

Office of Surface Mining Reclamation and Enforcement

Twenty-Fifth Annual Evaluation Summary Report
for the
Regulatory and Abandoned Mine Land Reclamation Programs
Administered by the Commonwealth
of
Kentucky
for

Evaluation Year 2007

(July 1, 2006 through June 30, 2007)

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I. Introduction

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSMRE) to oversee the implementation of and provide Federal funding for State regulatory programs that have been approved by OSMRE as meeting the standards specified by SMCRA. This report contains summary information regarding the approved Kentucky regulatory program and the effectiveness of the program in meeting the applicable purposes of SMCRA as specified in Section 102. This report covers the period of July 1, 2006, to June 30, 2007.

Detailed background information and comprehensive reports for the program elements evaluated during the Evaluation Year (EY) are available for review and copying at the OSMRE Lexington Field Office (LFO).

The format for this report is established by OSMRE Directive REG-8. REG-8 enables OSMRE and states to take innovative, results-oriented evaluation approaches tailored to individual State programs and stakeholder interests and needs. During the EY, OSMRE and the states develop state-specific oversight plans or performance agreements to identify specific program areas and evaluation methodologies directed toward end-results measurement.

The oversight process provides two national measurements of end results: (1) the number and degree of off-site impacts resulting from mining, and (2) the number of acres meeting all reclamation requirements as documented by different phases of bond release. The revised process allows OSMRE to focus oversight on those aspects of the State program that both OSMRE and the State determine to be most important.

The following list of acronyms is used in this report:

A&E	Administration and Enforcement
ACSI	Appalachian Clean Streams Initiative
AMD	Acid Mine Drainage
AML	Abandoned Mine Land
AMLIS	Abandoned Mine Land Inventory System
AMLR	Abandoned Mine Land Reclamation
ARRI	Appalachian Regional Reforestation Initiative
CO	Cessation Order
COE	U.S. Army Corps of Engineers

CWA	Clean Water Act
CY	Calendar Year
DAML	Division of Abandoned Mine Lands
DNR	Department for Natural Resources
DOW	Division of Water
EQC	Environmental Quality Commission
EPPC	Environmental and Public Protection Cabinet
EY	Evaluation Year
FOD	Field Office Director
FRA	Forestry Reclamation Approach
FY	Fiscal Year
GIS	Geographic Information System
KDF	Kentucky Division of Forestry
LCC	Lexington Coal Company
LFO	Lexington Field Office
LTT	Long-Term Treatment
MSHA	Mine Safety and Health Administration
NC	Notice of Non-Compliance
OSMRE	Office of Surface Mining Reclamation and Enforcement
PMLU	Post-Mining Land Use
RA	Regulatory Authority
RAM	Reclamation Advisory Memorandum
RD	Regional Director
SCP	Subsidence Control Plans
SMCRA	Surface Mining Control and Reclamation Act of 1977
TDN	Ten-Day Notice
UK	University of Kentucky
USFWS	U.S. Fish and Wildlife Service

II. Overview of the Kentucky Coal Mining Industry

Kentucky is the third largest coal-producing State in the nation, with an annual production averaging over 160 million short tons during the 1990's. Kentucky was the nation's leading coal producer until 1988, maintaining that position for over a decade until the production from Wyoming and West Virginia exceeded that in Kentucky. Kentucky's coal production has steadily decreased from the late 1990's through 2005. Coal production has stabilized in the last two years. (See Table 1.)

Nearly every type of coal mining and reclamation practice is found due to the differing coal bearing regions within the State and the availability of coal. Kentucky's coal reserve base, the fifth largest in the nation, consists entirely of bituminous coal. Two major coal provinces in Kentucky are separated by a large geologic uplift called the "Cincinnati Arch." The Eastern Kentucky Coalfield is part of the Appalachian Coal Province where underground, contour, and mountaintop mining occurs. The Western Kentucky Coalfield is part of the Interior Coal Province (Illinois Coal Basin) where area and underground mining occurs. The Jackson Purchase Lignite Coalfield underlies the eight most western counties in Kentucky. This potential resource has not been accessed, and no current lignite mining is occurring.

Since 1979, coal produced from underground mines has steadily increased over coal produced from surface mines. Underground mines account for approximately two-thirds of the acreage permitted in the State. The high percentage of acreage is due to the State requirement that the shadow area overlying the underground works must be permitted. However, most underground mines actually disturbed very little surface acreage. Of the total disturbed acreage from coal mining in Kentucky (245,337 acres), only 26,112 acres (or approximately ten percent) are attributed to underground mines. A review of underground mines in Kentucky indicates the following changes in size during the last four EY's:

Underground Mines Permitted Acreage	*EY 2004	EY 2005	EY 2006	EY 2007
Less than 20 acres	1%	1%	1%	1%
20-99 acres	5%	4%	4%	4%
100 acres or more	94%	95%	95%	95%
Underground Mine Surface Disturbance Acreage	*EY 2004	EY 2005	EY 2006	EY 2007
Less than 20 acres	69%	70%	68%	68%
20-99 acres	24%	24%	25%	25%
100 acres or more	7%	6%	7%	7%

Surface mines and associated facilities (haul roads and preparation plants, etc.) account for approximately one-third of the acreage permitted in the State. A review of the permitted acreage for surface mines and associated facilities indicates a minimum change in size.

Permitted Acreage	*EY 2004	EY 2005	EY 2006	EY 2007
Less than 20 acres	14%	14%	14%	13%
20-99 acres	23%	23%	23%	24%
100 acres or more	63%	63%	63%	63%

*The EY 2004 totals were incorrect in the EY 2004 Annual Report. The correct numbers are reflected in this report.

The number of surface mines that are greater than 100 acres has increased significantly over the last 12 evaluation periods in Kentucky. OSMRE's tenth annual report stated that 42 percent of the surface mines were larger than 100 acres. The fifteenth annual report reported that 55 percent of the surface mines were larger than 100 acres. As of June 30, 2007, the data shows that nearly two thirds of the surface mines are larger than 100 acres and appears to have stabilized in the past five EYs. The following table further categorizes the number of surface mines by size.

Permitted Acreage	Number of Surface Mines/Permits		Percent of Total Surface Mine/Permits	
	EY 2006	EY 2007	EY 2006	EY 2007
100-250	229	225	19	19
250-500	225	232	19	19
500-1,000	184	194	15	16
>1,000	111	113	9	9

III. Overview of the Public Participation Opportunities in the Oversight Process and the State Program

A team of LFO and Department for Natural Resources (DNR) personnel was formed to develop oversight procedures and special studies for EY 2007. The EY 2007 Performance Agreement was finalized and signed by DNR on September 21, 2006.

The enactment of SMCRA created many avenues for citizens' involvement. Citizens now have a statutory role in practically every phase of the surface mining program, from permit issuance to bond release. Since SMCRA's enactment in 1977, coalfield citizens have used those rights to help shape virtually all of the policies and programs that govern surface coal mining and reclamation in America.

IV. Major Accomplishments/Issues/Innovations in the Kentucky Program

Within the Environmental and Public Protection Cabinet (EPPC), DNR is the Regulatory Authority (RA) responsible for the regulation of coal mining of Federal and non-Federal lands in Kentucky. DNR is headed by Commissioner Susan C. Bush. The three Division Directors are as follows: Division of Mine Permits, Paul Ehret; Division of Mine Reclamation and Enforcement, Paul Rothman; and the Division of Abandoned Mine Lands (DAML), Steve Hohmann. The Division of Mine Reclamation and Enforcement has five regional offices located in Madisonville, Middlesboro, Prestonsburg, Pikeville, and London.

