, 2003 the USFWS sent a letter to CEC responding to the information provided on the 7th and 21st of January. The USFWS attached more scientific literature on selenium and PAH toxicology.

9. On January 28, 2003, Albert Rogalla spoke with the applicant, Jonathan Pachter, regarding the unresolved permitting issues which included a PHMC required Phase I archeological survey and the concerns raised by USFWS and USEPA on the potential increase in selenium and PAH in the downstream aquatic environment.

10. On February 10, 2003 applicant, Jonathan Pachter wrote a letter to the Corps of Engineers expressing his concern with the proposed monitoring plan the USFWS presented to test for accumulated selenium and PAH's.

11. On February 25, 2003 CEC forwarded the PAH sampling data results to the USFWS.

12. On March 17, 2003 Jonathan Pachter met with Scott Hans, Albert Rogalla, and Christina Neubert to discuss a monitoring approach that would satisfy the Corps of Engineers Public Interest Review factors and address the USFWS concerns of accumulated selenium and PAH's in the aquatic environment. It was agreed to at that time that the water quality data provided to date would serve as a baseline information. Additional water quality sampling and sediment sampling will be required during and after the construction of the new facility and until the existing facility is closed and reclaimed. If the levels of selenium and PAH's increase during this timeframe, corrective measures will be required of the applicant. A copy of the draft permit conditions will be forwarded to the USFWS for review and comment. It should be noted that the decision to accept the data provided by the applicant as baseline data and to condition the permit with monitoring conditions is not what the USFWS asked for in their letters, phone calls, and coordination meetings. The USFWS originally recommended permit denial. The Corps of Engineers fully considered all of the USFWS letters, scientific articles and findings, and professional opinions. The Corps recognizes that the coal refuse disposal facility has a negative impact on the environment, but it also recognizes the importance and need for such a facility and the extensive liners, sedimentation ponds and additional safeguards required by the Pennsylvania Department of Environmental Protection that will protect water quality. The existing levels of selenium and PAH's are likely a result of the existing coal refuse disposal facility and the new facility has been designed using newer and improved

technology for the purpose of protecting the aquatic resources more effectively.

F. There were no requests for a Public Hearing.

III. Alternatives Considered: The following is a summary of alternatives that were addressed by the applicant in the development of the current proposal, and a discussion of the applicant's rebuttal of these alternatives.

The applicant submitted an extensive alternatives analysis that addresses several different alternatives including offsite alternatives and backstowing of coal refuse in order to dispose of the waste material. The first alternative discussed was the underground disposal alternative. Longwall mining techniques and the subsidence associated with these techniques prohibits this alternative. In addition, safety of the miners was a factor that made this alternative less desirable to the applicant. Finally, the logistics of transporting the coal refuse to the underground disposal areas made the alternative impractical.

The next alternative considered was the use of a previously affected area. The search for a previously affected site was conducted, but no such site within acceptable distance was found.

The applicant then conducted site assessments of the valleys within acceptable distance from the existing coal processing facilities and eliminated all but five possible sites based on insufficient storage capacity. The remaining five sites went through further assessment and all but two were eliminated. The final two valleys were evaluated in greater detail to determine which valley would meet the project purpose and need and at the same time minimize adverse environmental impacts. Ultimately, site No. 4 was chosen as the preferred site.

IV. Corps of Engineers (COE) Position on Alternatives: The applicant conducted a preapplication site visit with all of the resource agencies in May of 2001. The Corps of Engineers attended and visited both site No. 1 and site No. 4. After a field review and office review of both alternatives, the Corps concurs that the applicant has chosen the least damaging practicable alternative.

V. Analysis of Project Environmental Impacts.

A. Public Interest Review Factors:

1. Archeological and Historic Preservation Act, as amended, 16 U.S.C. 469, et seq. and National Historic Preservation Act, as amended, 16 U.S.C. 470a, et seq.: The

applicant has been corresponding with the Pennsylvania Historical and Museum Commission for a number of years regarding the proposed site. A phase I survey was conducted in the late spring/early summer of 2003 and a phase II survey was conducted in October, 2003. By letter dated November 7, 2003 PHMC instructed the applicant on how to proceed in order to mitigate for disturbance to four archeological sites. The following conditions will be incorporated into the Department of the Army Permit in order to satisfy the PHMC requirements:

a. Update, analyze and integrate 1978 survey findings of an adjacent area north of the APE by Pennsylvania State University, Department of Anthropology with this project's data and prepare a final report which is to be provided to the PHMC office by November 7, 2004.

b. Develop a prehistoric settlement model for the Enlow Fork region to be completed no later than November 7, 2004.

c. Create a web page explaining the significance of Native American settlements on the Enlow Fork and have the page completed by November 7, 2004.

d. Provide a written agreement for site no. 36GR273 (Bailey #6) by November 21, 2003 stating that an MOA will be written and signed by February 7, 2004.

e. Complete an MOA which includes a data recovery plan for site nos. 36GR268, 36GR269, and 36GR272 (Bailey #'s 1,2, and 5 respectively). This MOA must be signed by February 7, 2004. If data recovery on these three sites becomes necessary, all fieldwork, analysis, reporting, and accessioning of collections must be completed no later than November 7, 2005.

2. Recreation: The property has been under private ownership, and therefore, is not available for public recreation. No federal, state, or local public recreation developments are within the project area. It is recognized that many species of wildlife utilize this property which could allow for such recreational activities as hunting and bird watching, however, all of the property still exists as private property.

3. Socioeconomics: The applicant stated in their alternatives analysis that, "Based on research published by the Pennsylvania State University, it is anticipated that mining of this coal will generate over 10,000 direct and indirect jobs (Frias and Rose, 1994) for at least the next 15 years. Coal extracted by deep mining methods employed at these mines requires cleaning to remove impurities prior to sale; the cleaning results in a waste product referred to as coal refuse. Coal refuse is an inherent part of the mining process and cannot be eliminated. Accordingly, the proper and environmentally sound disposal of coal refuse is a fundamental mining element." If the permit for the coal refuse is not issued, the deep mining cannot continue and therefore, the 10,000 jobs will be lost. In addition, the

coal will not be available for use and the loss of coal production could have negative socioeconomic ramifications as well.

4. Water Quality

a. Section 404 of the Clean Water Act, as amended, (Federal Water Pollution Control Act) 33 U.S.C. 1251, et seq. The project as currently proposed involves the mechanized land clearing, the placement of fill for underdrains, and a compacted soil liner system into 13,198 linear feet of stream channel, and 1.37 acres of jurisdictional wetland. To mitigate for the adverse impacts to the wetland habitat, the permittee will create 1.54 acres of wetland replacement, enhance 0.30 acre of existing wetland, and preserve 4.86 acres of existing wetland. To mitigate for the permanent loss of approximately 2.5 miles of stream channel, the permittee will implement the streambank fencing, enhancement and monitoring protocol prepared by The Partners for Fish and Wildlife and California University of Pennsylvania with the latest revision dated March, 2003. In addition, the permittee will place a minimum of five miles of restored stream channel under permanent conservation easements.

b. Section 401 Water Quality Certification (WQC): The WQC and State Chapter 105 authorizations have been addressed through the McMurray District Mining Office of the Pennsylvania Department of Environmental Protection, and the Harrisburg Dam Safety Office. The State has indicated they will approve WQC with their Mining and Dam Safety authorizations. The Department of the Army Permit will be provisional until the WQC becomes final. Any special conditions of the WQC will automatically become incorporated into the Department of the Army Permit. Water Quality concerns were raised by the United States Fish and Wildlife Service during the Public Notice comment period. Specifically, testing by the Service revealed elevated levels of selenium and various Polycyclic Aromatic Hydrocarbons (PAHs). Several meetings were conducted and numerous letters and phone calls were placed between the applicant, the applicant's consultant, USFWS, and the Corps to resolve these concerns. As a result of this coordination effort, the Department of the Army Permit special conditions will require monitoring of the water quality and corrective measures will be mandatory if the levels of selenium and/or PAHs exceeds a 10% increase from baseline data collected by the applicant's consultants on November 19, 2002.

c. National Pollution Discharge Elimination System (NPDES). Section 402 is triggered by the refuse disposal, associated leachate, and discharges from the treatment and sediment control facilities. Conditions of the State's mining authorization implement mandatory Federal NPDES requirements. Final NPDES authorization will be issued by the Pennsylvania

Department of Environmental Protection along with the mining authorization.

The Corps' position on water quality is that subject to State Water Quality Certification, minimal adverse impacts to water quality are expected. Such impacts have been reduced to the maximum extent practicable and given consideration of mitigation measures, such impacts are not contrary to the public interest.

5. Water Supply: There are no municipal water supplies in the vicinity of the project. The disposal facility is not expected to adversely effect water supplies in the area. Design measures such as the sedimentation pond are proposed to preclude impacts to downstream water intakes on larger order streams.

6. Energy Needs: The project is critical to support the ongoing mining operations. Without sufficient storage for coal refuse, the mining operation cannot continue. Currently 20.4 million tons of clean coal are produced per year with 6.8 million tons of associated coal refuse generated per year. This coal supplies local and regional generating facilities.

7. Mineral Needs: The proposed activity is essential to support continued mining of coal resources. Without such a disposal facility, the mining operations would be negatively impacted, and limit resource availability in the market.

8. Aesthetics: Coal refuse disposal facilities are visibly offensive during construction, operation, and use. After the valley has been filled with coal refuse, it will be reclaimed with topsoil and vegetation. The current and proposed valley fill are in remote areas and not readily visible to residential areas. The preferred valley was determined to have less of an impact aesthetically by comparison to site No. 1.

9. Land Use: The preferred site is forested with a large percentage currently used as pasture for cattle. The proposed usage and future reclamation is consistent with local land use practices.

10. Consideration of Property Ownership: The entire property is owned and controlled by the applicant.

11. Navigation, present and prospective: This proposed project will not have any effect on navigation.

12. Floodplain Values: The proposed activities are at the top of the watershed. The project does not affect any mapped floodplains and should have minimal impacts on Enlow Fork.

13. Flood Hazards: The project will include construction of a dam to contain slurry. This structure is reviewed for stability and will receive a Dam permit from the Pennsylvania Department of Environmental Protection Bureau of Waterways Engineering. Construction standards will be required to ensure stability and reduce the risk of a flood hazard from failure.

14. Shoreline Erosion and Accretion: The project should have no adverse effect on erosion or accretion. The sedimentation pond will directly reduce downstream impacts and the streambank fencing proposed as part of the mitigation proposal will reduce erosion problems along reaches of Enlow Fork.

15. Fish and Wildlife Values:

a. Endangered Species Act, as amended, 16 U.S.C. 1531, et seq.: No endangered species or critical habitat have been identified within the project area.

b. Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661, et seq.: The U.S. Fish and Wildlife Service commented on the proposed action and has reviewed the proposed site. After receiving the comment letter from the USFWS dated October 23, 2003, the Corps coordinated extensively with the USFWS through letters, meetings, and phone calls.

16. Conservation: The project will have no impact on parks, or public natural areas. The mitigation measures will help to protect and conserve wetland and riparian areas on participating properties. Easements will be obtained on the properties where the stream mitigation measures are undertaken.

17. Streams and Wetlands: The applicant has proposed to offset 2.5 miles of stream loss by funding the enhancement of fish and wildlife habitat in nearby watersheds in Greene County and to fund biological monitoring of these habitat improvements to mitigate these losses. Restoration will include wetland creation, restoration, and protection, native grassland planting, border-edge cutting and streambank fencing. The restoration/protection program will be considered successful if measured biological variables improve by a minimum of 20% over pre-restoration values. The objectives of the streambank, riparian corridor restoration plan include the following: to perform the mitigation within the affected watershed to the greatest extent possible, to mitigate the loss of fish and wildlife habitat that will occur as a result of the new Bailey coal refuse disposal area, to restore, protect, and create fish and wildlife habitat, to monitor environmental changes in plants, fish, and macroinvertebrates in response to habitat enhancement, and to collect water samples before, during, and after

restoration activities have occurred. The details of the restoration and biomonitoring are attached to this document. To offset the 1.37 acres of permanent wetland losses, the applicant will perform a combination of wetland creation and enhancement along the banks of Rocky Run and Templeton Fork (see location map attached). The applicant will create 1.54 acres of new wetlands from upland pasture adjacent to Rocky Run and will preserve 5.14 acres of wetland and riparian buffer along two sites adjacent to Rocky Run and one site adjacent to Templeton Fork.

18. Food and Fiber Production: The applicant leased the property to be used as pasture land for cattle grazing. The impacts will not directly impact any other agricultural lands. Mitigation measures will be conducted within agricultural areas. These measures include warm season grass plantings, border-edge cuts and streambank fencing and are designed to protect the aquatic environment while enhancing the productivity and health of cattle as well.

19. Safety: This proposed method of disposing of coal refuse was chosen to maximize safety for the coal mining/processing workers. The project should have no impact on public safety. The location of the refuse area will allow for transport of such material by conveyor and limit vehicular traffic on local roads.

20. General Environmental Concerns: The project has been designed to reduce environmental impacts to the fullest extent practicable. The waste to be disposed of within this facility is created by cleaning the coal. This also helps to reduce the emissions when the coal is burned. The subsidence which occurs from the mining activity also may lead to adverse environmental impacts which are not regulated by this office but may require other mitigative measures.

21. Needs and Welfare of the Public: The proposed action will continue to support the existing mine and production of cleaned coal. Such resources are essential to meet the energy need of the region. The operations also support a significant number of jobs within the region.

B. National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 et seq.: This Environmental Assessment and Finding of No Significant Impact have been prepared for the proposed action, to comply with 33 CFR Part 325 Appendix B-NEPA Implementation Procedures for the Regulatory Program.

C. Possible Cumulative and Secondary Impacts: The alternatives analysis process directed impacts from such activities to previously impacted watersheds, and towards consolidating the impacts. The selected site will allow for the construction of a facility with a significant life and preclude

the need for impacting other resources and watersheds. The project design also includes sedimentation ponds, underdrains, liners, and leachate collection measures to minimize potential downstream impacts.

Concurrent with the initial phases of this refuse area the existing site will be closed out and stabilized. This will also reduce and minimize the cumulative and secondary impacts of the project. A review of our current database indicates that only 35 general, standard, and nationwide permits have been issued in the Enlow Fork watershed since 1996. At least a third of the permits issued in this watershed were for temporary utility crossings.

VI. Adverse Environmental Effects Which Cannot be Avoided Should the Proposal Be Implemented: The project will result in the loss of 1.37 acres of wetland and 13,198 linear feet of stream channel. The total disturbed area will be approximately 505 acres of two separate but adjacent valleys.

VII. The Relationship Between Short-Term Uses of Man's Environment and the Maintenance and Enhancement or Its Long-Term Productivity: The project will result in impacts to aquatic resources, these impacts will be mitigated for by constructing 1.54 acres of wetland, the establishment of 4.86 acres of wetland preservation, and the enhancement of 0.30 acre of riparian habitat, establishing 12.5 miles of stream fencing with 2 crossings per mile of stream, 20 border-edge cuts throughout the watershed, and monitoring of the stream and wetland mitigation efforts. As proposed, the short term negative impacts will be offset by these measures and help to protect the long-term productivity of the aquatic resources and the environment.

VIII. Coordination: The project has been coordinated with interested parties and the resource agencies by public notice. While the resource agencies are opposed to the project based on its cumulative environmental impacts and opposition to the longwall mining activities, the applicant has taken measures to address the adverse environmental impacts of the project. The resource agencies have indicated that they do not support such valley fill activities, however, based on the proposed resource impacts and mitigation measures and the importance of the proposed operation in terms of economics and energy needs, the impacts are deemed necessary to balance the public needs.

DETERMINATION

The District Engineer has evaluated, in light of the total public interest, all available information pertaining to the subject application. This information includes data contained in this Final Environmental Assessment and Statement of Findings, along with comments received from Federal, state, and local agencies, and the general public.

The project as proposed will result in significant adverse impacts to 1.37 acres of wetland and 13,198 linear feet of stream channel. The Corps recognizes the importance of these resources, and impacts which have occurred to these resources and other resources in the watershed. Impacts to these jurisdictional areas will be offset by implementing the wetland mitigation proposal revised April 28, 2003, and the stream mitigation measures revised March, 2003.

Since the project is a non-water dependent activity, it is presumed that feasible upland alternatives exist. Upon reviewing all of the alternatives considered, it is the Corps of Engineers' determination that the proposed alternative is the least environmentally damaging practicable alternative for disposal of coal refuse generated by this mine. The applicant has adequately rebutted the presumption that a less environmentally damaging practicable alternative exists, and therefore the project complies with the Environmental Protection Agency's 404(b)(1) guidelines.

In light of the total public interest review, the project is not found to be contrary to the public interest.

11/14/03
Date



Scott A. Hans
Chief, Regulatory Branch

**Finding of No Significant Impact
(FONSI)**

I have determined that the decision on the project is not a major Federal action significantly affecting the quality of the human environment. Therefore, no Environmental Impact Statement will be prepared. This finding is based on information contained in my Final Environmental Assessment of the project and comments received from Federal, state and local agencies, and the general public.

11/14/03

Date



Scott A. Hans

Chief, Regulatory Branch



CONSOL ENERGY™

Consol Pennsylvania Coal Company

1800 Washington Road
Pittsburgh, PA 15241

phone: 412/831-4679

fax: 412/831-4774

e-mail: Jonathanpachter@consolenergy.com

web: www.consolenergy.com

Mr. Scott A. Hans
Chief, Regulatory Branch
Pittsburgh District, Corps of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

RE: Consol Pennsylvania Coal Company
New Coal Refuse Disposal Facility – Bailey Mine Complex
Gray and Richhill Townships, Greene County, PA
Department of the Army Permit No. 200200371

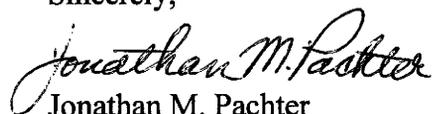
Dear Mr. Hans:

Enclosed are the following documents, submitted to you as requested in your November 26, 2003 letter to me regarding Department of the Army Permit No. 200200371 for Consol Pennsylvania Coal Company (CPCC)'s new coal refuse disposal facility at the Bailey Mine Complex in Greene County, PA. CPCC is a subsidiary of CONSOL Energy Inc.

- Two executed copies of the above-referenced permit, each with a signed Construction Notification form; and,
- A check for \$100 payable to "USAED, Pittsburgh".

Upon your receipt of these executed permits and our check, it is my understanding that Permit No. 200200371 becomes valid when you sign the permits and return one executed copy to us bearing the signature of an appropriate Corps of Engineers official. As you know, CPCC needs to begin construction of this facility as soon as possible, so any priority you can place upon signing the permits and returning one signed copy to me would be greatly appreciated. Please feel free to call me (412-831-4679) with questions about this letter or its enclosures.

Sincerely,


Jonathan M. Pachter

Manager, Environmental Permitting

Enclosures

*Rec'd
12/31/03
h*

12/3/03
CK# 1680025536
\$100.00
JF

DEPARTMENT OF THE ARMY PERMIT

PERMITTEE: Consol Pennsylvania Coal Company

PERMIT NUMBER: 200200371

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: Consol Pennsylvania Coal Company, 1800 Washington Road; Pittsburgh, PA 15241-1421, IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: PLACE FILL INTO 1.37 ACRES OF WETLAND AND 13,198 LINEAR FEET OF PERENNIAL AND INTERMITTENT STREAM CHANNEL FOR THE CONSTRUCTION OF A NEW COAL REFUSE DISPOSAL FACILITY IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.

PROJECT LOCATION: THE PROJECT IS LOCATED in unnamed tributaries and wetlands adjacent to unnamed tributaries to Enlow Fork, near West Finley, in Richhill Township and Gray Township, Greene County, Pennsylvania.

PERMIT CONDITIONS

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **November 26, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
8. A copy of this permit must be kept at the work site at all times and made available to all contractors and subcontractors.

SPECIAL CONDITIONS:

1. In accordance with Pennsylvania Historical and Museum Commission letter dated November 7, 2003, the permittee is required to:
 - a. Update, analyze, and integrate 1978 survey findings of an adjacent area north of the APE by Pennsylvania State University, Department of Anthropology with this project's data and prepare a final report which is to be provided to the PHMC office by November 7, 2004.
 - b. Develop a prehistoric settlement model for the Enlow Fork region to be completed no later than November 7, 2004.
 - c. Create a web page explaining the significance of Native American settlements on the Enlow Fork and have the page completed by November 7, 2004.
 - d. Submit a written agreement for site no. 36GR273 to the PHMC by November 21, 2003 stating that a Memorandum of Agreement (MOA) will be written and signed by February 7, 2004.
 - e. Submit an MOA which includes a data recovery plan for site nos. 36GR268, 36GR269, and 36GR272. This MOA must be signed by February 7, 2004. If data recovery on these three sites becomes necessary, all fieldwork, analysis, reporting, and accessioning of collections must be completed no later than November 7, 2005.
 - f. The Corps must be included as a signatory to the MOAs.
2. The wetland mitigation proposal, submitted by CEC, dated April 28, 2003 which outlines the creation of 1.54 acres of replacement wetlands and the enhancement of 0.30 acre of riparian habitat, must be performed prior to or within one year from the start of the placement of fill for the new refuse disposal facility.
3. The wetland monitoring plan submitted by CEC, dated April 28, 2003, must be implemented with copies of all monitoring reports provided to this office within 60 days of each monitoring event.
4. Surveyed as-built drawings of the wetland mitigation must be provided to this office with the first, third, and final monitoring report.
5. A draft conservation easement for the preservation of 4.86 acres of existing wetland must be provided to this office prior to the start of construction. The Corps will review and approve the terms of the conservation easement prior to recording of the easement at the county courthouse. The easements must be recorded at the county courthouse within 60 days from the date of permit issuance.
6. The stream mitigation proposal, revised March 2003, which included a minimum of 12.5 miles of streambank fencing with controlled crossings, establishment of 100-acres of native grasslands, creation of 20 border-edge cuts, and monitoring, must be implemented as proposed. Copies of the final comprehensive mitigation plan and monitoring reports must be submitted to the Corps for final approval within 60 days of permit issuance or prior to the start of construction. All stream mitigation projects must be completed within one year from the start

of the placement of fill for the new refuse disposal facility.

7. The permittee is required to monitor water quality, riparian plant, fish and macroinvertebrate communities in the restored segments of stream channel.

a. The following chemical parameters will be monitored according to the stream mitigation proposal dated March 2003: ammonia, total nitrogen, potassium, turbidity, pH, dissolved oxygen, temperature, conductivity, phosphates, and fecal coliform. Permanent monitoring stations must be established prior to the start of restoration. A 20% reduction in fecal coliform colonies, turbidity, ammonia, total nitrogen, and phosphates must be evident after the third year of monitoring or additional corrective measures will be required.

b. The established monitoring stations will be monitored for fish and macroinvertebrate communities using a rapid bioassessment protocol before and after restoration efforts have been implemented according to the draft stream mitigation plan dated March 2003, prepared by the Partners for Fish and Wildlife and the California University of Pennsylvania. The fish and macroinvertebrate communities must show a 20% improvement by increasing species diversity in the restored reaches compared to pre-restoration conditions after the third year of monitoring or additional corrective measures will be required.

c. The riparian corridor in restored reaches of stream channel must obtain 90% vegetative cover within one year of restoration efforts. Riparian plant communities must show a 20% improvement in cover and richness after the third year of monitoring or additional corrective measures will be required.

8. Every attempt must be made by the permittee to establish all of the stream mitigation in the Enlow Fork watershed. The permittee is required to establish no less than 50% of the stream mitigation measures within the Enlow Fork watershed.

9. A minimum of five miles of successfully restored reaches of stream channel must be placed under conservation easement by the end of the streambank monitoring period as outlined in the mitigation proposal revised in March 2003. A draft copy of the conservation easements will be submitted to the Corps for review and approval prior to recording at the county courthouse.

10. Sediment sampling and testing for selenium and PAHs must be performed at sampling locations 10 through 14 as identified on the map provided by CEC dated February 25, 2003. An additional sampling location must be established upstream of the new refuse disposal facility. The sediment samples should be taken quarterly from the start of construction and until two years after the existing coal refuse disposal facility is closed and reclaimed. An analysis and summary of the results must be provided to the Corps after each monitoring event. If the levels of selenium and/or PAH values increase by greater than 20% from the samples collected on November 19, 2002, immediate corrective measures will be required.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
Section 404 of the Clean Water Act (33 U.S.C. 1344).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Jonathan M. Pachter
(PERMITTEE)

12/2/03
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Scott A. Davis
(DISTRICT COMMANDER)
RAYMOND K. SCROCCO, COL

for

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

DATE: November 20, 2003

FILE NO: 200200371

**NOTIFICATION OF APPLICANT OPTIONS (NAO)
FOR PARTIES ISSUED A DEPARTMENT OF THE ARMY INDIVIDUAL PERMIT**

You are hereby advised that the following options are available to you in your evaluation of the enclosed permit:

(1) You may sign the permit and return to the District Engineer for final authorization. Your signature on the permit means that you accept the permit in its entirety, and waive all rights to appeal the permit or its terms and conditions.

(2) You may decline to sign the permit because you object to certain terms and conditions therein, and you may request that the permit be modified accordingly. You must outline your objections to the terms and conditions of the permit in a letter to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this NAO, or you will forfeit your right to request changes to the terms and conditions of the permit. Upon receipt of your letter, the District Engineer will evaluate your objections, and may: (a) modify the permit to address all of your concerns, or (b) modify the permit to address some of your objections, or (c) not modify the permit, having determined that the permit should be issued as previously written. In any of these three cases, the District Engineer will send you a final permit for your reconsideration, as well as a Notification of Appeal (NAP) form and a Request for Appeal (RFA) form. Should you decline the final proffered permit, you can appeal the declined permit under the Corps of Engineers Administrative Appeal Process by submitting the completed RFA form to the Division Engineer. The RFA must be received by the Division Engineer within 60 days of the date of the NAP that was transmitted with the second proffered permit.

CONSTRUCTION NOTIFICATION

FILE NO: 200200371

APPLICANT: Consol Pennsylvania Coal Company

PROJECT LOCATION: in an unnamed tributary to Enlow Fork, near West Finley, Greene County, Pennsylvania

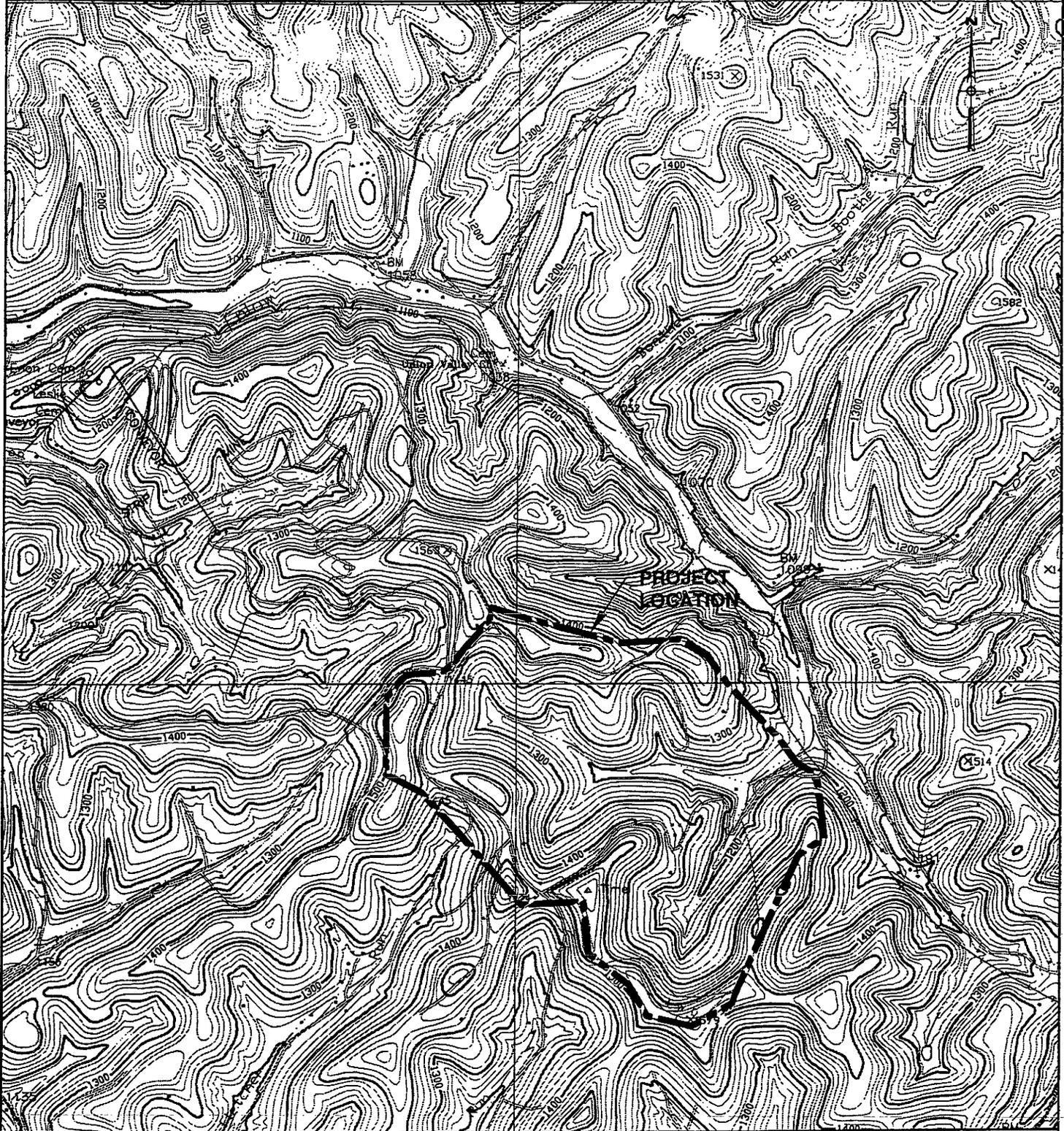
Construction will start on 12/3/03 and will be completed on 12/31/2019 (approx.).
(date) (date)

Signature: Jonathan M. Pachter
Title: Manager, Environmental Permitting

NOTE: You must return this form to the following address 10 days prior to commencement of the work.

U. S. Army Corps of Engineers, Pittsburgh District
ATTN: CELRP-OR-F
Room 1834 William S. Moorhead Federal Bldg.
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Drawing: J.V. 775 CONSOL 24379 DRAWINGS FINAL MODULE 6-1.DWG-LOCATION MAP B 1)
Attached Xrefs: .360.DWG
S.O. No.: 24379-000-0000-ENG03



BAILEY CENTRAL MINE COMPLEX COAL
REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
CONSOL PENNSYLVANIA COAL COMPANY