During the EY 2007, DNR received Administration and Enforcement (A&E) Grant monies in the amount of \$11,992,212 (Federal funds). This money supports 328.07 positions in the State. Of this total \$1,050,379 is for Federal Lands. DNR also received AML grant monies in the amount of \$13,840,474 in EY 2007. This AML grant money funds 82 DAML positions.

There are three major coal associations in Kentucky. They are the Kentucky Coal Association (Bill Caylor, President), the Western Kentucky Coal Association (Kim Nelson, Executive Director), and the Coal Operators and Associates, Inc. (David Gooch, President).

Kentucky has two citizen organizations that are very active in coal mining issues. They are Kentuckians for the Commonwealth, Doug Doerrfeld, Chairperson; and the Kentucky Resources Council, Inc., Thomas FitzGerald, Director. In addition, the Kentucky River Keeper, Inc., the Kentucky Waterways Alliance, Inc., and the Ohio Valley Environmental Coalition are presently active with the issues regarding the U.S. Army Corps of Engineer's (COE) Nationwide Permit #21 under Section 404 of the Clean Water Act (CWA). The Heartwood citizen's group has also been active on issues concerning mining operations on U.S. Forest Service property.

DNR maintains an effective regulatory program for permitting, inspection, and enforcement of surface coal mining and reclamation operations.

The major accomplishments/innovations for the EY are as follows:

A. Regulatory

1. Appalachian Regional Field Issues Workshops

a. Regional Field Issues Workshop - Permits in Temporary Cessation

OSMRE is looking to improve inspection consistency within the Appalachian Coalfield Region. A number of permits remain in temporary cessation for extended periods of time, resulting in long delays in land reclamation. Currently, in the states with a large number of permits, a significant amount of personnel resources are expended conducting quarterly inspections of these permits. OSMRE's intent is not to change the regulations. However, OSMRE is looking to find effective ways of evaluating permits in temporary cessation, to ensure the notices are legitimate and the use of temporary cessation is not circumventing environmental performance standards.

In 1991, 1,140 permits or seven percent of the permits in the nation were in a temporary cessation mine status (56 FR 60012, dated November 26, 1991). During 2004, the Appalachia region

began a scoping project on permits in temporary cessation. In 2004, the Appalachia region had 563 permits in temporary cessation. This represents approximately eight percent of the permits in the Appalachia region. Even though the number of permits in temporary cessation is lower than it was in the 1990's, the percentage is still nearly the same. See Section VII, General Oversight Topic Reviews for additional information on permits in temporary cessation.

A regional workshop evolved from our efforts to improve inspection consistency in the Appalachian region. An important aspect of SMCRA is to maintain a level playing field among states. OSMRE has been working closely with each state to improve inspection consistency which includes the temporary cessation issue. This resulted in the creation of a working group of state and federal regulatory managers that developed the Field Issues workshop.

On September 19, 2006, OSMRE hosted the first Appalachian Regional Field Issues Workshop, in Charleston, West Virginia. The goal is for federal and state regulatory managers to share information, policy, and experiences on some current field issues related to their regulatory program. Kentucky DNR participated in the workshop. Three field issues were discussed. These field issues are coal mine permits in temporary cessation for extended periods of time, conflicts between oil/gas and coal, and water replacement. Thirty-five attended the workshop representing regulatory managers from all states in the Appalachia Region. The workshop was well received and resulted in the formation of a second workshop on inactive slurry impoundments.

b. Regional Field Issues Workshop -
Reclamation of Inactive MSHA Class
Impoundments

On April 24-25, 2007, OSMRE hosted an Appalachian Regional Field Issues Workshop entitled "Reclamation of Inactive MSHA Class Impoundments" in Ashland, Kentucky. At the time of the workshop, there were 381 MSHA Class Impoundments in the Appalachian Region. Of that number, 89 or approximately one quarter was inactive. The goal of this workshop was to identify effective ways of moving these inactive impoundments into reclamation, thus eliminating exposure to the environment through public safety risks and unnecessary expenditure of personnel resources by the Regulatory Authorities. The meeting agenda was developed by a State and Federal Steering Committee. The target audience was State and Federal permitting,

inspection, and enforcement managers along with other key personnel involved with impoundments. Mine Safety and Health Administration (MSHA) personnel from the District and Headquarters offices attended and participated in the workshop proceedings. Over 40 participants from the Appalachian states and MSHA offices attended. Kentucky was a major contributor to the development of the workshop agenda and an active participant in the workshop proceedings.

2. DNR/MSHA Impoundment Coordination

On August 2, 2006, OSMRE hosted a meeting with the DNR and MSHA permitting and inspection personnel. Participants continued discussion and provided updates on impoundment related issues involving permitting and inspection, reclamation of inactive impoundments, geo-technical investigations and breakthrough risk assessments. A list of MSHA Class Impoundments in Kentucky is found in Appendix F.

3. Threatened and Endangered Species - Indiana Bat

Representatives from the U.S. Fish and Wildlife Service (USFWS), the Kentucky Fish and Wildlife Resources, DNR, and OSMRE have been evaluating and revising the "Guidelines for the Development of Protection and Enhancement Plans for the Indiana Bat" dated November 1, 2000. On April 16, 2007, the USFWS announced the availability for public comment on the revised draft national recovery plan and draft survey protocol for the Indiana Bat. DNR wants to use this information to revise their Indiana Bat Protection and Enhancement Plan. At the end of the EY, the draft revised recovery plan was still in the comment period and was not finalized.

4. Kentucky Clean Water Act 401

On February 1, 2007, DNR assumed responsibility for reviewing and issuing Clean Water Act Section 401 Water Quality Certifications (401 WQC) for surface coal mining activities. The transfer of the 401 WQC program to DNR from the Kentucky Department of Environmental Protection follows the recommendations of the Commonwealth Energy Policy Task Force to identify streamlining opportunities in the coal mine permitting process.

5. Reforestation

DNR and OSMRE continue to be actively involved in the Appalachian Regional Reforestation Initiative (ARRI). This initiative transfers research findings and new technology as it develops to industry, landowners, other government agencies, and other interested parties for implementation on minesites.

The goal of ARRI is to encourage the planting of more high-value hardwood trees on reclaimed coal mined lands in Appalachia and to increase the survival rates and growth rates of the planted trees. ARRI promotes using the Forestry Reclamation Approach (FRA) to reclaim the mining disturbance. This approach involves selecting suitable rooting medium, loosely grading that medium, using native and non-competitive ground covers that are compatible with growing trees, planting early succession and commercially valuable crop trees, and using proper tree planting techniques.

During calendar year 2006, DNR issued 46 new permits (covering 20,500 acres) with a post-mining land use that requires trees to be planted. The FRA techniques are incorporated into the backfilling, grading, and revegetation plan for these permits. Twenty-six of the permits are surface mines, seventeen are underground mines, and three are roads and support facilities.

Significant ARRI events during the EY included International Coal Group Hazard, LLC and Lexington Coal Company, LLC signing the ARRI Statement of Mutual Intent. This statement is a pledge to support and encourage the planting of more trees on surface mined lands. Also, DNR and OSMRE partnered with Lexington Coal Company, LLC in hosting an Arbor Day celebration on May 8, 2007. The event was sponsored by Lexington Coal Company, LLC and was held on the company's 17 West mining complex in Martin County, Kentucky. Fifty 8th grade students from the Martin County Middle School system participated. In addition to learning about reestablishing the American Chestnut tree in the eastern United States, the students planted over 200 oak seedlings and 10 American Chestnut nuts.

In November of 2006, DNR and OSMRE participated in an ARRI Statement of Mutual Intent signing ceremony at the UK reforestation research complex on the Starfire Big Elk mine near Hazard, Kentucky. The Director of the USFWS, the Deputy Chief of Research and Development of the U.S. Forest Service, along with a representative of U.S. Department of Energy signed

the Statement pledging their agency's support for the initiative.

DNR continues to work jointly with OSMRE and UK to provide outreach and technology transfer regarding reforestation enhancement on surface mines. OSMRE has also awarded funding to UK for two applied science projects. One project is developing a field procedure for evaluating the compaction of reclaimed surface mined land using portable equipment that can be used under any field condition. Field testing of the portable dynamic cone penetrometer has been completed and preliminary results indicate a good correlation with the results obtained previously using a static cone penetrometer. Final analysis should be completed in the next EY. Successful development of a field procedure will enable permittees and the regulatory agencies to determine if the reclaimed land is capable of supporting suitable tree growth without implementation of additional compaction reducing techniques.

The second project involves the evaluation of alternatives for restoring headwater streams during and after sediment pond removal. Among other things, this project includes establishing high-value hardwood trees to provide shading, organic matter, habitat, and stream bank stability as part of the restoration design. The study is ongoing.

6. Kentucky Mine Mapping Initiative

Kentucky continues to make significant progress on its mine mapping initiative. There are over 25,000 final maps that have been scanned. Of these, over 18,135 have been geo-referenced and are available for viewing or downloading at Kentucky's mine map web site. The rest are not yet geo-referenced, but are available for viewing or downloading. The scanned and geo-referenced maps include almost all mines that have operated since 1984, thus including most of the mines that have operated under Kentucky's approved permanent regulatory program.

Kentucky's DNR continues to supply scanned copies of annual deep mine maps and surface mining reclamation plan maps (MRPs) to the public through two web sites: <http://minemaps.ky.gov> and <http://www.minepermits.ky.gov>. DNR's Office of Mine Safety and Licensing (OMSL) is responsible for scanning and geoprocessing the underground mine maps. GIS personnel in the Division of Mine Permits provide the scanned and geoprocessed MRPs. The Environmental and Public Protection Cabinet Internet Technology

staff maintains the underground mapping web servers and offers development support to OMSL.

The success of the system is evidenced by the fact that the web site now gets approximately 650,000 internet queries every month, averaging 22,000 queries per day. The Kentucky Mine Mapping Initiative web site is <http://minemaps.ky.gov/team.htm>.

7. Underground Mine Inspections

DNR's Division of Mine Reclamation and Enforcement implemented a form for the inspection of underground mine requirements, such as outcrop barriers and subsidence control plans (SCP). The form should facilitate the consistent inspection of the annual map submittals and Phase I and III bond releases. Use of the form will also help new inspectors become familiar with the underground mines they inspect.

8. Blasting Training

DNR blasting inspectors have attended seminars and training throughout the year. On April 18, 2007, DNR and LFO coordinated with the Bluegrass Chapter of the Society of Explosives Engineers to conduct a blaster training seminar. Over 35 people attended the training session. The training session covered flyrock prevention and cast blast design. This training course provided four hours of training towards the renewal of the blasting license and certification. In addition, LFO and DNR have agreed to provide high quality blaster training to industry and regulatory staff.

9. The Approved State Program

During the EY, OSMRE received from DNR one new program amendment, OSMRE approved in part one program amendment, OSMRE issued one 30 CFR Part 732 letter and resolved two outstanding 30 CFR Part 732 issues.

A summary of the proposed program amendment is as follows:

By letter dated April 23, 2007, DNR sent OSMRE a proposed amendment to its Abandoned Mine Land Reclamation (AMLR) Plan under SMCRA (30 U.S.C. 1201 et seq.) on its own initiative. With the passage of the Tax Relief and Health Care Act of 2006, Public Law, 109-432 containing amendments to SMCRA, the 2007 Kentucky General Assembly enacted corresponding amendments to the Kentucky Revised Statutes at Chapter 350. OSMRE announced receipt of the

proposed amendment and opened the public comment period on June 15, 2007, in a proposed rule.

A summary of the approval in part of the program amendment is as follows:

On March 28, 2006, Kentucky sent OSMRE a proposed amendment to its program under SMCRA. The first change was mandated by the Supreme Court of Kentucky in the case of Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet v. Kentec Coal Co., Inc., No. 2003-SC-000622-DG. The Supreme Court issued an opinion on September 22, 2005, in which it found that the provisions of 405 KAR [Kentucky Administrative Regulations] 7:092 that required a corporate permittee to prepay an assessed civil penalty to get a due process hearing on the penalty amount was an unconstitutional violation of equal protection provisions of the State and Federal constitutions. The Supreme Court also held that the assessment of the penalty against Kentec without prepayment and without consideration of the permittee's inability to pay was a violation of Section 2 of the Kentucky Constitution and an unreasonable and arbitrary exercise of EPPC's authority. In response to this ruling, DNR has altered the provisions on its notices of assessment of civil penalties to comply with the ruling. This is the second time the Supreme Court of Kentucky has ruled that prepayment requirements used by EPPC for due process hearings regarding surface mining violations are unconstitutional under the Kentucky Constitution. The ruling in Franklin v. Natural Resources and Environmental Protection Cabinet, 799 S.W.2d 1 (Ky. 1990) held that a similar prepayment requirement that applied to all persons violated the equal protection clauses of the State and Federal constitutions. Kentucky undertook a major revamp of its hearing procedures in response to that ruling and put the current hearings process in place. That process, insofar as the prepayment requirement is concerned, has now been found unconstitutional. Because Kentucky is waiving prepayment of the penalty specifically required by the Federal regulations, OSMRE found that Kentucky's proposed revision is less stringent than section 518(c) of SMCRA and less effective than the Federal regulations at 30 CFR 845.19(a) and therefore could not be approved as discussed in the September 18, 2006, Federal Register (FR Vol. 71, No. 180, 54586 - 54589).

Also included in the program amendment were two bills passed by the 2006 General Assembly (Senate Bill 136 and Senate Bill 219). Senate Bill 136 cleans up the statute language in Chapter 350 to be consistent with past disapprovals by OSMRE. And, Senate Bill 219 creates an easement of necessity to conduct reclamation

operations on the permit that is bankrupt. On September 18, 2006, OSMRE approved these changes to Kentucky Revised Statutes at Chapter 350 promulgated in Senate Bill 136 and Senate Bill 219.

A summary of the new 30 CFR Part 732 issues is as follows: On October 2, 2006, OSMRE issued a 30 CFR Part 732 letter to Kentucky DNR regarding prepayment of civil penalties. On October 17, 2006, DNR responded to the letter.

A summary of the two resolved 30 CFR Part 732 issues are as follows:

On November 1, 2006, DNR requested resolution of an outstanding 30 CFR Part 732 issue involving prime farmland. In November 2006, Kentucky implemented permit guidance to ensure that prime farmland criteria are required components of the permit package. On December 4, 2006, OSMRE found that the prime farmland permit guidance satisfies the issue in a 732 letter dated May 27, 1997.

On December 4, 2006, OSMRE resolved an outstanding issue regarding thick and thin overburden discussed in a 732 letter dated May 27, 1997. OSMRE evaluated Kentucky's regulations at 405 KAR 16:190 Sections 4 and 5 and found that they are no less effective than the Federal counterparts at 30 CFR 816.104 and 30 CFR 816.105.

10. Geographic Information System

The 2005 Annual Report stated that DNR had plans to begin digitizing all permit boundaries so this information could be viewed and analyzed as GIS coverage. While some permit boundaries have been digitized, other priorities have resulted in the cessation of this effort. DNR still plans to complete this task, but must do so around other priorities.

DNR continues to scan and geo-reference mining and reclamation maps of each permit issued. This information is available to the public, industry and permit reviewers without requiring specialized GIS software for viewing. These maps are available in DNR's Information Support Branch GIS database and can be accessed via the Internet from the DNR homepage at www.surfacemining.ky.gov. This internet link also contains links to other GIS databases maintained by other Kentucky agencies.