PROJECT LOCATION MAP

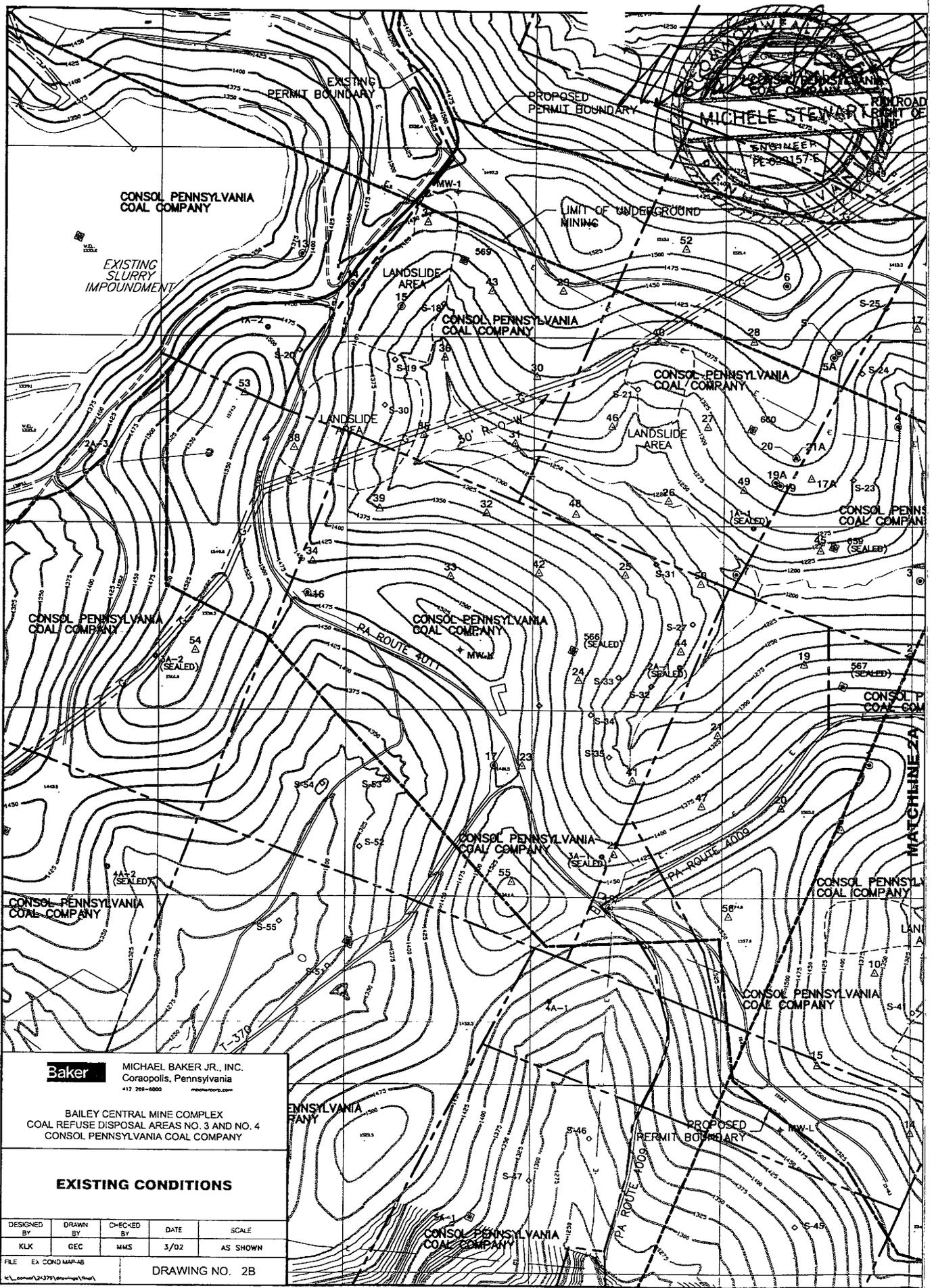


MICHAEL BAKER JR., INC.
Coraopolis, Pennsylvania
412 269-6000 mbakercorp.com

WIND RIDGE AND ROGERSVILLE, PA.
QUADRANGLES - U.S.G.S. 7.5 MINUTE SERIES

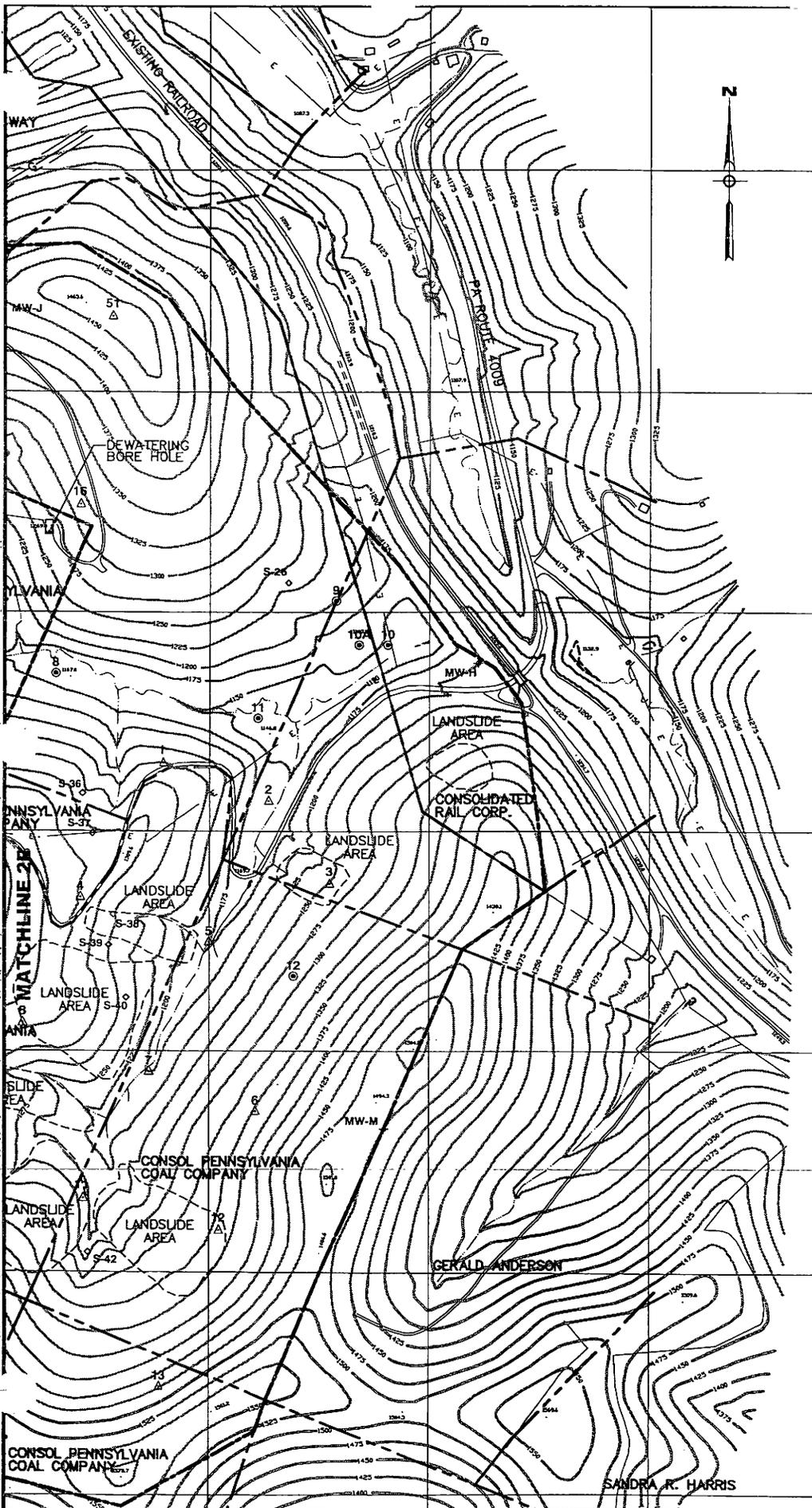
SCALE:
1" = 2000'

DATE:
JANUARY, 2002



January 21, 2004 11:12 a.m. LOGIN NAME: jscorocco
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 Attached Xrefs: BDR2436a.DWG
 S.O. No.: 24379-000-0000-ENG003

		MICHAEL BAKER JR., INC. Coraopolis, Pennsylvania 412 266-6000 <small>michaelbakercorp.com</small>		
BAILEY CENTRAL MINE COMPLEX COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4 CONSOL PENNSYLVANIA COAL COMPANY				
EXISTING CONDITIONS				
DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
KLK	GEC	MMS	3/02	AS SHOWN
FILE	EX COND MAP-AB			DRAWING NO. 2B



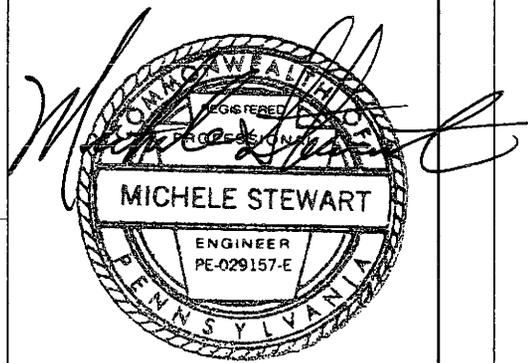
LEGEND

- Stream ————
- Groundwater Monitoring Well Location ———— + MW-L
- Spring Sampling & Inventory Location ———— ◊ S-25
- Gas Borehole ———— ● 4A-1
- Soil Borings ———— ⊙ 4
- Test Pits ———— △ 16
- Gas Well ———— ⊗ 650
- Oil Well ———— ⊕
- Gasline and 50' Right-of-Way ———— |||
- Property Boundary ———— - - - - -
- Limit of Underground Mining ———— - - - - -
- Electric Line ———— E
- Permit Boundary ———— - - - - -

Notes:

The existing 6" gas line and existing overhead electric lines will be relocated by others prior to construction. Locations of the existing and relocated gas and electric lines shown are approximate. The Contractor shall be responsible to verify the location and depths of all utilities prior to the start of construction. The contractor must comply with the Pennsylvania underground utilities act and shall contact PA one call at 1-800-242-1778 prior to construction.

Landslide areas shown were identified during a November 2001 site reconnaissance performed by Michael Baker Jr. personnel. There may be additional landslide or unstable areas other than those shown.



Baker MICHAEL BAKER JR., INC.
Coraopolis, Pennsylvania
412 268-8000 mbakercorp.com

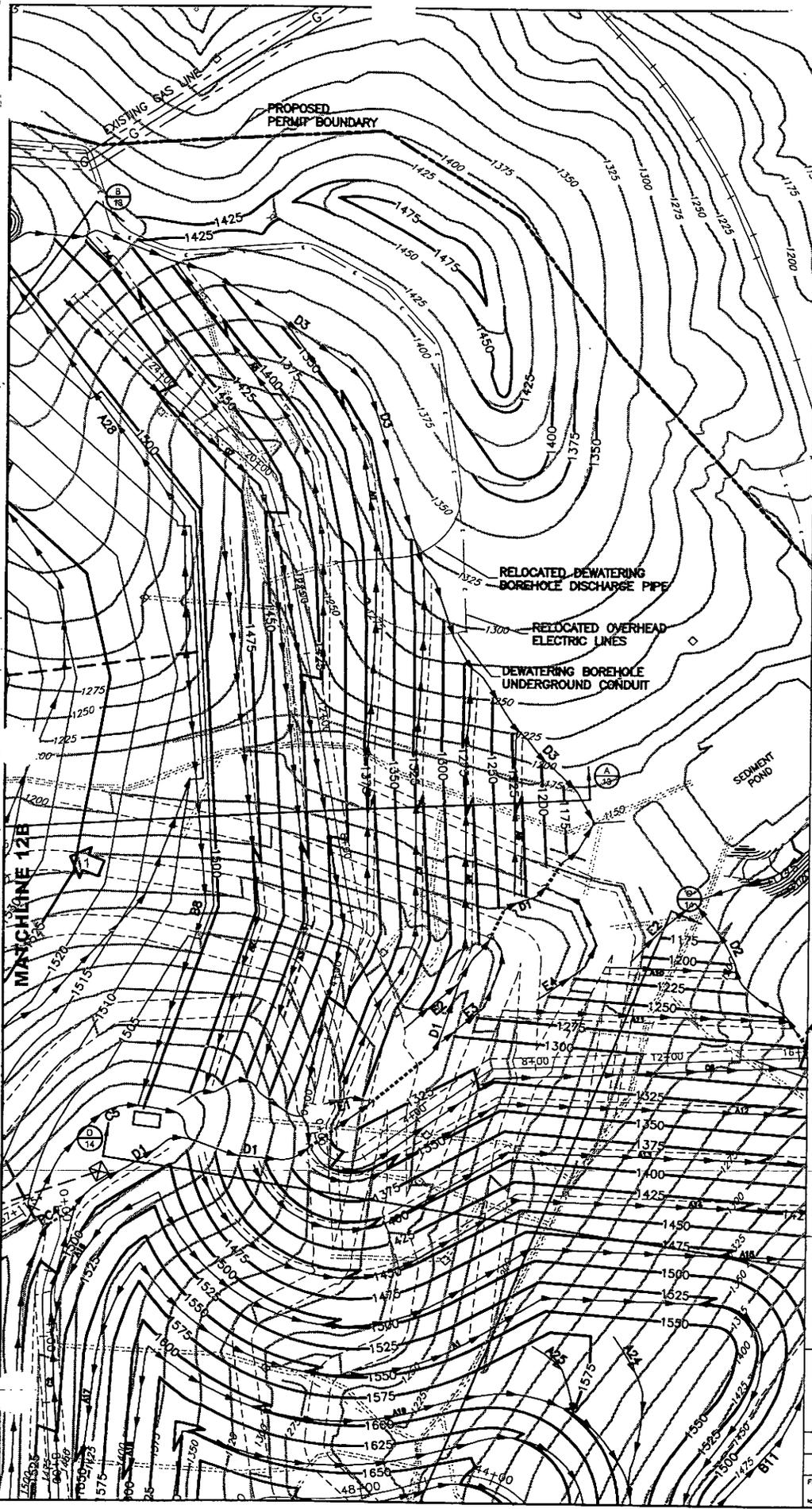
BAILEY CENTRAL MINE COMPLEX
COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
CONSOL PENNSYLVANIA COAL COMPANY

EXISTING CONDITIONS

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
KLK	GEC	MMS	3/02	AS SHOWN

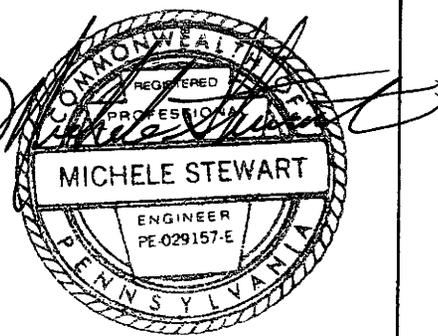
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DRAWING NO. 2A



LEGEND

- DECANT RISER
- DECANT
- ROCK DRAIN
- MODIFIED ROCK DRAIN
- SPRING DRAIN
- SPRING LOCATION
- CHANNEL
- PROPOSED CONVEYOR & BIN
- GAS LINE & 50' ROW
- EDGE OF PROPOSED ROAD
- CULVERT
- PERMIT BOUNDARY
- COARSE REFUSE INTERNAL DRAIN
- OVERHEAD ELECTRIC LINE
- CAP PLACEMENT SEQUENCE AND DIRECTION
- CAP PLACEMENT AREA BOUNDARY



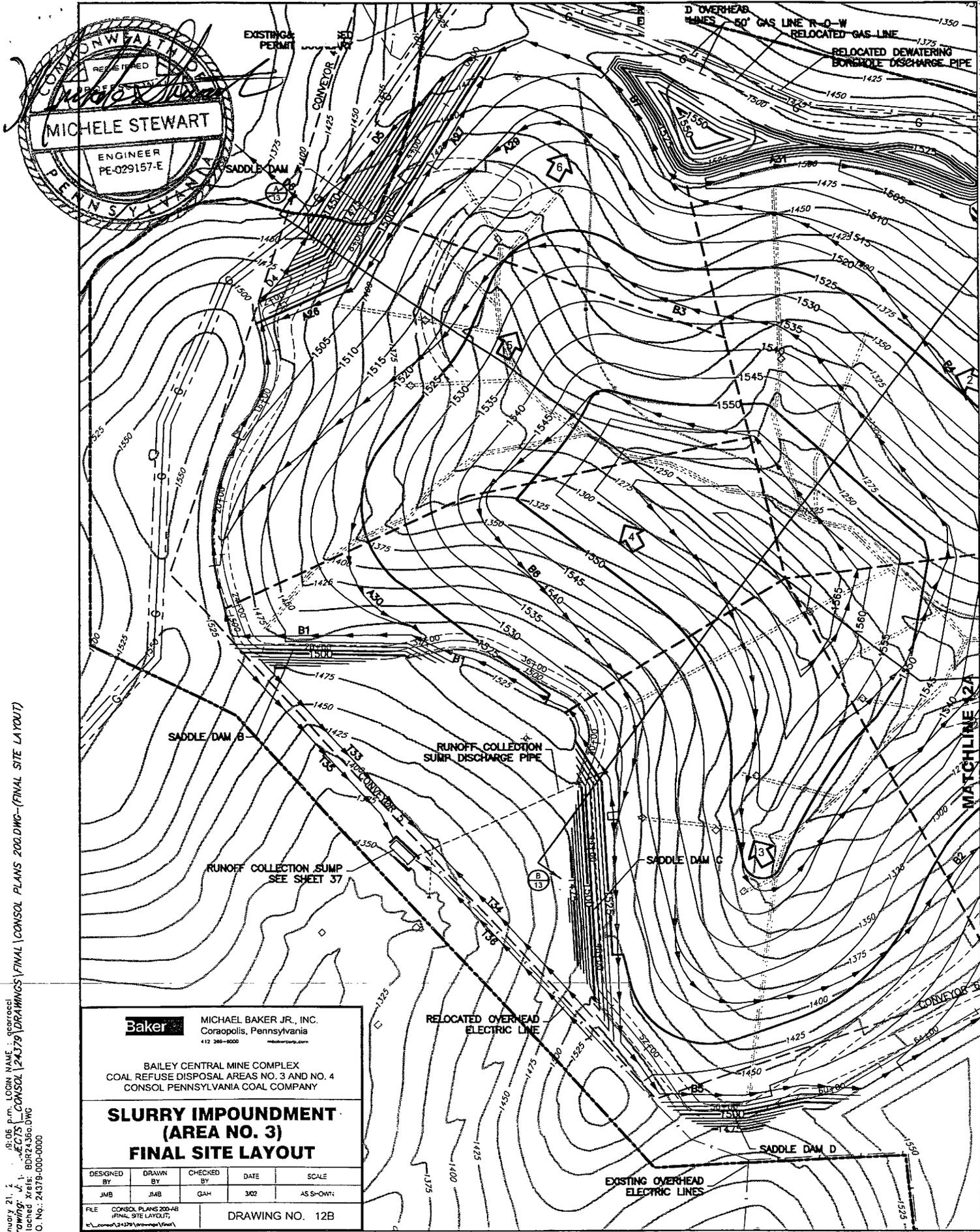
Baker MICHAEL BAKER JR., INC.
 Coraopolis, Pennsylvania
 412 268-9000 mba@cora.com

BAILEY CENTRAL MINE COMPLEX
 COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
 CONSOL PENNSYLVANIA COAL COMPANY

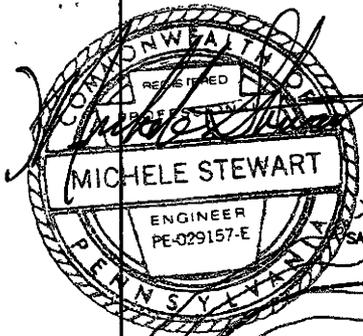
**SLURRY IMPOUNDMENT
 (AREA NO. 3)
 FINAL SITE LAYOUT**

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
JMB	JMB	GAH	3/02	AS SHOWN

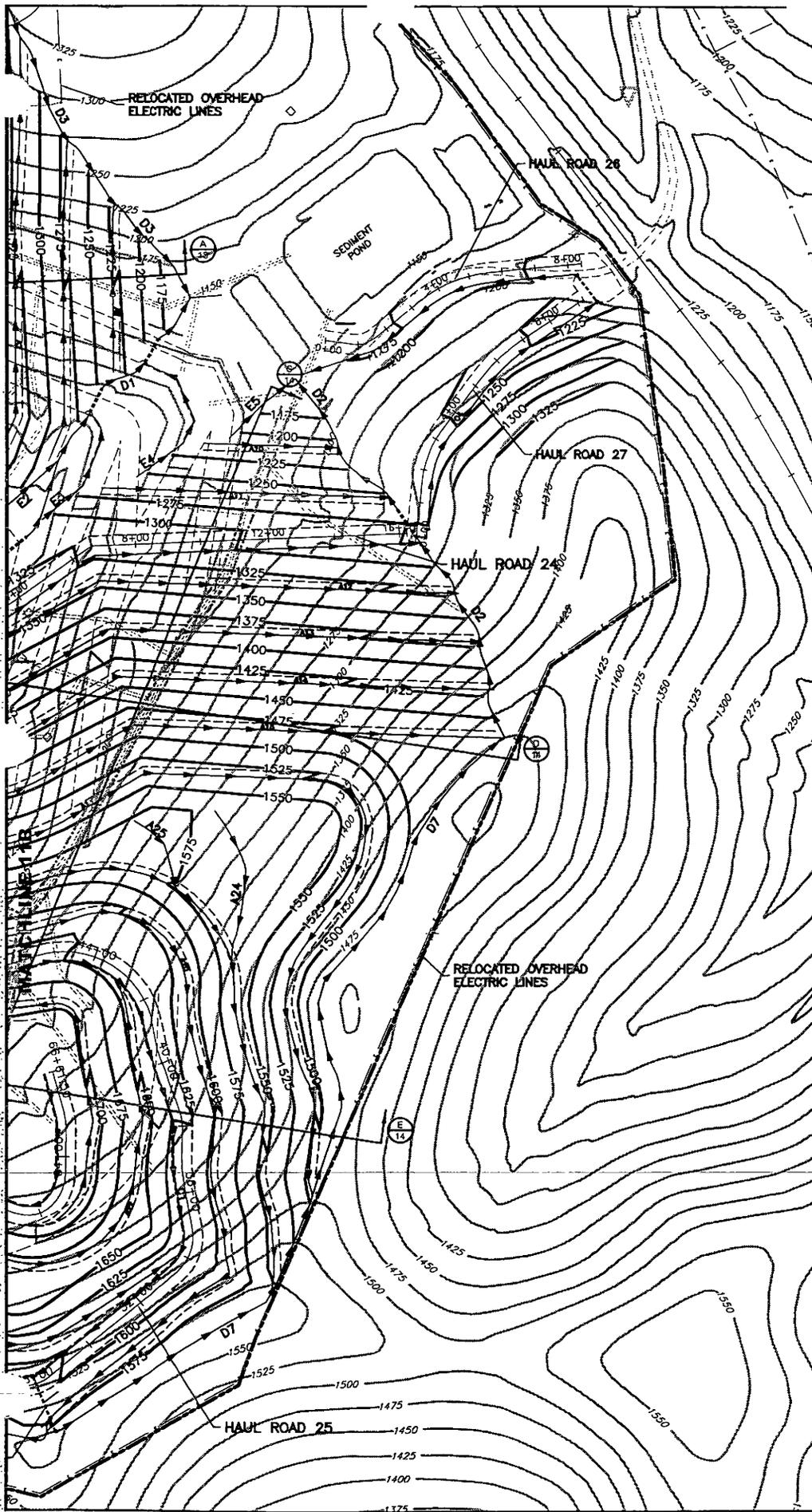
FILE CONSOL PLANS 200-48 (FINAL SITE LAYOUT)
 DRAWING NO. 12A



January 21, 2008 8:06 P.M. LOGIN NAME: gregrobert
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 Attachments: BDR2436c.DWG
 S.O. No.: 24379-000-0000