11. Technology Advancements

The technological advancements discussed in past reports have all been completed and are being routinely used by DNR in their daily permitting, inspection, and enforcement activities. DNR's efforts are now more focused on maintenance and improvement of the new systems than in developing new ones.

One new program has been developed. DNR and the Kentucky Division of Water (DOW) now share access to programs that help the two agencies coordinate the review and issuance of mining permits and Kentucky Pollutational Discharge Elimination System permits. This coordination has helped both agencies improve the timeliness of these permitting actions.

12. Minorities in Mining Roundtable

During the EY, the Minorities in Mining Roundtable continued their efforts to assist UK in locating, recruiting, and graduating minority students in degree programs that are beneficial to the coal industry and to the agencies that regulate coal mining. The Roundtable members include representatives from OSMRE, DNR, MSHA, academia, and industry. The academic fields targeted include geology, hydrology, civil engineering, electrical engineering, mining engineering, agronomy, forestry, and agricultural engineering. Young minorities in these fields will be considered for the forecasted turnover anticipated by OSMRE and DNR, in addition to other opportunities that are available.

The Roundtable has met five times during the EY and has been focusing on the short-term goals. The short-term goals include marketing the message of careers in mining to young minorities, specifically incoming UK freshman. This is being accomplished through career fairs, brochures, and presentations to selected groups (i.e., freshman biology students, student organizations, and advisory conferences).

Current discussions on long-term goals include the future leadership of the group and encouraging institutions to apply for and utilize a National Science Foundation Grant to aid in the provision of networks to support the professional development and scholarship of minorities in mining related fields. This grant will aid in the outreach to the under represented minority population to inform potential students about opportunities in the mining industry in the Appalachian Region.

B. Abandoned Mine Land Reclamation (AMLR)

The Kentucky AMLR program is successful in achieving lasting and effective reclamation of mined lands, which results in the elimination of hazards to the public and restoration of beneficial land uses. Construction grants continue to include high priority projects. Kentucky also continues to consider high priority project selection criteria for AML emergency complaints referred to them by OSMRE. During the EY, Kentucky completed 32 high priority AML projects and submitted 38 new projects for authorization to proceed. Three of the projects will provide safe domestic water supplies for 241 residences at an estimated cost of \$3,404,084.

DAML manages their program in a cost effective and efficient manner. All projects comply with applicable laws and regulations, are well designed and constructed using the best technology available, are completed with minimal disturbance to the environment, and are well monitored to ensure projects meet contract specifications, project objectives, and program goals.

Since the reauthorization of the Federal AML Fund collection provisions, Kentucky has been planning for the future of their AML program. On their own initiative they have made changes in their program to implement the reauthorization provisions. This is discussed in detail in Section IV. 9 - The Approved State Program portion of this report. In past years, Kentucky did not feel their allocation of the AML Fund was large enough to take part in the set-aside provisions and accomplish the reclamation needed during each year. Based upon projections of Kentucky's distributions beginning in FY 2008 provided by the reauthorization provisions, Kentucky has set up an AMD set-aside fund. No funds have been placed in the account at this time. Initial deposits are projected to be made from their FY 2008 distribution from the AML Fund.

1. AML Inventory System (AMLIS)

Kentucky fully supports the direct access to the AMLIS that allows DAML to electronically input AML problem data. DAML has been directly updating the AMLIS since the fall of 1995. DAML submitted a letter dated July 6, 2004, certifying that they have a system that ensures the accuracy of data they input into the AMLIS. DAML continues to use this system. To verify this, OSMRE conducted a random sample quality review of the data DAML input during EY 2007. We found that the data accurately

reflected the physical source documentation in the DAML office files using AMLIS guidelines.

2. Bond Forfeiture Reclamation

DAML also administers the reclamation of Title V permits in bond forfeitures using forfeited reclamation bonds. DAML continues to improve its effort in reclaiming forfeited permits. During EY 2007, DAML issued eight new group contracts containing 38 permits with a total of 167.35 acres. In addition, DAML continued reclamation activities on three group contracts containing 10 permits with 52.4 acres from the previous EY. DAML completed reclamation on five group contracts containing 17 permits with 65.6 acres and four small purchase contracts consisting of 9.6 acres. At the end of EY 2007, seven group contracts containing 32 permits with 162.15 acres were ongoing.

3. AML Emergency Program

During this EY, OSMRE investigated 135 emergency complaints reported from abandoned mines. OSMRE referred 63 complaints to the State when the site conditions did not meet Federal emergency criteria during the preliminary investigation. OSMRE evaluated 72 complaints for declaration as Federal emergency projects. Forty of these complaints were declared Federal emergency projects. Five complaints are still under OSMRE review as of the writing of this report. The remaining 27 complaints did not meet Federal emergency criteria and were referred to the State for consideration under its non-emergency AML program.

4. Appalachian Clean Streams Initiative (ACSI)

The ACSI was developed to encourage the cleanup of streams in Appalachia polluted by AMD. Kentucky continues to support this initiative. There were no new ACSI projects authorized during the EY. The Vogue Mine Slurry/Refuse project, authorized on August 18, 2003, was reclaimed during the EY. A final construction inspection was conducted on June 7, 2007. The project encompassed 85 acres of slurry and refuse that was re-processed in conjunction with an active nearby coal mining operation, saving the AML program several thousand dollars in reclamation costs. The project included covering any remaining refuse, installation of drainage controls and revegetation.

The Pleasant Run/Nortonville Refuse AML Reclamation Project discussed in the EY 2006 report was active during this EY. The project is essentially complete, but the final invoice has not been received and a final construction inspection has not been scheduled. The EPPC 319 grant monies obtained by Kentucky for this project do not expire until the end of 2008. Therefore, Kentucky is exploring the possibility of doing more work in the watershed during the fall 2007 or spring 2008 pending available funds under a different contract. The Ebenezer AML Reclamation Project discussed in the EY 2006 report has been replaced for ASCI funding by the Rock Creek AMD Phase III Reclamation Project. DAML has a request to the Kentucky Finance and Administration Cabinet to seek bids for the construction of the Ebenezer project. The project will be funded without the use of ASCI funds. The Rock Creek Phase III project is awaiting confirmation from the EPA on the availability of 319(h) funds.

C. Outstanding Issues

1. Disposal of Underground Development Waste

It was discovered during a random oversight inspection that specific design requirements were not being required for permits involving disposal of underground development waste. The issue was determined to be programmatic. In a letter dated December 16, 1993, DNR advised LFO of its willingness to adopt changes to the regulation. The planned changes would be similar to those promulgated by Virginia. Kentucky projected that draft regulations would be available around April 1, 1994. During the past EY, DNR noted that it might develop policy guidelines with respect to existing regulations relative to the disposal of underground mine waste in backfill areas in lieu of promulgating new regulations. However, no official correspondence has been received.

2. Bankruptcies

Bankruptcies continued to exert their influence on the coal industry in Kentucky and surrounding coal states during the EY. Bankruptcies in the coal industry in Kentucky continued to require considerable attention of both DNR and OSMRE during the EY.

In EY 2005, Kentucky and four other State RAs, in conjunction with OSMRE, successfully negotiated a Permitting and Reclamation Agreement (Reclamation Agreement) that ensured the cleanup of about 425 SMCRA permits in five states despite the bankruptcy of

Horizon Natural Resources Company and its subsidiaries (Horizon). Horizon is reportedly the largest coal company to declare bankruptcy in U.S. history. On September 17, 2004, the U.S. Bankruptcy Court for the Eastern District of Kentucky signed the order approving the company's reorganization that included the sale of the company assets to an investor group. Under the plan, the International Coal Group (ICG) and Massey Energy Company (Massey) each acquired certain assets and substantially all of the remaining Horizon assets and permits that remained after the sale to ICG and Massey were acquired by the Lexington Coal Company (LCC).