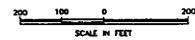
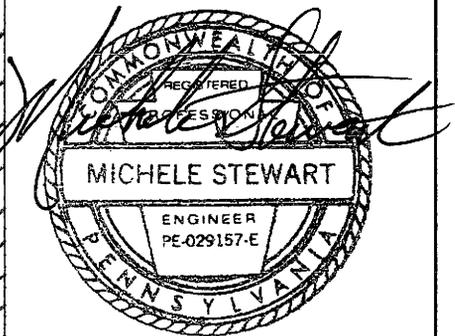


Baker		MICHAEL BAKER JR., INC. Coraopolis, Pennsylvania 412 269-9500		
BAILEY CENTRAL MINE COMPLEX COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4 CONSOL PENNSYLVANIA COAL COMPANY				
SLURRY IMPOUNDMENT (AREA NO. 3) FINAL SITE LAYOUT				
DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
JMB	JMB	GAH	302	AS SHOWN
FILE: CONSOL PLANS 200-4B FINAL SITE LAYOUT		DRAWING NO. 12B		



LEGEND

- DECANT RISER
- DECANT
- ROCK DRAIN
- MODIFIED ROCK DRAIN
- SPRING DRAIN
- SPRING LOCATION
- CHANNEL
- PROPOSED CONVEYOR & BIN
- GAS LINE & 50' ROW
- EDGE OF PROPOSED ROAD
- CULVERT
- PERMIT BOUNDARY
- COARSE REFUSE INTERNAL DRAIN
- OVERHEAD ELECTRIC LINE



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Coraopolis, Pennsylvania
412 269-8000 mjbcorp.com

BAILEY CENTRAL MINE COMPLEX
COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
CONSOL PENNSYLVANIA COAL COMPANY

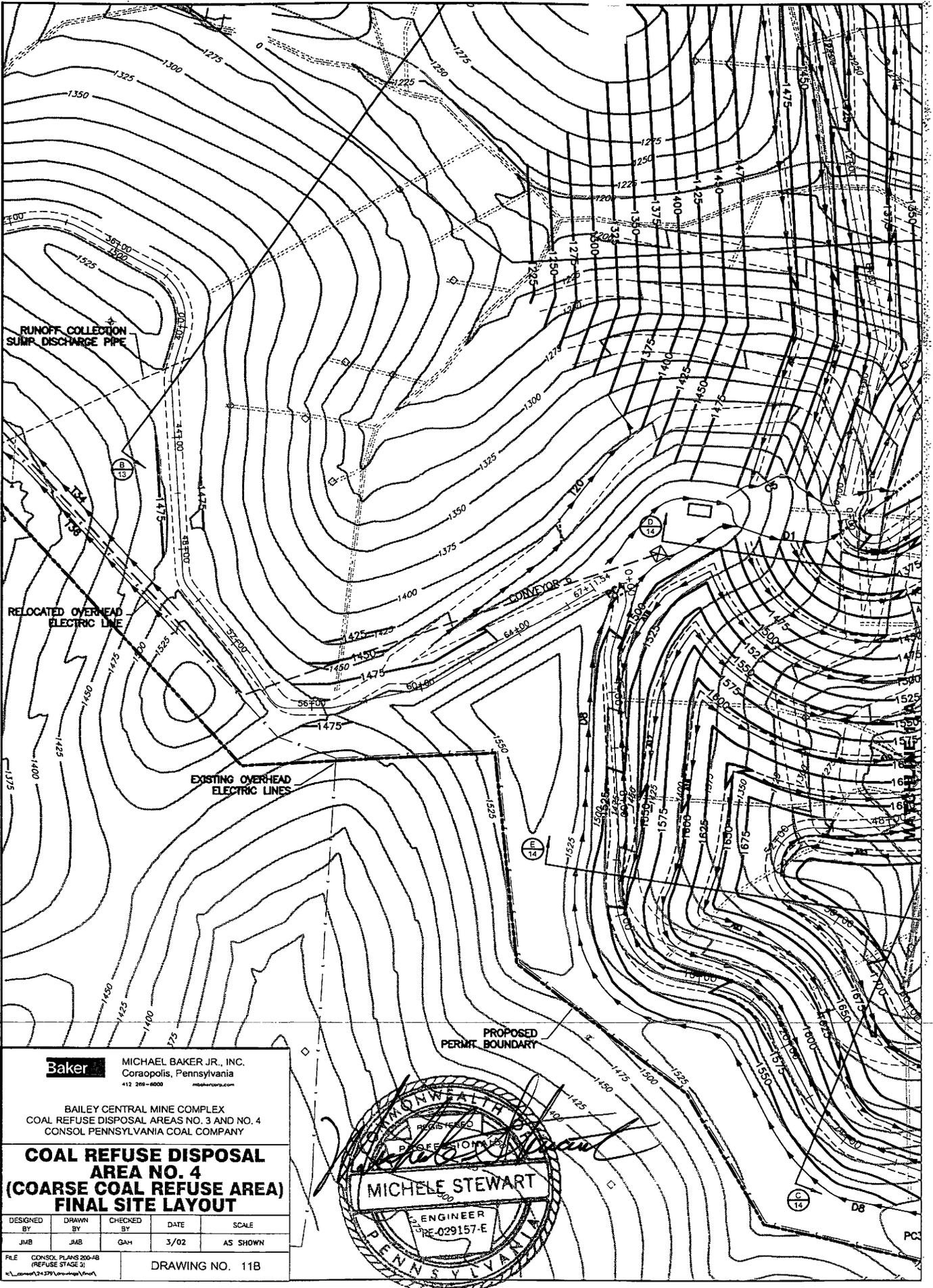
**COAL REFUSE DISPOSAL
AREA NO. 4
(COARSE COAL REFUSE AREA)
FINAL SITE LAYOUT**

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
JMB	JMB	GAH	3.02	AS SHOWN

FILE CONSOL PLANS 230-AB
(REFUSE STAGE 3)

DRAWING NO. 11A

January 21, 2008 8:05 p.m. LOGIN NAME: jgarrecci
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 S.O. No.: 24378-000-0000



Baker MICHAEL BAKER JR., INC.
 Coraopolis, Pennsylvania
 412 269-8000 mjbaker.com

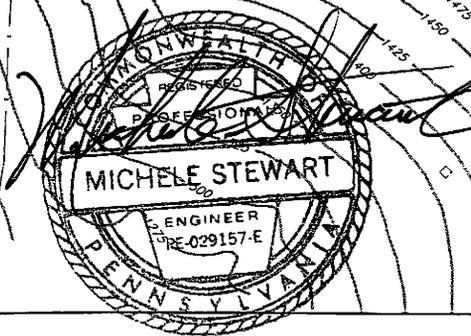
BAILEY CENTRAL MINE COMPLEX
 COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
 CONSOL PENNSYLVANIA COAL COMPANY

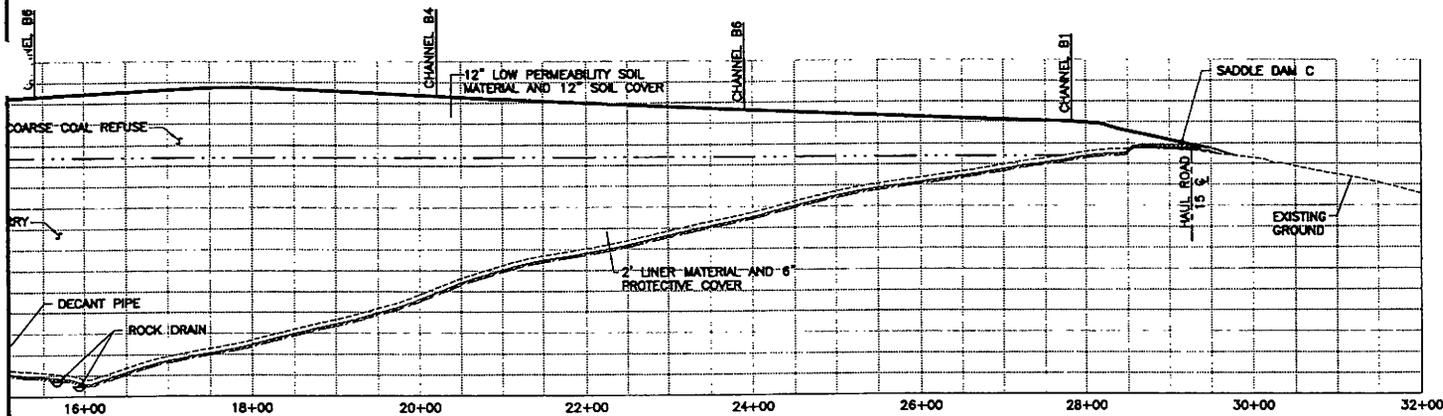
**COAL REFUSE DISPOSAL
 AREA NO. 4
 (COARSE COAL REFUSE AREA)
 FINAL SITE LAYOUT**

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
JMB	JMB	GAH	3/02	AS SHOWN

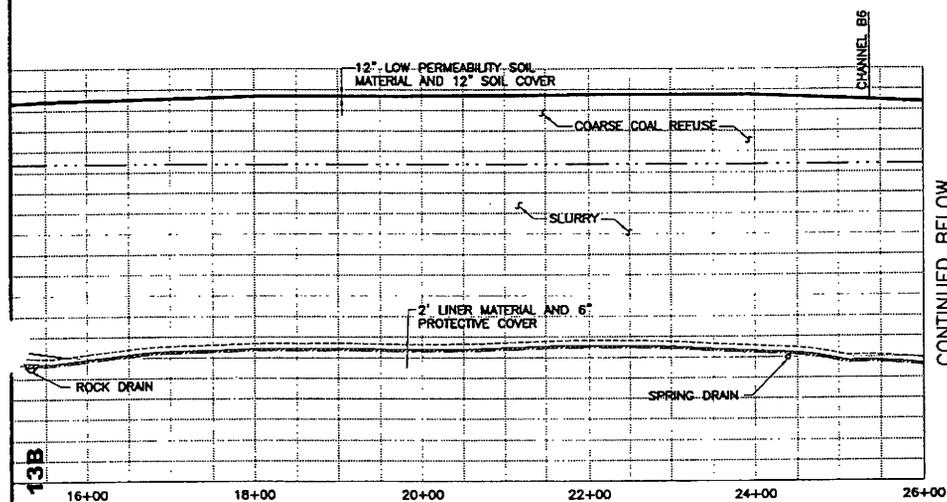
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 (REFUSE STAGE 3)
 C:\Consol\24378\Drawings\Final

DRAWING NO. 11B



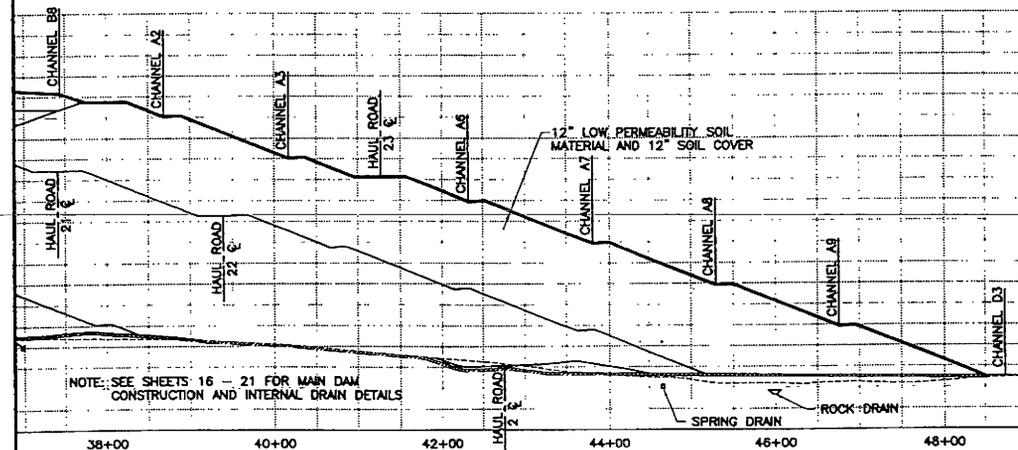


SECTION BB

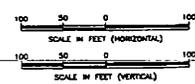
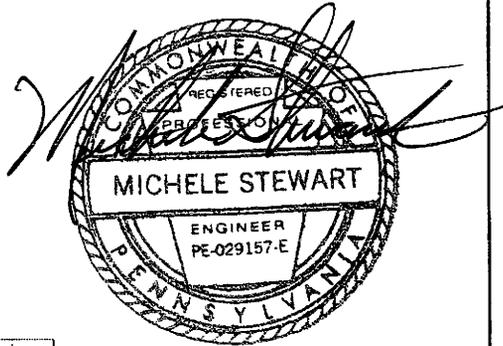


CONTINUED BELOW

MATCHLINE 13B



NOTE: SEE SHEETS 16 - 21 FOR MAIN DAM CONSTRUCTION AND INTERNAL DRAIN DETAILS

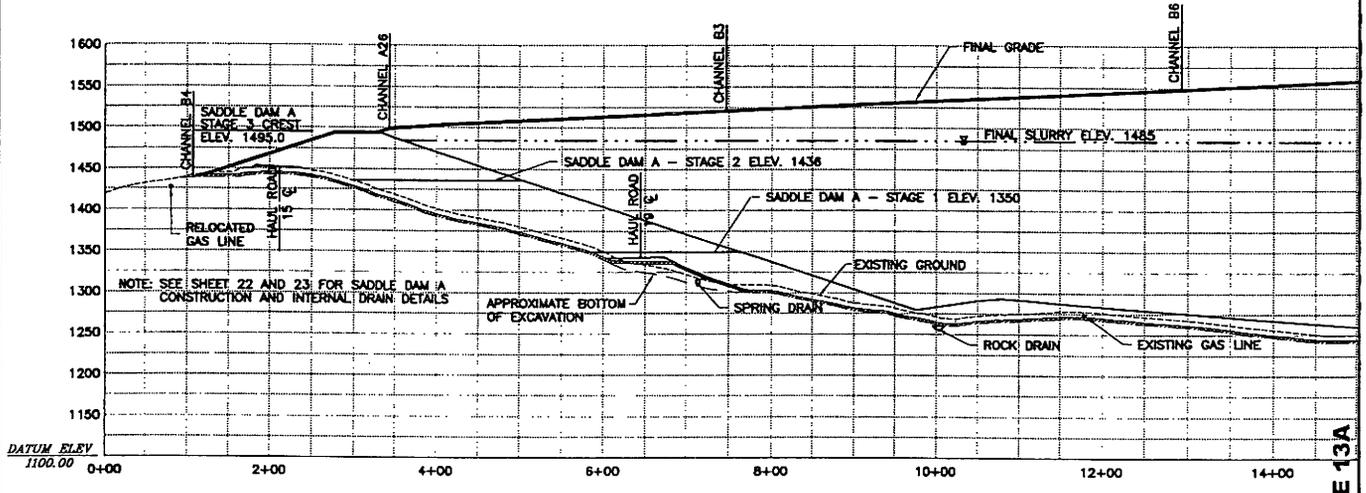
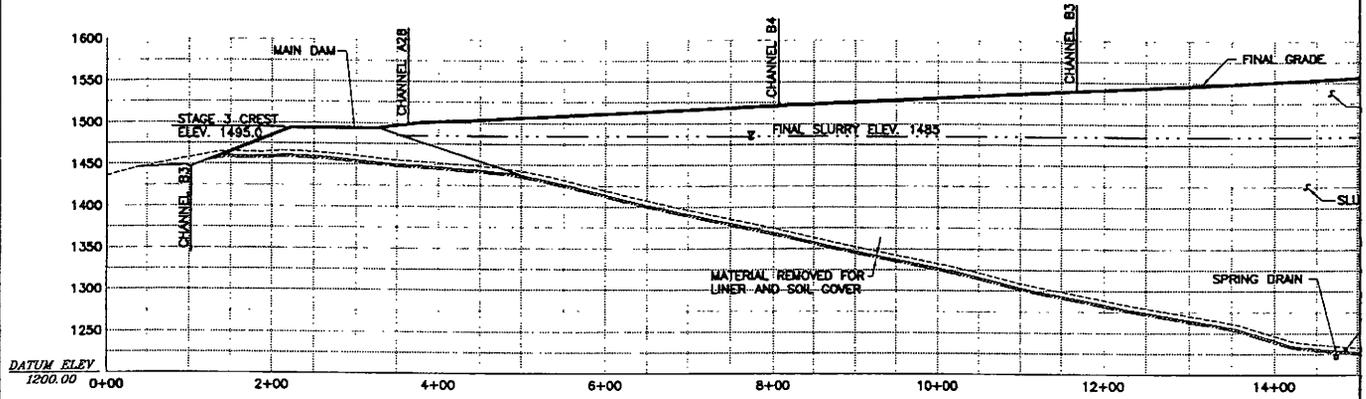