LCC was tasked with completing reclamation of the remaining permits, as governed by, among other things, the Reclamation Agreement with the State RAs and OSMRE, ICG, and the surety companies.

In EY 2006, the Reclamation Agreement was amended to provide for bond replacement for the LCC permits. LCC replaced its surety bonds with letters of credit. This action eliminated costs associated with the surety bonds, resulting in less capital outlay for administrative purposes and more funding for reclamation. The State RAs and OSMRE continue to monitor the progress of LCC through an Executive Committee.

Since the formation of LCC, several of their holdings have been sold to other coal mining companies. LCC is now primarily focusing on completing reclamation on the remaining permits. DNR is monitoring the progress of LCC's efforts in completing reclamation on the remaining permits in Kentucky. LCC projects that reclamation will be completed on all of the Kentucky permits by the Fall 2008.

In June 2004, Lodestar Energy Corporation's (Lodestar) bankruptcy proceedings were settled. At that time, Kentucky and two other states reached a global settlement agreement with the responsible parties that included Court involvement that provided \$12.5 million in funds to Kentucky, Utah, and West Virginia. Kentucky's share was just over \$8 million to reclaim 19 orphan permits in the State. In August 2004, Kentucky entered into a Memorandum of Understanding with a third party company to manage the reclamation on those 19 Lodestar permits. At present, eight Lodestar permits (projects) have been reclaimed. Seven other projects are on-going and are anticipated to be reclaimed in the near future. The other four permits are awaiting reclamation.

3. Surety and Bonding

SMCRA requires that reclamation performance bonds be posted by operators prior to undertaking a surface coal mining operation. These performance bonds must be adequate to allow completion of reclamation by the State RA in the event of forfeiture. SMCRA allows mining companies to self-bond; obtain surety or collateral bonds; obtain a combination of any of these bonding methods; or pay fees to an alternative bonding systems, such as State bonding pools. The permit requires adequate bond coverage to be in effect at all times.

Bond availability and increased costs to obtain bonds are major issues for the coal mining interests in Kentucky. The tightening of criteria for issuance of surety bonds to mining companies and the perceived reduction in the number of insurance companies willing to write reclamation surety bonds to mining companies are two of the causes.

4. Unauthorized Fills

The COE continues working with DNR and OSMRE to identify mining operations with unauthorized fills. No placement of fill material into waters of the United States can occur without prior authorization from the COE.

On January 27, 2005, a coalition of environmental and citizen groups filed suit in Lexington, Kentucky, against the COE. The coalition is comprised of the Kentucky River Keeper, Inc., Kentuckians for the Commonwealth, Inc., and the Kentucky Waterways Alliance, Inc. The suit requests that the COE stop issuing permits for valleyfills under Nationwide Permit 21. Nationwide Permit 21 was promulgated under Section 404 of the CWA for certain activities of coal mines that place fill in streams. The lawsuit identified 54 permits issued to 33 coal companies that they want stopped from discharging mine rock into valleyfills in Kentucky. The lawsuit is similar to one in West Virginia, but in a different District Court. The case was heard in late 2005. However, as of the end of the EY, a decision by the Judge has not been made.

5. Flyrock Events

Twelve flyrock events were identified during the EY compared to seven events the previous EY. Refer to the Off-Site Impacts Section of this report for the damage caused by the flyrock. DNR investigates flyrock events and takes enforcement and permitting

action to minimize the potential for reoccurrences. LFO and DNR continue discussions about minimizing the number of flyrock events. In addition, OSMRE and DNR agreed to jointly review current permitting, inspection, and enforcement procedures related to flyrock events. The purpose of this "Flyrock Prevention Initiative" is to develop improved methods and policies to prevent the occurrence of flyrock. The joint special study is ongoing and will be completed in the next EY.

V. Success in Achieving the Purposes of SMCRA as Measured by the Number of Observed Off-Site Impacts and the Number of Acres Meeting the Performance Standards at the Time of Bond Release

A. Off-Site Impacts

Kentucky's program for protecting the environment and public from off-site impacts was evaluated by collecting and analyzing known off-site damage resulting from the 1,950 surface and underground coal mine permits in Kentucky. DNR supplied LFO with Inspection Violation Statements for Notices of Non-Compliance (NC) and Cessation Orders (CO) that contained off-site impacts. In addition, DNR sends a monthly summary report of all NCs and COs with identified off-site impacts. The Inspection Violation Statements included all violations with off-site damage written from July 1, 2006, through June 30, 2007. LFO conducted the following:

- Developed an off-site damage database.
- Screened the Inspection Violation Statements for off-site impacts.
- Verified and input the collected off-site impact.
- Analyzed the data.

During the EY, DNR issued 628 NCs. These NCs cited 1,118 performance standards. See the list of enforcement actions issued by DNR is found in Appendices C and D. The most frequently cited violation type was: (1) general permit provisions and (2) backfilling and grading. A breakdown by performance standards based on the 50 State category types is presented below:

Percentage of Total Performance Standards Cited in EY 2007						
General Provision and/or Other	Backfilling & Grading, & Contemporaneous Reclamation	Water Monitoring	Water Quality	Sediment Control	Effluent Limits	Remaining 43 Categories
31.5	8.6	8.5	8.4	7.4	6.2	29.4

Ninety-nine COs were issued by DNR (88 Failure-to-Abate COs and 11 Imminent Harm COs). During the EY, OSMRE did not issue any violations.

For this EY, Kentucky issued 315 NCs and two COs that contained off-site impacts. The 360 enforcement actions resulted in 360 performance standard violations. OSMRE determined that there were 360 measurable off-site impacts for the performance standard violations. The determination of off-site impacts was based on DNR's documentation and the OSMRE reviewer's interpretation of the enforcement language using any inspection reports associated with the enforcement action. The review of the Inspection Violation Statement prepared for the penalty assessment was the primary resource document.

The 317 enforcement actions with off-site impacts involved 228 permits. This is approximately 11.7 percent of the permits in Kentucky. The remaining 88.3 percent of the permits were free of off-site impacts. There were 1,722 permits free of off-site impacts during the EY.

Those NCs identified with off-site impacts were analyzed for the following criteria:

- type of incident
- resource affected
- degree of impact

Of the 360 measurable off-site impacts, approximately 32.7 percent was for encroachment into prohibited areas. The next major type of off-site impact was hydrology (30.0 percent). The third type of off-site impact was other (20.0 percent). The remaining two types of impacts represented 17.3 percent.

From the data collected, the total impacts assessed from coal mining operations for the EY included 33.8 miles of streams, 423.2 acres of land, two wells, and ten homes. The findings for off-site impacts indicate that approximately 69.5 percent of the measured incidents involved land and 28.3 percent involved water and 2.2 percent involved structures. Also, 83.0 percent of the incidents were minor, 7.0 percent were moderate, and 10.0 percent were major. The majority of impacts were minor. However, as indicated, the largest impacts occurred within a few permits.

Flyrock, which includes rock thrown through the air and rock that is forced off the blast site and rolls down the hill, is a major off-site concern in Kentucky. During the last EY, 12 flyrock incidences occurred. Out of the 12 flyrock cases, five resulted in property damage. This included damage to four homes and one vehicle. The remaining seven cases did not result in property damage but had off-permit disturbance.

LFO evaluated permanent program bond forfeiture permits for off-site impacts. The bond forfeiture permits included for this EY were those permits where the bond was collected and waiting for DAML to complete the reclamation. DNR removes the permit from the inspectable units list once the bond is collected. The data was collected from the DAML Bond Forfeiture Status Listing's second quarter 2007 report. In addition to this information, a review of the active AMD list supplied by DNR was used to determine if any of the bond forfeited sites were discharging AMD. From the information in AML's Bond Forfeiture Status Listing, data was collected on the acreage forfeited. Also, the mine status at the time of forfeiture was collected from the State's Surface Mining Information System. This data was analyzed to determine impacts to land and water. To determine if the impact was minor, moderate, or major, we made the following assumptions:

- Minor. The permit was backfilled and graded with a mine status of a Phase 1 or 2 bond release ("P1" or "P2" status) and/or the forfeited acreage was less than two acres.
- Moderate. The permit was not backfilled and the forfeited acreage was from one to ten acres.
- Major. The permit was not backfilled and the forfeited acreage was greater than ten acres.

LFO found that 65 permanent program permits had been forfeited and were awaiting reclamation. Six of these permits were forfeited in the EY. A total of 3,056.71 acres was awaiting reclamation on the 65 permits. Five permits were identified as AMD permits on Kentucky's active AMD list. Table 4 was completed using this information.

B. Bond Release

The goal of reclamation is to reclaim land mined by a surface coal mining operation to a stable condition, vegetated, non-polluting, and of equal or greater value than the pre-mining condition. To achieve the goals of reclamation, a system of phased bond releases has been implemented in Kentucky. To satisfy Phase I requirements in Kentucky, the reclaimed area must be backfilled, regraded, topsoiled, seeded, mulched, drainage-controlled, and a planting report submitted. Phase II requires the reclaimed areas have established revegetation in accordance with the approved reclamation plan and meet the standards for revegetation success, except for productivity standards. Also, the reclaimed area must not contribute suspended solids to stream flow or runoff outside the permit area. Phase III requires that the reclaimed area must successfully meet all surface coal mining and reclamation standards in accordance with the approved reclamation plan, that the reclaimed land must be capable of supporting the approved PMLU requirements, and that the applicable liability period must have expired.

In Table 5, Annual State Mining and Reclamation Results, Kentucky reported that it granted bond releases on 13,973 acres for Phase I reclamation, 5,253 acres for Phase II reclamation, and 8,294 acres for Phase III reclamation. OSMRE's review of these minesites through 70 joint inspections on Phase I and Phase III bond releases found that the State is meeting the requirements of its bond release program on permanent program permits.

VI. OSMRE Assistance

During FY 2007, Funds Granted to Kentucky by OSMRE, Table 8, identifies Federal funds awarded and shows that the AML program received \$13,840,474, which is 100 percent of the total program cost. The Small Operator Assistance Program, which is also 100 percent Federally-funded, did not receive any grant funding. The A&E grant, which funds the regulatory program, was for \$11,992,212. The regulatory program is 50 percent Federally-

funded, except for the \$1,050,379 that Kentucky received to administer the Federal Lands Program. The Federal Lands Program is 100 percent Federally-funded and is included in the A&E grant.

OSMRE is committed to providing adequate funding and technical assistance to the Kentucky program. Technical training courses are available to DNR upon request. Regional and LFO technical staff are also available to provide support to the Kentucky program.

VII. General Oversight Topic Reviews

During EY 2007, LFO completed 368 oversight-related inspections. Of this total, 254 were random sample inspections and 22 were Phase III bond release inspections conducted jointly with DNR personnel. Thirty-six field inspections resulted from special studies outlined in the EY 2007 Performance Agreement. The remaining 56 inspections were citizen compliant referrals (17), flyrock investigations (12), bond forfeiture (5) and other oversight or State-assisted inspections (22) completed by LFO.

LFO issued 16 Ten-Day Notices (TDN) during the EY. These 16 TDNs contained 27 alleged violations. All of these TDN's were the result of citizen complaints. These 16 TDNs along with four TDNs from the previous EY were satisfactorily resolved with a determination made that DNR had either taken appropriate action or shown good cause for not taking action on the violations alleged by the citizen. There were no federal enforcement actions taken during the EY.

During the EY, four citizens requested that the Appalachian Regional Office's Regional Director (RD) informally review the Field Office Director's (FOD) decision on their citizen complaint. The RD agreed with the FOD's decision in all four cases.

LFO conducted 99 oversight inspections on State AMLR projects in accordance with the EY 2007 Performance Agreement as follows:

- 10 pre-authorization inspections
- 4 pre-construction inspections
- 36 active construction inspections
- 26 final construction inspections
- 22 post-construction inspections

1 citizen complaint inspections concerning a State
AML project

OSMRE identified seven concerns during inspections of four projects. All of the concerns were satisfactorily resolved with the State. All the concerns were site-specific; no programmatic concerns were identified during the EY. The five minor concerns were design, construction, and contractor oriented in nature and easily resolved. The two major concerns were identified on the same project. One involved sediment control maintenance and the other concerned placement of excess soil and rock. The landowner insisted on placement of this material in a manner other than that recommended by Kentucky. The concern was resolved by the landowner taking responsibility for the material.

Five special oversight studies were initiated this EY, but were not completed due to the complex nature of the studies and/or the workload of the staff involved. The studies include:

- Approximate Original Contour Reclamation Review
- Flyrock Prevention Initiative
- Sediment Control Structure Certification Study
- Civil Penalty Collections Study
- Bond Forfeiture Study

The following oversight studies were completed during the EY.

A. Permits in Temporary Cessation

The purpose of this study is to evaluate permits that are in temporary cessation status. The issue of coal mine permits in temporary cessation for extended periods of time has been identified as an issue in Kentucky. In Evaluation Year 2001, OSMRE and DNR concluded that an inspection strategy was necessary to remove permits from temporary cessation and complete reclamation. In October 2004, Kentucky had 254 permits in temporary cessation representing 12.8 percent of the inspectable units. For each year, DNR has reduced the number of permits in temporary cessation. And at the end of EY 2007, Kentucky had 110 permits in temporary cessation representing 5.5 percent of the inspectable units.

For Kentucky, this continues the trend showing an overall reduction of temporary cessation permits from over twelve to less than six percent of the inspectable units. The majority of the

permits in temporary cessation are underground mines. The most significant trend was that the number of temporary cessation permits remaining in temporary cessation status for an extended period of time was reduced from 130 permits in 2004 to 32 permits in 2007. This is a reduction of 100 permits that have been in temporary cessation for an extended period of time, in the last three years. These permits had been in temporary cessation for more than five years.

As a result of DNR's effort and the sharing of information at the Regional Field Issues Workshop, the number of permits in temporary cessation has been reduced significantly in Kentucky.

B. Probable Hydrologic Consequences (PHC) Review

A study was completed on PHC during the EY and found that DNR has all of the necessary rules, regulations, policies and procedures in place to ensure that the PHCs contained in permit applications are fully adequate. Out of 775 new original permits issued since DNR implemented its AMD policy in December 1997, only two permits have developed long term water quality issues. The prediction of impacts from underground mines can be made through several methods; interpretation of analytical data, determination of the impacts from other comparable mining operations in the same seam, and extrapolation of published research findings of mining impacts from underground mines to the mine site review. A combination of all three methods yields the strongest and most reliable predictions. The relative importance or weight of the predictive methods depends on the situation and the experience and professional judgment of the reviewer. Additional data, historical information, and geographic information considered by the reviewer is not necessarily documented in the permit application.

C. Phase I Bond Release Inspections

This study included 48 Phase I bond-released minesites that were inspected as part of OSMRE's random oversight inspection program. OSMRE inspections on these minesites were to determine if all applicable bond release standards were met at the time the Phase I bond release was granted by Kentucky. OSMRE found that Kentucky is meeting its requirements for Phase I bond release on permanent program permits.