Baker MICHAEL BAKER JR., INC.
Coraopolis, Pennsylvania
412 263-6000 mba@mcgraw.com

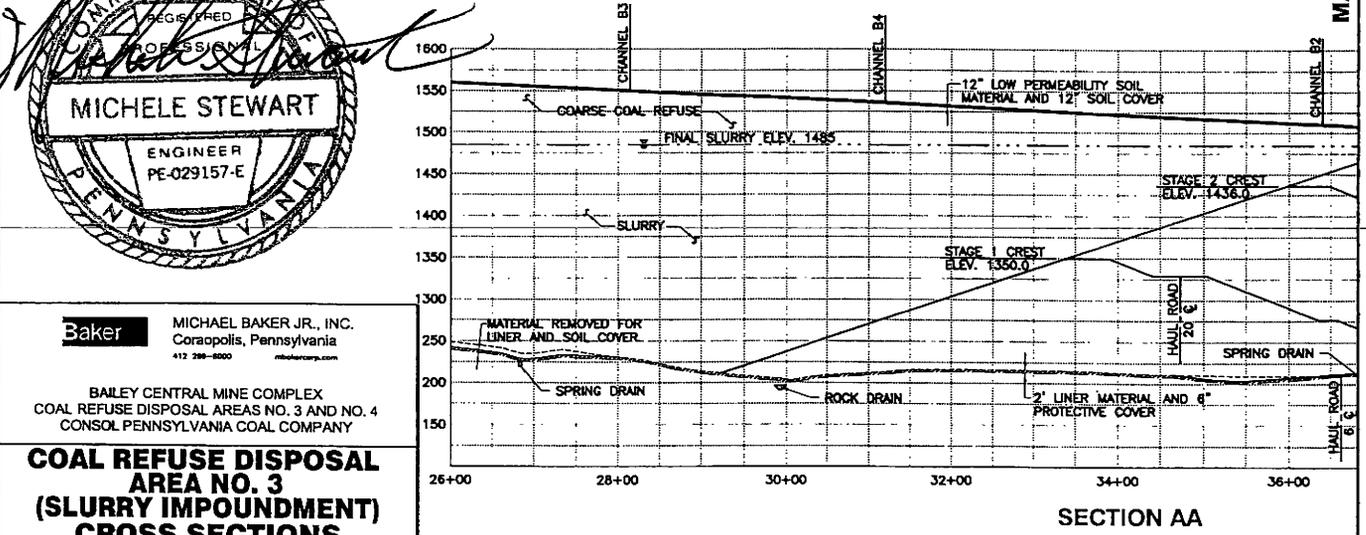
BAILEY CENTRAL MINE COMPLEX
COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
CONSOL PENNSYLVANIA COAL COMPANY

**COAL REFUSE DISPOSAL
AREA NO. 3
(SLURRY IMPOUNDMENT)
CROSS SECTIONS**

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
JMB	JMB	GAH	3/02	AS SHOWN
FILE CROSS SECTIONS 100-AB LAYOUT 1			DRAWING NO. 13A	



SECTION AA
MATCHLINE 13A



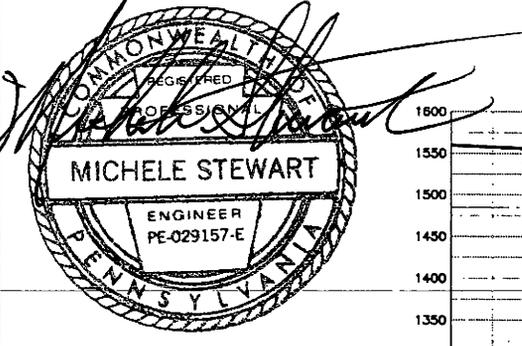
DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
JMB	JMB	GAH	3/02	AS SHOWN

FILE: CROSS SECTIONS 100-AB (LAYOUT 1)
DRAWING NO. 13B

Baker MICHAEL BAKER JR., INC.
Corapolis, Pennsylvania
412 298-8000 mba.com

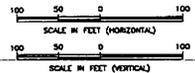
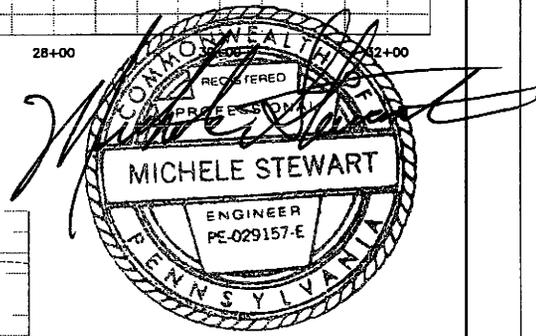
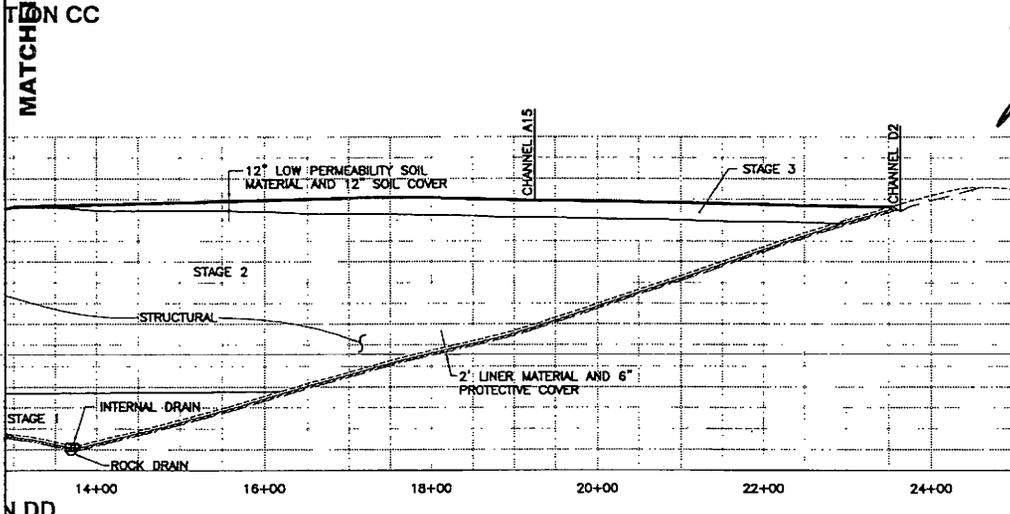
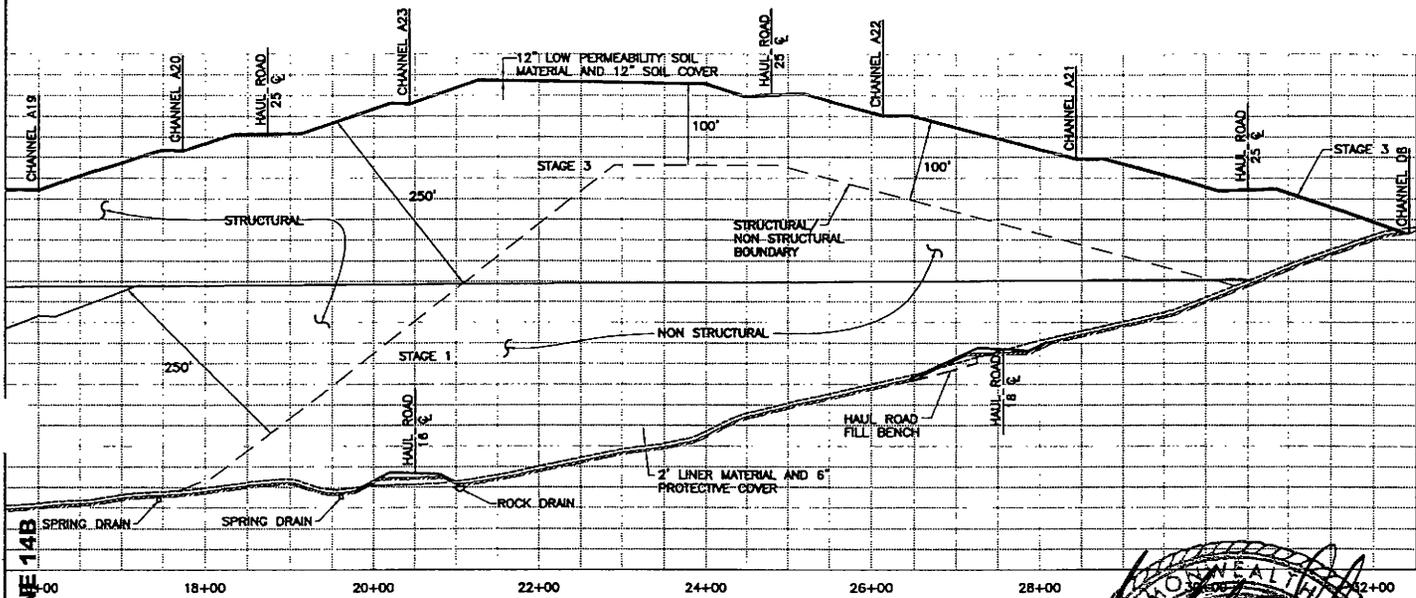
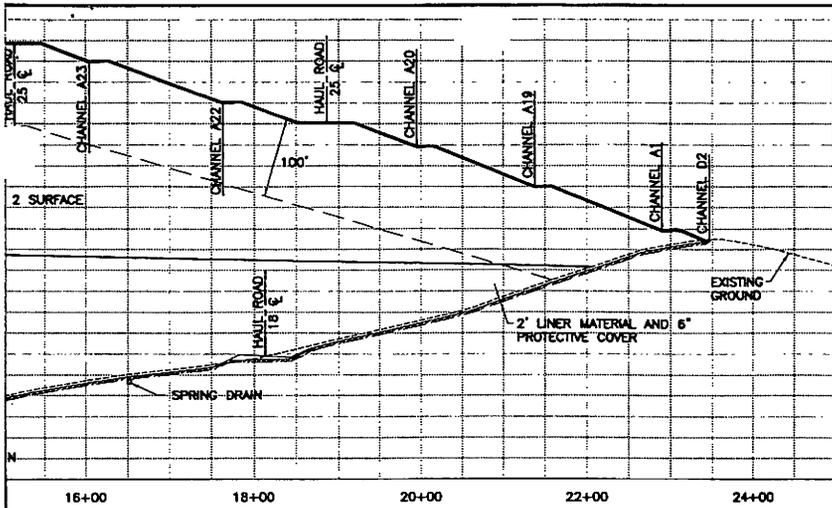
BAILEY CENTRAL MINE COMPLEX
COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
CONSOL PENNSYLVANIA COAL COMPANY

**COAL REFUSE DISPOSAL
AREA NO. 3
(SLURRY IMPOUNDMENT)
CROSS SECTIONS**



January 22, 2002
Drawing: J: VPR
Attached: Xrefs: BD,
S.O. No.: 24379-000-0000

p.m. LOGIN NAME: gpoorocci
-CONSOL 124379 DRAWINGS\FINAL\CROSS SECTIONS 100-AB.DWG-(LAYOUT 1)
-del.DWG



Baker MICHAEL BAKER JR., INC.
 Coraopolis, Pennsylvania
 412 269-4000 mbj@baker.com

BAILEY CENTRAL MINE COMPLEX
 COAL REFUSE DISPOSAL AREAS NO. 3 AND NO. 4
 CONSOL PENNSYLVANIA COAL COMPANY

**COAL REFUSE DISPOSAL
 AREA NO. 4
 (COARSE COAL REFUSE AREA)
 CROSS SECTIONS**

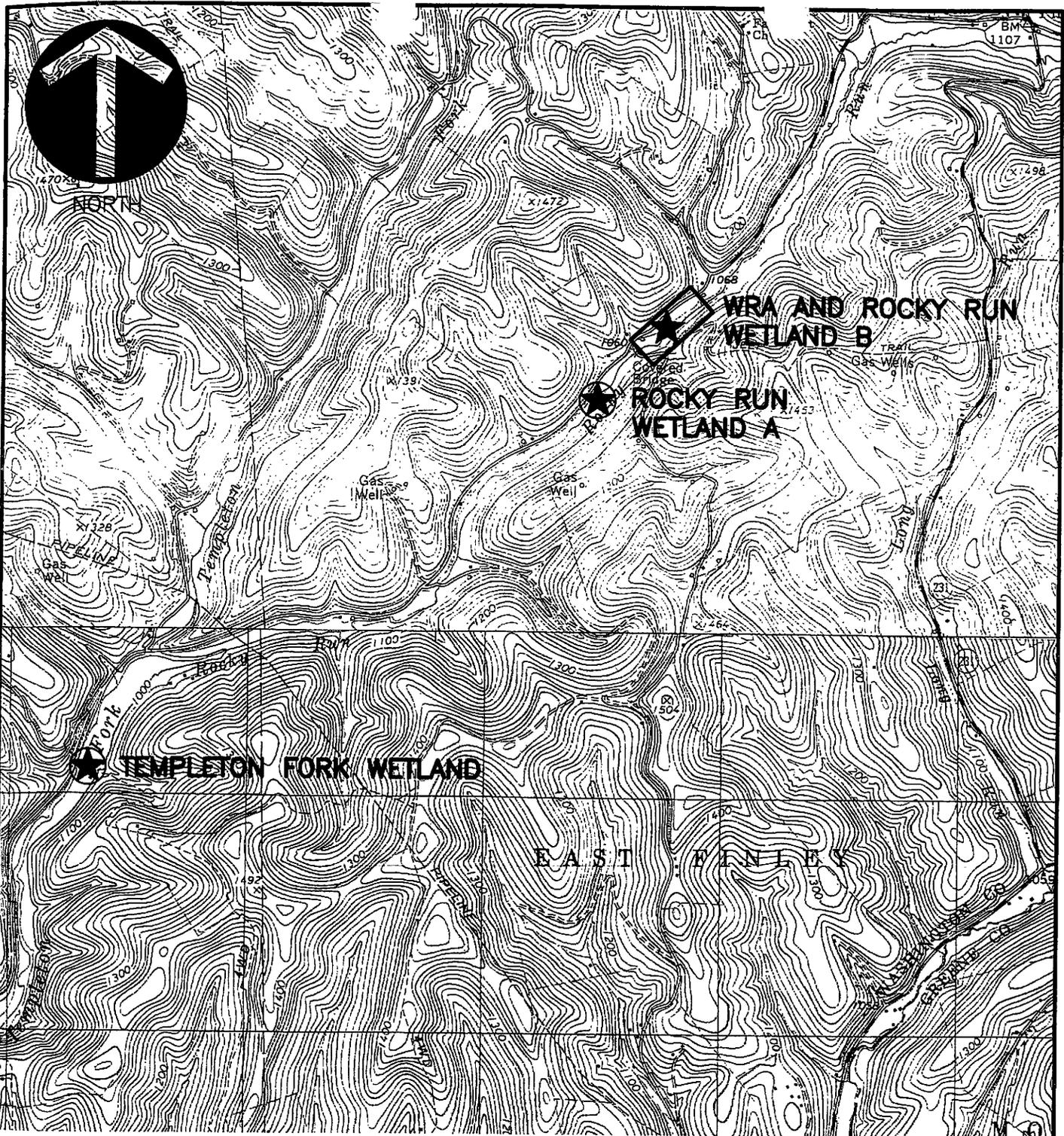
DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
JMB	JMB	GAH	3/02	AS SHOWN

FILE CROSS SECTIONS 100-AB (LAYOUT 3)
 DRAWING NO. 14A

MATCHLINE 14B

N CC

N DD



REFERENCE:

U.S.G.S. 7.5' TOPOGRAPHIC MAPS, WIND RIDGE AND CLAYVILLE QUADRANGLES, PENNSYLVANIA, DATED 1997 AND 1964.

SCALE IN FEET



Civil & Environmental Consultants, Inc.