D. Phase III Bond Release Inspections

This study reviewed 22 Phase III bond release applications. OSMRE inspections on these Phase III bond release applications were conducted jointly with the Kentucky inspector and the bond release specialist. OSMRE found that Kentucky is meeting its requirements for Phase III bond releases on permanent program permits.

E. Fill Inventory

OSMRE conducted 247 file reviews on permitting actions issued by the State in eastern Kentucky for CY 2006. The file review collected pertinent fill and watershed information on 312 proposed or existing excess spoil fills. See Appendix E for the review findings.

F. Timing of Bond Release

This study determined that in most cases, the bond release process is carried out in a timely manner. Most Phase III bond releases are issued within one to two years after the five-year liability period had expired, with the exception of those permits that involved re-mining. The study determined that the average time that a mine existed was 10.74 years. This is the time from when the permit became active until it was issued a Phase III bond release. The average time that the permit was active was 3.28 years and the average time that it was in reclamation was 7.46 years.

G. Random Sample

LFO's oversight format provides for a general assessment through random oversight inspections. In addition, it focuses on specific program areas jointly selected for special emphasis in oversight studies. During this EY, LFO conducted 254 random comprehensive inspections for a general assessment of Kentucky's program. The random samples were selected from the list of active and Phase I bond released permits on both surface and underground coal mining operations in Kentucky. The purpose of these inspections was to evaluate the degree of industry compliance with the approved State program.

OSMRE found that 222 of the 254 (87 percent) minesites in Kentucky were in full compliance with all performance standard categories. On the other 32 sites, 80 violations were observed. The performance standards most often cited in NC

were hydrologic balance, permit administration, and backfilling and grading. OSMRE inspectors evaluated the seriousness of violations on random complete inspections. The data for the 80 violations shows that 56 percent of all the violations did not have an off-site impact, and 44 percent extend outside the permit area. In addition, 49 percent of the violations were minor, 31 percent had a moderate degree of impact, and 20 percent had a major degree of impact. For all 80 violations identified during complete inspections, the State took appropriate action.

H. Inspection Frequency

DNR reported Kentucky's inspection frequency at the end of the EY. The inspection frequency was based on 405 Kentucky Administrative Regulation 12:010, Section 3(5). This provision requires the State to conduct one complete and two partial inspections per calendar quarter for all minesites, except Phase I or Phase II bond release sites. Those sites in the bond release process or in temporary cessation require the State to conduct one complete inspection per quarter. DNR reported the following number of inspections.

Coal Mines and Facilities	Number of Complete Inspections	Number of Partial Inspections
Active	7,563	14,842
Inactive	289	150
Abandoned	28	26
TOTAL	7,880	15,018

Inspectable Unit Information

- Total Number of Permits Requiring Inspections 1,951
- Total Number of Permits Meeting Frequency 1,922
- Percentage of Permits Meeting Frequency 98.6%

From the information provided, Kentucky's inspectors conducted 22,898 inspections and met inspection frequency on 98.6 percent of the 1,950 inspectable units.

In EY 2005, OSMRE reported that DNR inspectors met frequency on -96.3 percent of inspectable units. In EY 2006, DNR inspectors met frequency on 97.7 percent of the inspectable units. In EY 2007, DNR inspectors met frequency on 98.6 percent of the

inspectable units. The reason for the increase in inspection frequency is due to hiring and training of new personnel to replace DNR's inspector turnover.

Copies of individual topic reviews may be requested in writing to the following address:

Office of Surface Mining
Lexington Field Office
2675 Regency Road
Lexington, Kentucky 40503

Appendix A

Tabular Summary of Core Data to Characterize the Program

TABLE 1

Coal Produced for Sale, Transfer, or Use
(Millions of Short Tons)

Period	Surface Mines	Underground Mines	Total
Coal production ^A for entire State:			
Evaluation Year			
EY 2005	44.615	74.861	119.476
EY 2006	48.984	75.086	124.070
EY 2007	45.875	71.475	117.350

^A Coal production as reported in this table is the gross tonnage which includes coal that is sold, used, or transferred as reported to OSM by each mining company on form OSM-1 line 8(a). Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by States or other sources due to varying methods of determining and reporting coal production. **Provide production information for the latest three full evaluation years to include the last full evaluation year for which data is available.**

TABLE 2

**Inspectable Units
As of June 30, 2007**

Coal mines and related facilities	Number and Status of Permits								Nbr. of Insp. Units ^A	Permitted Acreage ^B (100's of acres)				
	Active or temporarily inactive		Inactive Phase II bond release		Abandoned		Totals			Federal Lands		State/Private Lands		All Lands
	IP	PP	IP	PP	IP	PP	IP	PP		IP	PP	IP	PP	Total

LANDS FOR WHICH THE STATE IS THE REGULATORY AUTHORITY

Surface mines	0	819	0	47	0	5	0	871	871	0.0	39.0	0.0	4,501.0	4,540.0
Underground mines	0	701	0	21	2	1	2	723	725	0.0	803.0	0.0	12,410.0	13,213.0
Other facilities	0	351	0	2	0	1	0	354	354	0.0	9.0	0.0	488.0	497.0
Total	0	1,871	0	70	2	7	2	1,948	1,950	0.0	851.0	0.0	17,399.0	18,250.0

Total number of permits: 1,950

Average number of permits per inspectable unit (excluding exploration sites): 1.00

Average number of acres per inspectable unit (excluding exploration sites): 935.90

Number of exploration permits on State and private lands: 0 On Federal lands^C: 0

Number of exploration notices on State and private lands: 241 On Federal lands^C: 0

IP: Initial regulatory program sites
PP: Permanent regulatory program sites

^A Inspectable units include multiple permits that have been grouped together as one unit for inspection frequency purposes by some State programs.

^B When a single inspectable unit contains both Federal lands and State/Private lands, enter the permitted acreage for each land type in the appropriate category.

^C Includes only exploration activities regulated by the State pursuant to a cooperative agreement with OSM or by OSM pursuant to a Federal lands program. Excludes exploration regulated by the Bureau of Land Management.

TABLE 3

**State Permitting Activity
As of June 30, 2007**

Type of Application	Surface mines			Underground mines			Other facilities			Totals		
	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres ^A	App. Rec.	Issued	Acres	App. Rec.	Issued	Acres
New Permits	80	66	21,601	23	28	23,537	7	8	341	110	102	45,479
Renewals	55	56		67	72		68	47		190	175	
Transfers, sales, and assignments of permit rights	59	117		36	87		15	38		110	242	
Small operator assistance	19	10		1	2		0	0		20	12	
Exploration permits										0	0	
Exploration notices ^B											241	
Revisions (exclusive of incidental boundary revisions)		26			7			2			35	
Revisions (adding acreage but are not incidental boundary revisions)	101	70	7,846	72	56	41,012	18	16	1,077	191	142	49,935
Incidental boundary revisions	196	151	342	92	78	291	40	38	55	328	267	688
Totals	510	496	29,789	291	330	64,840	148	149	1,473	949	1,216	96,102

OPTIONAL - Number of midterm permit reviews completed that are not reported as revisions: 414

^A Includes only the number of acres of proposed surface disturbance.

^B State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.