Pittsburgh, PA 15205

(412) 429-2324 • (800) 365-2324

Cincinnati, OH • Columbus, OH • Indianapolis, IN • Nashville, TN

**WETLAND MITIGATION LOCATION MAP
BAILEY MINE DISPOSAL AREAS
WASHINGTON COUNTY, PENNSYLVANIA**

DWN BY: KAP

SCALE:

DATE:

PROJECT NO.:

CHKD. BY: MRH

1"=2000'

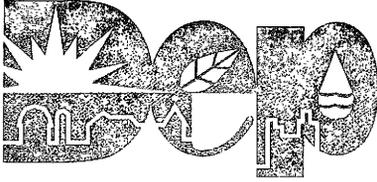
04/08/03

221379

FIGURE 1

File w/ 1P - Greene Co

2002 00371



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

PO Box 8554

Harrisburg, PA 17105-8554

January 10, 2005

Bureau of Waterways Engineering

717-783-3515

Mr. Jonathan M. Pachter
Consol Pennsylvania Coal Company
1800 Washington Road
Pittsburgh, PA 15241

RE: DEP File Numbers D30-055, D30-056, D30-057, D30-058, and D30-059

Dear Mr. Pachter:

Enclosed are duplicate copies of your Dam Permit. Please review the permit so you are aware of the extent of authorization and permit conditions. Sign both copies of the permit, return the "Pink File Copy" to this office and keep one copy for your records. We will provide you with an acknowledgment letter upon receipt of the fully signed permit. The permit is not effective until the "Pink File Copy" of the permit signed by you is received by the Department. Any work conducted prior to the Department's receipt of the signed permit is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those acts.

Please be advised that you do not have federal authorization for this project and such authorization is required prior to starting your project. In accordance with procedures established with the U.S. Army Corps of Engineers, you will be contacted directly by the Corps regarding federal authorization.

Prior to the commencement of construction, the enclosed Acknowledgment of Appraisal of Permit Conditions must be completed and signed by you and the engineer responsible for the supervision or conduct of the construction work acknowledging and accepting the general and special conditions contained in the permit. Until the signed Acknowledgment of Appraisal of Permit Conditions is submitted to this office, the permit is void.

The Completion Report form must be signed by you and the supervising engineer indicating that the work has been completed as approved. The Completion Report must be submitted to this office within 30 days of the completion of the approved project.

A copy of both the permit and the Acknowledgment of Appraisal of Permit Conditions must be available at the work site for inspection upon request by any officer or agent of the Department or any other federal, state, county and municipal agency.

Adrian
~~# 2005 00110~~

*Rec'd
1/14/05
y*



Mr. Jonathan M. Pachter

January 10, 2005

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8547, Harrisburg, PA 17105-8547, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

I hope this information is helpful to you. If you have any questions or need additional information, please contact me at the above number.

Sincerely,



Cathy S. Tyson
Division of Dam Safety

Enclosure(s)

Mr. Jonathan M. Pachter

January 10, 2005

U.S. ACOE, Pittsburgh District Office
Soils and Waterways Section, Southwest Regional Office
File Numbers D30-055, D30-056, D30-057, D30-058, and D30-059
Reading

Christopher J. Lewis, P.E.
D'Appolonia Engineering
275 Center Road
Monroeville, PA 15146-1451



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING

DAM PERMIT

The Department of Environmental Protection (Department), empowered to exercise certain powers and perform certain duties under and by virtue of the Administrative Code, Act of April 9, 1929 (P.L. 177), *as amended*, 71 P.S. §§ 510.1 et seq., and The Dam Safety and Encroachments Act, Act of November 26, 1978 (P.L. 1375) as amended, 32 P.S. § 693.1 et seq., and the rules and regulations promulgated thereunder, hereby issues this permit to:

Consol Pennsylvania Coal Company

1800 Washington Road, Pittsburgh, PA 15241

giving its consent to construct, operate, and maintain the Bailey Mine Area No. 3 Slurry Dam and four associated saddle dams across a tributary to Enlow Fork in Richhill Township, Greene County.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act 33 U.S.C.A. § 1341(a).

This permit is issued in response to an application filed with the Department of Environmental Protection on the 25th day of March, 2002, and with the understanding that the work shall be performed in accordance with the approved maps, plans, profiles, and specifications filed with this application, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Administrative Code, and the following conditions, regulations, and restrictions:

(DIRECT YOUR IMMEDIATE ATTENTION TO CONDITION NUMBER 2)

1. This permit does not give any property rights, either in real estate or material, or any exclusive privileges. It does not grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania. It does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations. It does not obviate the necessity of obtaining Federal assent when necessary.
2. **The permittee shall sign the permit thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of the permit. The permittee shall return a signed copy of the permit to the Department. The permit will not be effective until the Department receives the signed copy of the permit. If the permittee fails to file acceptance of the permit, the permit becomes null and void and the permittee shall remove all works constructed and restore the area in a manner specified by the Department.**
3. All work shall be conducted under the oversight and supervision of a registered professional engineer approved by the Department. The permittee shall file with the Department at least 15 days prior to the commencement of construction a statement setting forth the name of the registered professional engineer and the contractor conducting the work, including names and employers of personnel responsible for the supervision of construction. The registered professional engineer or a competent representative shall be on the work site at all times during significant construction activities until completion of the dam.
4. Prior to commencement of work, the permittee must schedule a pre-construction meeting to review the conditions of the permit and discuss details of the proposed construction. This meeting should be held at the dam site and include

the engineer, contractor, permittee, and a representative of the Department of Environmental Protection. To schedule this meeting, please contact:

Soils and Waterways Section

Southwest Regional Office

400 Waterfront Drive, Pittsburgh, PA 15222-4745

Telephone: 412-442-4305

5. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of work, of the terms, conditions, restrictions, and covenants of this permit. Prior to the commencement of construction, the permittee shall file with the Department in writing, on a form provided by the Department, a statement signed by the permittee and an individual responsible for the supervision or conduct of the construction work acknowledging and accepting the general and special conditions contained in the permit. Unless the acknowledgment and acceptance have been filed, the permit is void. A copy of the permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of the Department or another Federal, State, County, or Municipal Agency.
6. At least 15 days prior to commencement of construction, the permittee shall notify the Department, in writing, of the proposed time of commencement of this work.
7. The project site shall at all times be available for, and the work shall at all times be subject to, inspection by representatives of the Department.
8. No changes shall be made to the approved maps, plans, profiles, and specifications, except with the written consent of the Department. The Department, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary.
9. The permittee shall implement and monitor the Erosion and Sedimentation Control Plan prepared in accordance with the Department's Chapter 102 regulations so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.
10. The project site shall at all times be available for inspection by authorized officers and employees of the Greene County Conservation District at:

Greene County Conservation District Office

Greene County Office Building

93 E. High Street, Room 215, Waynesburg, PA 15370-1839

Telephone: 724-852-5278

11. The project site shall at all times be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Southwest Regional Office at:

PA Fish and Boat Commission, Southwest Regional Office

236 Lake Road

Somerset, PA 15501-1644

Telephone: 814-445-8974

12. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823, Telephone: 814-359-5147.

13. All trees of no value and brush cleared from the area under this permit shall be burned at such time and under such conditions as to prevent the fire from spreading to adjoining timber land provided, however, that before such burning is begun, the Regional Air Pollution Control Engineer of the Department of Environmental Protection in charge of the Region in which the area is located shall be notified.
14. No material shall be placed on any portion of the foundation until a representative of the Department has approved, in writing, such portion of the foundation. No earth or other embankment material that is in a frozen condition shall be covered or placed in embankments. Concrete shall not be placed in freezing weather except under conditions approved by the Department.
15. A detailed report upon the status of the construction shall be mailed monthly to the "Division of Dam Safety, P.O. Box 8554, Harrisburg, PA 17105-8554", until work upon the dam has been completed.
16. **If the work authorized by this permit is not completed on or before See Special Conditions, this permit, if not previously revoked or specifically extended by the Department in writing, shall become void without further notification.** If construction work has not been completed within the time specified in the permit and the time limit specified in the permit has not been extended in writing by the Department or if a permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that the Department requires, restore the watercourse and floodplain to their former condition.
17. Within thirty (30) days after the completion of the work authorized in this permit, the permittee shall file with the Division of Dam Safety, a certified statement signed by the supervising engineer and by the permittee that the work has been performed in accordance with this permit and the approved maps, plans, profiles, and specifications. Further, the permittee shall submit to the Division of Dam Safety, within ninety (90) days after the date of completion of the work authorized by this permit, a set of final "As-Built Plans" for the project, showing changes from the original plans and specifications.
18. The Department shall be notified at least one week in advance of the time when it is proposed to begin to store water in the reservoir or pond created by the dam for which this permit is issued. The Department requires the permittee to allow a portion of the natural stream flow to pass the dam while the reservoir or pond is being filled. This notice is required in order that arrangements may be made to have a representative on the grounds before or during the filling if the Department considers it desirable. Sufficient water to support fish life shall be allowed to flow into the stream below the dam, during the period of its construction or repair and while the reservoir is being filled. The permittee agrees to abide by such rules and regulations as to the storage and discharge of water, and as to the level of the reservoir created by said dam, as may be prescribed from time to time by the Department.
19. The permittee shall operate and maintain the dam authorized herein in a safe condition in accordance with the permit terms and conditions; the approved maps, plans, profiles and specifications; and the regulations of the Department. Any repairs or maintenance involving modifications of the dam from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of the Department shall require the prior written approval or permit of the Department.
20. The permittee agrees to operate and maintain any earthen dam embankment, upstream and downstream groin areas, and upstream and downstream toe areas free of all trees, shrubs and woody vines. These areas shall be maintained with a perennial sod forming ground cover. The Department must approve vegetative cover seed mixes. The permittee further agrees to operate and maintain any spillway approach channels, control sections and outlet channels free of all trees, shrubs and woody vines and to remove debris that may accumulate after runoff events.
21. The permittee agrees to give the Department at least thirty (30) days advance written notice of any actual or anticipated changes in the ownership of the dam, or the lake formed by the dam, or of any portion of the dam or lake, and shall furnish the Division of Dam Safety, P.O. Box 8554, Harrisburg, PA 17105-8554 with name(s) and address(es), and further agrees to execute an assignment of this permit to the new owner(s).
22. The permittee agrees in accepting this permit, to install, upon the request of the Pennsylvania Fish and Boat Commission, such fishway or fishways as the said Commission may require. (See Section 185, of the Act of May 2, 1925, P.L. 448, as amended by the Act of April 22, 1929, P.L. 621). Attention is also called to Section 191 of the Act of May 2, 1925, P.L. 448, as amended by Act No.113, approved May 29, 1935, which provides that no person owning, leasing, or maintaining a dam, holding back waters inhabited by fish, shall draw off such waters without first receiving written permission from the Pennsylvania Fish and Boat Commission.
23. The Department reserves the right to suspend or revoke this permit if, in its opinion, the best interest of the Commonwealth will be served.

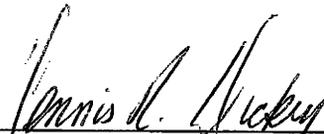
SEE ATTACHED PAGE FOR ADDITIONAL SPECIAL CONDITIONS.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

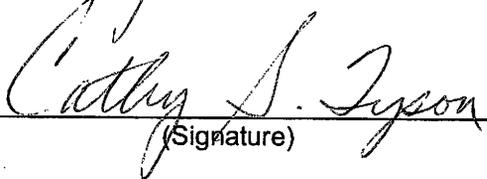
Permittee (signature)

(Date)

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Dennis R. Dickey, P.E.
Chief
Division of Dam Safety
Bureau of Waterways Engineering

Attest: 

(Signature)

JAN 1 0 2005

(Issue Date)

SPECIAL CONDITIONS

Upon completion of each stage of construction and prior to any increase in storage capacity or the elevation of the crest of the embankment by construction of the next stages, the permittee shall submit to the Division of Dam Safety certification of completion of the previous stage according to design plans and specifications. The Division deserves the right to review the design at that time. Approval to proceed must also be granted by the Division of Dam Safety prior to any increase of the storage capacity or the elevation of the crest of the embankment by the construction of the next phases.

The permittee is required to submit annual reports regarding the condition of the dam, certified by a registered professional engineer, to the Division of Dam Safety on or before December 31 of each year.

An Emergency Action Plan, which was submitted to the Division of Dam Safety and returned to the applicant with comments, must be revised and resubmitted to the Division of Dam Safety within 60 days of this permit.

The Emergency Action Plan and Inundation Map(s) for this dam must be reviewed and updated by the permittee every other year beginning two years from the year of issuance of this permit. The updated plan and map(s) must be submitted to the Division of Dam Safety and the local County Emergency Management Agency by December 31 of the appropriate years for review and be revised as necessary for approval by the Department of Environmental Protection and the Pennsylvania Emergency Management Agency.

The permittee shall post notices in public places in any area which might be affected by failure of this dam as required by Act 32 of May 16, 1985. In order to comply with this notice requirement, such notices should be posted in the following public places within each political subdivision situated within the inundation area downstream of this dam: 1) the City, Borough or Township Building; 2) police department offices; 3) fire company halls; and 4) tax collector's office. The Notice should state that a copy of the Emergency Action Plan for this dam is available for inspection at the following locations: Greene County Emergency Management Office; the Township Municipal Emergency Management Offices of all townships situated within the inundation areas of the dams authorized by this permit; and the Office of the Consol Pennsylvania Coal Company in Pittsburgh, PA. The permittee shall provide the Division of Dam Safety within sixty (60) days of the date of completion of construction, a statement certifying compliance with this requirement. Failure to comply will be cause for the Department to revoke or suspend this permit and may expose the permittee to criminal or civil penalties for violation of the Dam Safety and Encroachment Act.

The permittee and his agents will be watchful for archaeological artifacts and will assure that ground disturbance activities will cease immediately upon discovery of archaeological artifacts, and will immediately notify the Department of Environmental Protection and the Pennsylvania Historical and Museum Commission by phone and in writing.

The Permittee in order for the Division of Dam Safety to consider a reclaimed or closed impoundment to be abandoned and to eliminate the need to continue with inspections and reporting requirements for the operation and maintenance of the dam, must submit information required by the Department of Environmental Protection Technical Guidance Document, Criteria for Deregulation of Tailings Impoundments as Dams.

By accepting this permit, the permittee agrees to implement the mitigation plan as reviewed, revised and/or approved by the Department, including construction of 1.44 acres of wetlands.

The construction of replacement wetlands shall be started at the commencement of or prior to placement of fill authorized by this permit.

Within 30 days of completing construction of the replacement wetlands, the permittee shall submit "as-built" plans of the replacement wetlands to the Department.

Permittee shall monitor the wetland replacement site for at least five years. Reports shall be submitted to the Department every six months for the first two years after construction and annually for three years thereafter. The monitoring reports shall contain information describing the success of the site at the time of the inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of the replacement sites with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.

If a wetland community, dominated by hydrophytic vegetation, has not become established after two (2) full growing seasons, remedial work will be required that will include, but not be limited to, regrading, planting, and other actions necessary to assure 1.44 acres of successfully functioning replacement wetlands.

The permittee is advised that Saddle Dams A, B, C, and D in Area No. 3 have been assigned DEP File Numbers of D30-056, D30-057, D30-058, and D30-059, respectively. All future correspondence related to Saddle Dams A, B, C, and D at Area No. 3 should refer to the appropriate DEP File Number. The permittee is also advised that all Special Conditions for Permit D30-055 are also applicable to Saddle Dams A, B, C, and D.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

COAL REFUSE DISPOSAL PERMIT NO. 30020701

Permittee: Consol Pennsylvania Coal Company
1800 Washington Road
Pittsburgh, PA 15241

Issuance Date _____
Expiration Date _____
Renewal Date _____
Revision Date _____

Name of Operation Bailey Central Mine Complex CRDA No. 3 and No. 4
Municipality Richhill and Gray Townships County Greene

1. This permit is hereby issued in accordance with the provisions of the Coal Refuse Disposal Control Act, 52 P.S. §30.51 et seq., Act of September 24, 1968 [P.L. 1040, No. 318], as amended, and The Clean Streams Law, 35 P.S. §691.1 et seq., Act of June 22, 1937 [P.L. 1987, No. 394], as amended, and the regulations promulgated pursuant to these Acts. This permit is also issued in accordance with the following statutes and regulations promulgated pursuant to these statutes as marked:
 - Surface Mining Conservation and Reclamation Act, 53 P.S. §1396.1 et seq., Act of May 31, 1945 [P.L. 1198, No. 418], as amended.
 - Dam Safety and Encroachments Act, 32 P.S. §693.1 et seq., Act of November 26, 1978 [P.L. 1375, No. 325], as amended.
 - Air Pollution Control Act, 35 P.S. §4001 et seq., Act of January 8, 1960 [1959 P.L. 2119, No. 787], as amended.
 - Solid Waste Management Act, 35 P.S. §6018.101 et seq., Act of July 7, 1980 [P.L. 380, No. 97].
2. This permit is for 556.6 acres, of which 373.0 acres are planned to be affected by coal refuse disposal and 183.6 acres are planned to be affected by support activities. Permittee may conduct coal refuse disposal activities only on that area of the permit outlined on the authorization to conduct coal refuse disposal activities and the accompanying maps contained in Part C of this permit. Initial authority to conduct mining activities is granted for an area of 556.6 acres described in Part C of the permit. Additional authority to conduct mining activities may be granted by written approval of the Department and attached to Part C of this permit. Permittee is prohibited from conducting mining activities on that portion of the permit area which has not been authorized for mining by the Department, in writing, and shown on the bond approval and coal refuse disposal mining authorization map(s) contained in Part C of this permit.
3. Permittee is also granted authority to discharge from facilities located at the Bailey Central Mine Complex CRDA No. 3 and No. 4 to the following receiving waters: Unnamed tributary to Enlow Fork. This authority is subject to the effluent limitation, monitoring requirements, operating conditions, and area restrictions set forth in the permit application and Parts A, B, and C of this permit.
4. Permittee is hereby authorized to conduct coal mining activities, including the construction and operation of Industrial Waste Treatment facilities and erosion and sediment control facilities, pursuant to, and in accordance with, the terms and conditions of this permit for the areas where the Authorization to Conduct Coal Refuse Disposal Activities has been granted. Any modifications to wastewater treatment facilities, including erosion and sediment control facilities, necessary to meet the terms and conditions of this permit require written approval.
5. The permittee shall conduct all coal mining activities as described in the approved permit application and all supporting documents. The terms and conditions of this permit shall supersede any conflicting provisions of the permit application and supporting documents or revisions to the permit application.
6. The permittee's failure to comply with the laws of the Commonwealth, including the Department's regulations regarding coal mining activities, or failure to comply with the terms and conditions of this permit, may result in an enforcement action; in permit termination, suspension, revocation and reissuance, or modification; or in denial of a permit renewal application.

7. Application for renewal of this permit, or notification of intent to cease discharging by the expiration date, must be submitted to the Department at least 180 days prior to the above expiration date (unless permission has been granted by the Department for submission at a later date) using the appropriate application forms. In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the permit before the above expiration date or to take other appropriate action before the above expiration date, the terms and conditions of this permit will be automatically continued and will remain fully effective and enforceable pending the grant or denial of the application for permit renewal.
8. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access of and to inspect all areas on which coal mining activities are being or will be conducted. This authorization and consent shall include consent to collect samples of waste or water, to take photographs, to perform measurements, surveys, and other tests, to inspect any monitoring equipment, to inspect the methods of operation, and to inspect and/or copy documents required by the Department to be maintained.
9. No coal mining activities may be commenced under this permit unless the activities are in compliance with all applicable ordinances enacted pursuant to the Municipalities Planning Code, the Act of July 31, 1968, (P.L. 805, No. 247), as amended, 53 P.S. §10001 et seq.
10. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights.
11. Nothing herein contained shall be construed to be an intent on the part of the Department to approve any act made or to be made by the permittee inconsistent with the permittee's lawful powers or with existing laws of the Commonwealth regulating coal mining activities and the practice of professional engineering. This permit shall not be construed to sanction any act otherwise forbidden by federal or state law or regulation, or by local ordinance, nor to preempt any duty to obtain state or local assent required by law for the coal mining activity.
12. The permit shall be void three (3) years from the date of issuance unless the permittee has commenced coal mining activities under this permit prior to that time.
13. Initiation of coal mining activities under this permit constitutes an acceptance of all terms and conditions of the permit.
14. Permittee shall take all possible steps to prevent any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit including:
 - [i] any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance; and
 - [ii] providing warning, as soon as possible after learning of such noncompliance, to any person whose health and safety is in imminent danger due to the noncompliance.
15. Permittee shall conduct the activities in accordance with any measures specified in the permit as necessary to prevent environmental harm or harm to the health or safety of the public.

PART A
EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

CMAP # 30020701

NPDES # PA 0235482

1. MINE DRAINAGE TREATMENT FACILITIES

a. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS FOR OUTFALL 301

DISCHARGE TO: Unnamed tributary to Enlow Fork

FROM: Sedimentation Pond/Treatment Pond

LAT: 39° 57' 32"

LONG: 80° 22' 33"

Based on the hydrologic data and anticipated wastewater characteristics and flows described in the permit application and its supporting document and/or revisions, the following effluent limitations and monitoring requirements apply to the subject outfall:

<u>Discharge Parameter</u>	<u>DISCHARGE LIMITATIONS¹</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>Average Monthly</u>	<u>Maximum Daily</u>	<u>Instant Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow (mgd)				2/month	estimated
Iron	3.0	6.0	7.0	2/month	grab
Suspended Solids	35	70	90	2/month	grab
Manganese	2.0	4.0	5.0	2/month	grab
Aluminum				2/month	grab
Sulfates				1/quarter	grab
Specific Conductance (umho)				1/quarter	grab
Osmotic Pressure (mos/kg)					grab

pH not less than 6.0 nor greater than 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

b. PARAMETERS SUBJECT TO 24-HOUR, NON-COMPLIANCE REPORTING FOR "MAXIMUM DAILY" LIMITATIONS UNDER B.3.c(1) (b) OF THIS PERMIT ARE: N/A

c. SAMPLES TAKEN IN COMPLIANCE WITH THE MONITORING REQUIREMENTS SPECIFIED ABOVE SHALL BE TAKEN AT THE FOLLOWING LOCATION(S): At the end of the discharge pipe

Note: ¹Unless otherwise indicated, discharge limitations are concentrations expressed in mg/l, and the total (dissolved plus suspended fractions) is applicable for each parameter.

Also: Note Special condition No. 17 on Page 13.

At a minimum, any other discharge from areas disturbed by mining activities, including areas disturbed by mineral preparation, processing or handling facilities shall comply with the following discharge limitations.

DISCHARGE LIMITATIONS

MONITORING REQUIREMENTS

**Concentration [mg/l
unless otherwise specified]**

<u>Discharge Parameter</u>	<u>Average</u>	<u>Instantaneous</u>
	<u>Monthly</u>	<u>Maximum</u>

<u>Measurement Frequency</u>	<u>Sample Type</u>	<u>Reporting Frequency</u>
---	-------------------------------	---------------------------------------

IRON (Fe): There shall be no discharge of water containing a concentration of Iron in excess of several milligrams per liter.

A grab sample once a month when discharging for pH (field and laboratory), total iron, total manganese, total suspended solids, acidity, alkalinity, sulfates, and specific conductance and temperature.

MANGANESE (Mn): There shall be no discharge of water containing a concentration of Manganese in excess of four milligrams per liter.

TOTAL SUSPENDED SOLIDS (TSS): There shall be no discharge of water containing more than seventy milligrams per liter of Total Suspended Solids.

A grab sample daily for pH when discharging.

pH not less than 6.0 standard units nor greater than 9.0 standard units at all times.

Alkalinity must exceed acidity at all times.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

PART A

The following conditions apply to Part A of this permit.

1. DEFINITIONS

- a. The term "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.
- b. The term "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- c. The "average monthly concentration" means the arithmetic average of all the daily determinations of concentration made during a calendar month.
- d. The "daily determination of concentration" means the concentration of a composite sample taken during a calendar day.
- e. The "maximum daily concentration" means the daily determination of concentration for any calendar day.
- f. The "instantaneous maximum concentration" means the concentration not to be exceeded at any time in any grab sample.
- g. The term "Composite Sample" means a combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite. The maximum time period between individual samples shall not exceed two hours, except that for wastes of a uniform nature the samples may be collected on a frequency of at least twice per working shift and shall be equally spaced over a 24-hour period (or over the operating day if flows are of a shorter duration).
- h. The term "Grab Sample" means an individual sample collected in less than 15 minutes.
- i. The term "i-s" means immersion stabilization, a technique in which a calibrated device is immersed in the effluent stream until the reading is stabilized.
- j. The term "At outfall XXX" means a sampling location in outfall line XXX downstream from the last point at which wastes are added to outfall line XXX, or otherwise specified.
- k. The term "Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

2. SELF-MONITORING, REPORTING, AND RECORDS KEEPING

a. **Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

b. **Reporting of Discharge Monitoring Results**

- [1] Discharge monitoring results obtained in accordance with the frequencies and for those parameters set forth in Part A of this permit shall be summarized and reported on a Discharge Monitoring Report (DMR) Form.

Duplicate signed copies of these reports shall be submitted on a quarterly basis (unless specified otherwise in Part A), no later than the 28th day of the month following the end of the monitoring quarter to the district office address listed in Part B of this permit. For the purposes of this permit, the quarters are defined as January/February/March; April/May/June; July/August/September; and October/November/December.

- [2] If the permittee monitors any pollutant, using analytical methods described in 2.3 below, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR.

c. **Noncompliance Reporting**

- [1] **24-Hour Reporting** - The permittee shall orally report to the Department within 24 hours of becoming aware of the following:

[a] Actual or anticipated noncompliance with any term or condition of this permit which may endanger health or the environment.

[b] Actual or anticipated noncompliance with any "maximum daily" discharge limitation which is identified in Part A.1 of this permit as being either:

[i] A toxic pollutant effluent standard established by EPA pursuant to Section 307(a) of the Clean Water Act;

[ii] For a toxic or hazardous pollutant which, if not adequately treated, could constitute a threat to human health, welfare, or the environment; or

[iii] Any pollutant identified as the method to control a toxic pollutant or hazardous substance (i.e. indicator pollutant).

[c] Any unanticipated bypass which exceeds any effluent limitations in the permit.

[d] Where the permittee orally reports this information within the above mentioned 24-hour time period, a written submission outlining the above information must be submitted to the Department within five (5) days of becoming aware of such a condition, unless this requirement is waived by the Department upon receipt of the oral report.

- [2] **Other noncompliance Reporting**

[a] The permittee shall give advance notice to the Department of any planned changes to the permitted activity or facility which may result in noncompliance with permit requirements.

[b] Where the permittee knows in advance of the need for a bypass which will exceed effluent limitations, it shall submit prior notice to the Department at least ten (10) days, if possible, before the date of the bypass.

[c] The permittee shall report all instances of noncompliance which are not reported above at the time of DMR submission.

[3] The reports and notifications required above shall contain the following information:

- [a] A description of the discharge and cause of noncompliance;
- [b] The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
- [c] Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

d. **Specific Toxic Substance Notification Levels** - The permittee shall notify the Department as soon as it knows or has reason to believe the following:

- [1] That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels".
 - [a] One hundred micrograms per liter;
 - [b] Two hundred micrograms per liter for acrolein and acrylonitrile;
 - [c] Five hundred micrograms per liter for 2, 4-dinitrophenol and 2-methyl -4, 6-dinitrophenol;
 - [d] One milligram per liter for antimony;
 - [e] Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
 - [f] Any other notification level established by the Department.
- [2] That it has begun, or expects to begin, to use or manufacture as an intermediate or final product or by-product any toxic pollutant which was not reported in the permit application.

e. **Test Procedures**

Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those contained in 40 CFR Part 136, or alternate test procedures approved pursuant to that part.

f. **Recording of Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- [1] The exact place, date, and time of sampling or measurements;
- [2] The person(s) who performed the sampling or measurements;
- [3] The dates the analyses were performed;
- [4] The person(s) who performed the analyses;

[5] The analytical techniques or methods used; and

[6] The results of such analyses.

g. **Records Retention**

All records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for three (3) years. The three year period shall be extended as requested by the Department or the EPA Regional Administrator.

3. **MANAGEMENT REQUIREMENTS**

a. **Toxic Pollutants**

Notwithstanding the above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 207(a) of the Clean Water Act for a toxic pollutant which is present in the discharge, and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, then this permit shall be modified or revoked and reissued by the Department to conform with the toxic effluent standard or prohibition and the permittee so notified.

In the absence of a Departmental action to modify or to revoke and reissue this permit, any toxic effluent standard or prohibition established under Section 307(a) of the Clean Water Act is considered to be effective and enforceable against the permittee.

b. **Duty to Provide Information**

[1] The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.

[2] The permittee shall furnish to the Department, upon request, copies of records required to be kept by this permit.

[3] *Other Information* - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information to the Department.

[4] The permittee shall give advance notice to the Department of any planned physical alterations or additions to the permitted facility.

c. **Facilities Operation**

The permittee shall at all times maintain in good working order and properly operate all facilities and systems (and related appurtenances) for collection and treatment which are installed or used by the permittee for water pollution control and abatement to achieve compliance with the terms and conditions of the permit. Proper operation and maintenance includes but is not limited to effective performance based on designed facility removals, adequate funding, effective management, adequate operator staffing and training, and adequate laboratory and processing controls including appropriate quality assurance procedures. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with this permit.

d. **Adverse Impact**

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

e. **Bypassing** (applies to coal processing/preparation plants only)

- [1] **Bypassing not Exceeding Permit Limitations** - The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, **but only** if the bypass is for essential maintenance to assure efficient operation. This type of bypassing is **not** subject to the reporting and notification requirements of Part 2.c above.
- [2] **Other Bypassing** - In all other situations bypassing is prohibited unless the following conditions are met:
 - [a] A bypass is unavoidable to prevent loss of life, personal injury or “severe property damage”;
 - [b] There are no feasible alternatives to a bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. (This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
 - [c] The permittee submitted the necessary reports required under Part 2.c above.
- [3] The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above.

f. **Reduction, Loss, or Failure of the Treatment Facilities**

Upon reduction loss, or failure of the treatment facilities, in order to maintain compliance with its permit, the permittee shall control production and all discharges until either the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power to the treatment facility is reduced, lost, or fails.

g. **Removed Substances**

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from adversely affecting the environment.

4. **RESPONSIBILITIES**

a. **Confidentiality of Reports**

Except for data determined to be confidential under 25 Pa. Code, Chapter 92, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and the EPA Regional Administrator. Effluent data shall not be considered confidential.

5. **OTHER**

PART B

SPECIAL CONDITIONS OR REQUIREMENTS

COAL REFUSE DISPOSAL PERMIT NO. 30020701

1. Requirement to submit oral reports and written materials:
- a. The permittee shall submit to the Department's District Office all oral reports and written materials required by this permit. Unless specified otherwise by the Department, single copies of written materials must be submitted to the District Office except for DMRs and HMRs which must be submitted in duplicate. These oral reports and written materials must be submitted to the District Office at:

Department of Environmental Protection
District Mining Operations
Armbrust Professional Center
RD #2, Box 603C
Greensburg, PA 15601
Phone: (724) 925-5500

- b. In addition to submitting two copies of HMRs to the Department's District Office as required by Subsection a above, the permittee shall also submit one copy of the HMRs and one copy of the DMRs to the Department's California Office at:

Department of Environmental Protection
District Mining Operations
25 Technology Drive
Coal Center, PA 15423
Phone: 724-769-1100

2. Discharge self-monitoring shall be conducted by the permittee as required by Section A of this permit. Monitoring results obtained during each month shall be summarized for that month and reported on the attached discharge monitoring report (DMR) for each outfall. The permittee shall submit the DMRs to the Department's District Office and the California District Office no later than the 28th day from the last day in the quarter for which samples are taken, e.g. samples taken during the second quarter (April/May/June) are to be submitted by July 28th.
3. The surface water and groundwater monitoring points as identified on and described in the permit application, must be sampled quarterly during the months of March, June, September, and December for the following:

- | | |
|---|--------------------------------------|
| (a) Estimated Flow/Static Water Elevation | (g) Total Aluminum |
| (b) pH (field and laboratory) | (h) Sulfates |
| (c) Alkalinity | (i) Total Suspended Solids |
| (d) Acidity | (j) Total Dissolved Solids |
| (e) Total Iron | or |
| (f) Total Manganese | Specific Conductance and Temperature |

Monitoring reports are to be submitted on the attached Hydrologic Monitoring Report (HMR) Form to the address(es) specified in Special Condition No. 1 no later than the 28th day of the month following the end of each monitoring quarter (e.g., April 28, July 28, etc.). For the purposes of this permit, the quarters are defined as January/February/March; April/May/June; July/August/September; and October/November/ December. Monitoring results obtained during each sampling period are to be summarized on the HMR Form, using a separate report form for each monitoring point. All subsequent monitoring reports are to be submitted on a duplicate of the preceding report by listing the results of the most recent sample in chronological order.

The Department specifically reserves the right to require modifications, amendments, or revisions, at any time, to the surface water/groundwater monitoring plans.

PART B

SPECIAL CONDITIONS OR REQUIREMENTS

COAL REFUSE DISPOSAL PERMIT NO. 30020701

4. "Certification of Facility Design and Construction" shall be submitted throughout the life of the permit area on or before the last day of January, April, July, and October to verify construction and development of the disposal area in accordance with the approved design/operation plan.
5. The Department is granting a variance to conduct surface mining operations within 100 feet of Fletcher Run and unnamed tributaries to Enlow Fork. The Department hereby orders the permittee to employ the methods and techniques described in the application material to prevent adverse hydrologic or water quality impacts that could result from conducting operations within 100 feet of the stream.
6. Coal slurry dam construction (including saddle dams) may not commence until a Dam Safety permit approval has been secured from the PADEP Division of Dam Safety.
7. A variance to affect within 100 feet of SR 4009 (Grinnage Road) approximately 2000 feet west of the intersection of Crouse Road with SR 4009 for construction of sediment/treatment pond approved November 13, 2003, and a variance to affect within 100 feet of Township Road T-370 approved November 12, 2003 is filed with this permit. All other coal refuse disposal activities are prohibited within 100 feet of SR 4009 and SR 4011(Allen School Road) until an agreement is secured to abandon these roads and submitted to the California District Office.
8. Mining activities may be conducted within 300 feet of Consol Pennsylvania Coal Company parcel ID No. 2210-126, in accordance with the agreement between Consol Pennsylvania Coal Company and Consol Pennsylvania dated March 22, 2003.
9. Surface activities shall not commence until the Army Corps. of Engineers issues a permit under Section 404 of the Clean Water Act, 33 S.S.C. 1344 for the Head of Hollow Fill Operations. A copy of the approval is to be submitted to the California District Mining Office upon receipt.
10. Concurrent with construction of the site, as each portion of the site is developed and reaches final configuration and elevation, that portion of the site shall be covered in accordance with the final cover plans described in the approved permit, within sixty (60) days. The covered areas are to be revegetated in accordance with Chapter 90, Sections 90.151 – 90.160, of the Regulations of the Department and the approved permit.
11. Gas wells #569 and #660 must be plugged in accordance with the Oil and Gas Act prior to affecting within 125 feet of the wells. Copies of the certificates of plugging for the gas wells are to be submitted to the California District Mining Office upon receipt.
12. Accurate discharge flow measurements from the sediment/treatment pond are to begin immediately upon commencement of site development and continue until suspended in writing by the Department. The flow measurements may be utilized in the future assessment of a site perpetual treatment liability.
13. All surface mining activities shall be conducted in a manner, which minimizes damage, destruction or disruption of services to the 6-inch Columbia gas line in accordance with the approved plans and as required under Title 25 Chapter 87.173.b. Refuse disposal activities may not be conducted within the right-of-way of Columbia Gas pipeline until a written agreement, signed by both parties, is submitted to the California District Mining Office.

PART B

SPECIAL CONDITIONS OR REQUIREMENTS

COAL REFUSE DISPOSAL PERMIT NO. 30020701

14. No coal refuse disposal activities may be initiated for archeological sites #1 (36GR268), #2 (36GR269), and #5 (36GR273) (as referenced in PHMC's November 7, 2003, letter from Director Jean Cutler), until conditions in the Memorandum of Agreement for the Recovery of Significant Information between Consol Pennsylvania Coal Company and the Pennsylvania Historical and Museum Commission have been satisfied.
15. Issuance of coal refuse disposal permit No. 30020701 shall serve as water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.
16. Coal refuse disposal permit No. 30020701 authorizes the disposal of coarse/slurry coal refuse and pond cleaning sludge resulting from coal mining activities authorized under coal mining activity permits Nos. 30841316 and 30841317. The disposal of materials from other sources is strictly prohibited unless approved by the department.
17. Water quality discharge criteria for outfall 003 is based on Best Available Technology (BAT) for sediment/treatment pond. These criteria may be revised pending a review by the Bureau of Water Quality Management..
18. The collection sump located adjacent to the belt conveyor shall be maintained in a manner to contain all runoff from a 10-year storm event with no discharge to Fletcher Run. No discharges to Fletcher Run or Grinnage Run are permitted from the toe drain outlets from saddle dams B, C, and D.
19. Surface runoff from reclaimed surface areas of refuse disposal area no. 3 may not be diverted directly to the unnamed tributary to Owens run until plans are submitted to and approved by the Department.
20. The permit has established sulfate concentration trigger limits for monitoring wells K-S, K-I, K-D, L-S, L-I, and L-D. Departmental notification is required in accordance with the conditions outlined in the permit module 8.6.a).
21. This permit is conditionally issued based upon continued compliance with the Settlement Agreement dated June 20, 1991 between Island Creek Coal Company and the Office of Surface Mining Reclamation and Enforcement, the Reclamation and Abatement Agreement dated October 10, 1991 between Island Creek Coal Company and the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet and the Settlement Agreement dated July 31, 1991 between Island Creek Coal Company and the West Virginia Division of Environmental Protection and the injunction against blocking on the Kentucky past coal violation and the settlement agreement with Westmoreland covering the Jessee General violations.
22. This permit is conditionally issued based upon Eighty Four Mining Company's continued compliance with Order #026032 dated September 23, 2002 on CMAP#63831302 (Mine 84).
23. This permit is conditionally issued based upon Consolidation Coal Company's continued compliance with Consent Order and Agreement #036006 dated April 30, 2003 on CMAP#30841312 (Blacksville #2 Mine).

STREAM AND WETLAND MITIGATION (Conditions 24-30)

24. The stream mitigation plans must be accomplished in the time frames detailed in Attachment 15.2.c of the approved mitigation plans.

PART B

SPECIAL CONDITIONS OR REQUIREMENTS

COAL REFUSE DISPOSAL PERMIT NO. 30020701

25. Quarterly certifications of the facility design and construction are to include a stream mitigation plan certification. The report must demonstrate compliance with the approved mitigation plans and performance standards required for stream improvements, as outlined in module 15.2.c of the approved permit. The mitigation plan certification must provide a map that clearly identifies the mitigation areas and include an inventory of stream fencing, warm season grass plantings, and border edge cuts.
26. Water may not be withdrawn from the sediment/treatment pond when the discharge rate from the pond is less than 200 gallons per minute.
27. Plans for the mitigation of 1.37 acres of wetlands by the replacement of 1.54 acres of wetlands, received May 2, 2003, as presented in the approved permit must be initiated prior to or at the commencement of site development.
28. Certified "as-built" drawings of the constructed wetlands must be submitted to the California District Mining Office within 30 days of completing construction.
29. The permittee shall monitor the mitigated wetlands for a period of five years. A monitoring report shall be submitted to the California District Mining Office every six months for the first two years after construction and annually for three years thereafter. The reports shall be submitted in conjunction with the quarterly certifications of the facility design and construction. The monitoring reports shall contain; a) information describing the success of the site at the time of inspection, b) an inventory of the surviving plant species and percent area coverage, c) photographs of the mitigated wetlands with plans showing the location and orientation of each of the photographs, and d) plans to correct any deficiencies identified during the monitoring phase.
30. Remedial work is to be conducted after two years from completion of the constructed wetlands should the establishment of the wetlands prove unsuccessful. The replacement wetlands shall be considered successful when 85 percent of the planted hydrophytic vegetation has survived following two growing seasons.

SITE CERTIFICATIONS (Conditions 31-34)

31. Each pond authorized by this permit shall be designed and inspected during construction under the supervision of, and certified to the Department upon completion of construction by, a registered professional engineer that the pond was constructed as approved in the permit application. Within 30 days after pond construction, the permittee shall submit a completed POND CERTIFICATION (attached) to the Department's California Office, and submit a copy of the certification to the Department's mine conservation inspector.
32. The maximum embankment crest elevations for coarse refuse areas no. 3 and no. 4 and the slurry pool elevation achieved during each quarter must be reported with the Quarterly Certifications.
33. Coal refuse disposal area liner, treatment pond liner, and cap quality assurance and quality control testing must be conducted in accordance with the procedures outlined in module 14.4.e) and section 15, appendix B of the technical specifications. The soil liners and caps shall not be covered or put into service until certified by a registered professional engineer and approved by the California District Mining Office.
34. Sufficient volumes of final cover soil and capping material for each stage of site development must be stored in the designated areas for the completion of the pile. The soil volumes necessary for the completion of the pile must be certified and submitted to the California District Office for review and approval prior to the commencement of refuse disposal in each stage of development.

PART C

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO CONDUCT COAL REFUSE DISPOSAL ACTIVITIES

COAL REFUSE DISPOSAL PERMIT NO. 30020701

Permittee: Consol Pennsylvania Coal Company
1800 Washington Road
Pittsburgh, PA 15241

Issuance Date _____
Expiration Date _____
Renewal Date _____
Revision Date _____

Name of Operation Bailey Central Mine Complex CRDA No. 3 and No. 4
Municipality Richhill and Gray Townships County Greene

A. Permittee is hereby authorized to conduct coal refuse disposal activities on lands of Consol Pennsylvania Coal Company, situated in Richhill and Gray Townships, Greene County.

B. The attached map, Exhibit 9.1, defines your permit boundaries and area(s) upon which coal refuse disposal activities have been authorized by Part "C" of this permit. This map is to be used as a base map to document any future change(s) in the bonding status for this permit area.

C. The approved erosion and sediment control plan related to the area to be affected in accordance with this authorization must be constructed in accordance with the approved plan, certified by a professional engineer, and the engineering certification submitted to the Department and approved prior to the commencement of other coal mining activities in this area.

D. Bond Description

Original Bond Additional Bond Replacement Bond Transfer Bond

Surety Bond No.
in amount of
with (as surety)

Collateral Bond dated September 19, 2003 (First Five Years)
in amount of \$4,625,621.00
supported by PNC Bank Letter of Credit #S260794PGH

Additional Remarks

E. The following special conditions are specifically related to this bonding increment.

The bonding liability was calculated based upon the first five years of site development.

By: _____
William S. Plassio

Title: District Mining Manager

DISCHARGE MONITORING REPORT
DMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

COAL MINING ACTIVITY PERMIT 30020701
OUTFALL 301
MONITORING MONTH ____/____
MO YR
LAT: 39° 57' 32" LONG: 80° 22' 33"

NOTE: READ DMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	PERMIT REQUIREMENT	UNITS	MONITORING RESULTS			MONITORING	
			MINIMUM	AVERAGE	MAXIMUM	FREQ	TYPE
Flow	*	MGD	*				
Iron	3.0/6.0	MG/L	*				
Suspended Solids	35/70	MG/L	*				
Settleable Solids		ML/L	*				
Manganese	2.0/4.0	MG/L	*				
Aluminum		MG/L	*				
Sulfates	*	MG/L	*				
Specific Conductance	*	UMHO	*				
Osmotic Pressure		MOS/KG	*				
Alkalinity Violations	ALK>ACID	*	*	*			
pH	6.0-9.0	S.U.		*			

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. Explanations are attached if discharge violations occurred during the monitoring month.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: 39 ° 57 ' 28 "

LONG: 80 ° 23 ' 40 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SD-B DESCRIPTION: Saddle Dam Toe Drain Outlet							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 19 "
LONG: 80 ° 23 ' 95 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SD-C DESCRIPTION: Saddle Dam Toe Drain Outlet							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: 39 ° 57 ' 12 "

LONG: 80 ° 23 ' 18 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SD-D DESCRIPTION: Saddle Dam Toe Drain Outlet							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 26 "
LONG: 80 ° 22 ' 40 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: Spring Drain BB - Coarse DESCRIPTION: Spring Collection Drain							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 26 "
LONG: 80 ° 22 ' 40 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: Leachate Drain DD - Coarse DESCRIPTION: Leachate Collector Drain							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 28 "
LONG: 80 ° 22 ' 42 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: Leachate Drain EE - Slurry DESCRIPTION: Leachate Collector Drain							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39° 57' 34"
LONG: 80° 22' 29"

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-N DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 15 "
LONG: 80 ° 24 ' 24 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-O DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 56 ' 51 "
LONG: 80 ° 25 ' 15 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-P DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 56 ' 54 "
LONG: 80 ° 23 ' 57 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-Q DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: 39 ° 56 ' 18 "

LONG: 80 ° 24 ' 24 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-R DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 56 ' 46 "
LONG: 80 ° 23 ' 21 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-S DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 55 ' 56 "
LONG: 80 ° 23 ' 32 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-T DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 29 "
LONG: 80 ° 22 ' 20 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-U DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 44 "
LONG: 80 ° 22 ' 31 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-V DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 58 ' 01 "
LONG: 80 ° 22 ' 51 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-W DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 51 ' 06 "
LONG: 80 ° 22 ' 26 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-X DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 17 "
LONG: 80 ° 22 ' 15 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: SW-Y DESCRIPTION: Stream Point							
Date Sampled (MO/DA/YR)								
Stream Flow (cfs)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 14 "
LONG: 80 ° 22 ' 22 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: S-AA DESCRIPTION: Spring							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 17 "
LONG: 80 ° 22 ' 19 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: S-2 DESCRIPTION: Spring							
Date Sampled (MO/DA/YR)								
Flow (gpm)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39° 57' 32"
LONG: 80° 22' 20"

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-H-D DESCRIPTION: Monitoring Well (Deep)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: 39 ° 57 ' 32 "

LONG: 80 ° 22 ' 20 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-H-S DESCRIPTION: Monitoring Well (Shallow)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: 39 ° 57 ' 50 "

LONG: 80 ° 23 ' 29 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-I-D DESCRIPTION: Monitoring Well (Deep)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: ___° ___' ___"

LONG: ___° ___' ___"

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-I-S DESCRIPTION: Monitoring Well (Intermediate)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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SIGNATURE

DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: 39 ° 57 ' 47 "
LONG: 80 ° 22 ' 58 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-J DESCRIPTION: Monitoring Well							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: ° ' "
LONG: ° ' "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-K-D DESCRIPTION: Monitoring Well (Deep)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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SIGNATURE

DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: ° ' "
LONG: ° ' "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-K-I DESCRIPTION: Monitoring Well (Intermediate)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: ___° ___' ___"
LONG: ___° ___' ___"

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-K-S DESCRIPTION: Monitoring Well (Shallow)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701

LAT: 39 ° 57 ' 02 "

LONG: 80 ° 23 ' 05 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-L-D DESCRIPTION: Monitoring Well (Deep)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 02 "
LONG: 80 ° 23 ' 05 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-L-I DESCRIPTION: Monitoring Well (Intermediate)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

I certify under penalty of law that I have personally examined and am familiar with the information submitted herein, and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.

TYPED OR PRINTED NAME AND TITLE

SIGNATURE

DATE

HYDROLOGIC MONITORING REPORT
HMR

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39° 57' 02"
LONG: 80° 23' 05"

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PARAMETER	MONITORING POINT: MW-L-S DESCRIPTION: Monitoring Well (Shallow)							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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SIGNATURE

DATE

**HYDROLOGIC MONITORING REPORT
HMR**

Consol Pennsylvania Coal Company
Bailey Central Mine Complex CRDA No. 3 and No. 4
Richhill and Gray Townships
Greene County

MINING ACTIVITY PERMIT 30020701
LAT: 39 ° 57 ' 09 "
LONG: 80 ° 22 ' 35 "

NOTE: READ HMR INSTRUCTIONS BEFORE COMPLETING THIS FORM

PARAMETER	MONITORING POINT: MW-M DESCRIPTION: Monitoring Well							
Date Sampled (MO/DA/YR)								
Static Water Elevation (MSL-ft)								
Iron (mg/l)								
Suspended Solids (mg/l)								
Manganese (mg/l)								
Aluminum (mg/l)								
Sulfates (mg/l)								
Specific Conductance (umho)								
Dissolved Solids (mg/l)								
Alkalinity (mg/l)								
Acidity (mg/l)								
Field pH (S.U.)								
Laboratory pH (S.U.)								

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PERMIT SPECIAL CONDITIONS

) The Department is granting a variance to conduct coal refuse disposal support activities within 100 feet of Fletcher Run and unnamed tributaries to Enlow Fork. The Department hereby orders the permittee to employ the methods and techniques described in the application material to prevent and mitigate adverse hydrologic or water quality impacts as a result of the variance that could result from conducting operations within 100 feet of the stream.

) E-13, Road variances for S.R. 4009 (Grinnage Run), S.R. 4011 (Allen School Road), and T-370 (Fletcher Run Road).

) E-22, House waiver for dwelling located on land parcel ID No. 2210-126.

) Surface activities shall not commence until the Army Corps. of Engineers issues a permit under Section 404 of the Clean Water Act, 33 S.S.C. 1344. A copy of the approval is to be submitted to the McMurray District Mining Office upon receipt.

) Concurrent with construction of the site, as each portion of the site is developed and reaches final configuration and elevation, that portion of the site shall be covered in accordance with the final cover plans described in the approved permit, within sixty (60) days. The covered areas are to be revegetated in accordance with Chapter 90, Sections 90.151 – 90.160, of the Regulations of the Department and the approved permit.

) Gas wells #569 and #660 must be plugged in accordance with the Oil and Gas Act prior to affecting within 125 feet of the wells. Copies of the certificates of plugging for the gas wells are to be submitted to the McMurray District Mining Office upon receipt.

) Accurate discharge flow measurements from the sediment/treatment pond are to commence immediately upon commencement of site development and continue until suspended by the Department. The flow measurements may be utilized in the future assessment of a site perpetual treatment liability.

) All surface mining activities shall be conducted in a manner, which minimizes damage, destruction or disruption of services to the 6-inch Columbia gas line in accordance with the approved plans and as required under Title 25 Chapter 87.173.b. Refuse disposal activities may not be conducted within the right-of-way of Columbia Gas pipeline until an agreement is reached and a copy of the agreement is submitted to the California District Mining Office.

) Issuance of coal refuse disposal permit No. 30020701 is water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

) Coal refuse disposal permit No. 30020701 authorizes the disposal of coarse/slurry coal refuse and pond cleaning sludge resulting from coal mining activities authorized under

coal mining activity permits Nos. 30841316 and 30841317. The disposal of materials from other sources is strictly prohibited unless approved by the department.

) The collection sump located adjacent to the belt conveyor shall be maintained in a manner to contain all runoff from a 10-year storm event with no discharge to Fletcher Run. No discharges to Fletcher Run or Grinnage Run are permitted from the toe drain outlets from saddle dams B, C, and D.

) Reclaimed surface areas from refuse disposal area no.3 may not be diverted directly to the unnamed tributary to Owens run until plans are submitted to and approved by the Department.

) The permit has established sulfate concentration trigger limits for monitoring wells K-S, K-I, K-D, L-S, L-I, and L-D. Departmental notification is required in accordance with the conditions outlined in the permit module 8.6.a).

STREAM AND WETLAND MITIGATION

) The stream mitigation plans must be accomplished in the time frames detailed in Attachment 15.2.c of the approved mitigation plans.

) Quarterly certifications of the facility design and construction are to include a stream mitigation plan certification. The report must demonstrate compliance with the approved mitigation plans and performance standards required for stream improvements, as outlined in module 15.2.c of the approved permit. The mitigation plan certification must provide a map that clearly identifies the mitigation areas and include an inventory of stream fencing, warm season grass plantings, and border edge cuts.

) Water may not be withdrawn from the sediment/treatment pond when the discharge rate from the pond is less than 200 gallons per minute.

) Plans for the mitigation of 1.37 acres of wetlands by the replacement of 1.54 acres of wetlands, received May 2, 2003, as presented in the approved permit must be initiated prior to or at the commencement of site development.

) Certified "as-builts" of the constructed wetlands must be submitted to the McMurray District Mining Office within 30 days of completing construction.

) The permittee shall monitor the mitigated wetlands for at least five years. A monitoring report shall be submitted to the McMurray District Mining Office every six months for the first two years after construction and annually for three years thereafter. The reports shall be submitted in conjunction with the quarterly certifications of the facility design and construction. The monitoring reports shall contain; a) information describing the success of the site at the time of inspection, b) an inventory of the surviving plant species and percent area coverage, c) photographs of the mitigated

wetlands with plans showing the location and orientation of each of the photographs, and
d) plans to correct any deficiencies identified during the monitoring phase.

) Remedial work is to be conducted after two years from completion of the constructed wetlands should the establishment of the wetlands prove unsuccessful. The replacement wetlands shall be considered successful when 85 percent of the planted hydrophytic vegetation has survived following two growing seasons.