TABLE 4
OFF-SITE IMPACTS (excluding bond forfeiture sites)

RESOURCES AFFECTED DEGREE OF IMPACT	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE												
Blasting	26	0	0	1	0	21	0	0	0	0	0	4
Land Stability	36	0	0	35	1	0	0	0	0	0	0	0
Hydrology	108	0	0	5	0	0	98	2	1	2	0	0
Encroachment	118	0	0	94	15	7	0	0	0	1	0	1
Other	72	0	0	62	7	2	1	0	0	0	0	0
Total	360	0	0	197	23	30	99	2	1	3	0	5

Total number of inspectable units (excluding bond forfeiture sites): 1,950
 Inspectable units free of off-site impacts: 1,722
 Inspectable units with off-site impacts: 228

OFF-SITE IMPACTS ON BOND FORFEITURE SITES

RESOURCES AFFECTED DEGREE OF IMPACT	People			Land			Water			Structures		
	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT AND TOTAL NUMBER OF EACH TYPE												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	65	0	0	32	15	18	0	0	0	0	0	0
Hydrology	5	0	0	0	0	0	4	1	0	0	0	0
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Total	70	0	0	32	15	18	4	1	0	0	0	0

Total number of inspectable units (only bond forfeiture sites): 65
 Inspectable units free of off-site impacts: 0
 Inspectable units with off-site impacts: 65

TABLE 5
Annual State Mining and Reclamation Results

Bond release phase	Applicable performance standard	During this Evaluation Year		
		Total acreage released	Acreage also released under Phase I	Acreage also released under Phase II
A	B	C	D	E
Phase I	- Approximate original contour restored - Topsoil or approved alternative replaced	13,973		
Phase II	- Surface stability - Establishment of vegetation	5,253	2,576	
Phase III	- Post-mining land use/productivity restored - Successful permanent vegetation - Groundwater recharge, quality and quantity restored - Surface water quality and quantity restored	8,294	2,665	2,395
Bonded Acreage ^A			Acres during this evaluation year	
Total number of new acres bonded during this evaluation year			17,724	
Number of acres bonded during this evaluation year that are considered remining, if available			0	
Number of acres where bond was forfeited during this evaluation year			203	
Bonded Acreage Status			Cumulative Acres	
Total number of acres bonded as of the end of last review period (June 30, 2006) ^B			348,443	
Total number of acres bonded as of the end of this review period (June 30, 2007) ^B			405,797	
Sum of acres bonded that are between Phase I bond release and Phase II bond release as of June 30, 2007 ^B			32,683	
Sum of acres bonded that are between Phase II bond release and Phase III bond release as of June 30, 2007 ^B			81,016	
Disturbed Acreage			Acres	
Number of Acres Disturbed during this evaluation year			0	
Number of Acres Disturbed at the end of the evaluation year (cumulative)			245,453	
^A Bonded acreage is considered to approximate and represent the number of acres disturbed by surface coal mining and reclamation operations. ^B Bonded acres in this category are those that have not received a Phase III or other final bond release (State maintains jurisdiction).				

Brief explanation of columns D & E. The States will enter the total acreage under each of the three phases (column C). The additional columns (D & E & E) will "break-out" the acreage among Phase II and/or Phase III. Bond release under Phase II can be a combination of Phase I and II acreage, and Phase III acreage can be a combination of Phase I, II, and III. See "Instructions for Completion of Specific Tables," Table 5 for example.

TABLE 6

State Bond Forfeiture Activity
(Permanent Program Permits)

Bond Forfeiture Reclamation Activity by SRA	Number of Sites	Dollars	Acres
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2006 (end of previous evaluation year) ^A	67		2,974
Sites with bonds forfeited and collected during Evaluation Year 2007 (current evaluation year)	6	\$ 241,100	169
Sites with bonds forfeited and collected that were re-permitted during Evaluation Year 2007 (current evaluation year)	3		24
Sites with bonds forfeited and collected that were reclaimed during Evaluation Year 2007 (current evaluation year)	5		62
Sites with bonds forfeited and collected that were unreclaimed as of June 30, 2007 (end of current evaluation year) ^A	65		3,057
Sites with bonds forfeited but uncollected as of June 30, 2007 (end of current evaluation year)	0		0
Surety/Other Reclamation (In Lieu of Forfeiture)			
Sites being reclaimed by surety/other party as of June 30, 2006 (end of previous evaluation year) ^B	7		835
Sites where surety/other party agreed to do reclamation during Evaluation Year 2007 (current evaluation year)	0		0
Sites being reclaimed by surety/other party that were re-permitted during Evaluation Year 2007 (current evaluation year)	0		0
Sites with reclamation completed by surety/other party during Evaluation Year 2007 (current evaluation year) ^C	2		412
Sites being reclaimed by surety/other party as of June 30, 2007 (current evaluation year) ^B	5		423

^A Includes data only for those forfeiture sites not fully reclaimed as of this date

^B Includes all sites where surety or other party has agreed to complete reclamation and site is not fully reclaimed as of this date

^C This number also is reported in Table 5 as Phase III bond release has been granted on these sites

TABLE 7

State Staffing
(Full-time equivalents at end of evaluation year)

Function	EY 2007
Regulatory Program	
Permit Review	101.00
Inspection	185.00
Other (administrative, fiscal, personnel, etc.)	13.00
Regulatory Program Total	299.00
AML Program Total	80.00
Total	379.00

TABLE 8

**Funds Granted To Kentucky
 BY OSM**
 (During the Current Evaluation Year)
 (Actual Dollars, Rounded to the Nearest Dollar)

Type of Funding	Federal Funds Awarded During Current Evaluation Year	Federal Funding as Percentage of Total Program Costs
Regulatory Funding		
Administration and Enforcement Grant	\$ 10,941,833	50.00 %
Other Regulatory Funding, if applicable	\$ 1,050,379	100.00 %
Subtotal	\$ 11,992,212	
Small Operator Assistance Program	\$ 0	100 %
Abandoned Mine Land Reclamation Funding ^A	\$ 15,336,706	100 %
Totals	\$ 27,328,918	

^A Includes funding for AML Grants, the Clean Streams Initiative and the Watershed Cooperative Agreement Program.

TABLE 9

**State Inspection Activity
During Current Evaluation Year**

Inspectable Unit Status	Number of Inspections Conducted	
	Complete	Partial
Active ^A	7,563	14,842
Inactive ^A	289	150
Abandoned ^A	28	26
Total	7,880	15,018
Exploration	2,150	944

^A Use terms as defined by the approved State program.

TABLE 10

**State Enforcement Activity
During Current Evaluation Year**

Type of Enforcement Action	Number of Actions^A	Number of Violations^A
Notice of Violation	626	1,118
Failure-to-Abate Cessation Order	83	173
Imminent Harm Cessation Order	11	18

^A Do not include those violations that were vacated.

TABLE 11

Lands Unsuitable Activity

During Current Evaluation Year

	Number	Acreage
Number Petitions Received	0	
Number Petitions Accepted	0	
Number Petitions Rejected	0	
Number Decisions Declaring Lands Unsuitable	0	0
Number Decisions Denying Lands Unsuitable	0	0

TABLE 12 Optional	
Post Mining Land Use Acreage (after Phase III bond release)	
Land Use	Acreage Released during this Evaluation Year
Cropland	232
Pasture/Hayland	2,687
Grazing Land	0
Forest	680
Residential	35
Fish & Wildlife Habitat	4,132
Developed Water Resources	14
Public Utilities	0
Industrial/Commercial	487
Recreation	27
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Other (please specify):	0
Total	8,294

Appendix B

State Comments on the Report



ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Ernie Fletcher
Governor

Department for Natural Resources
2 Hudson Hollow
Frankfort, Kentucky 40601
Phone: (502) 564-6940
Fax: (502) 564-5698
www.eppc.ky.gov
www.dnr.ky.gov

Teresa J. Hill
Secretary

Susan C. Bush
Commissioner

August 17, 2007

OSM LEXINGTON

AUG 21 2007

FIELD OFFICE

Mr. Joseph L. Blackburn, Acting Director
Lexington Field Office
Office of Surface Mining Reclamation and Enforcement
2675 Regency Road
Lexington, Kentucky 40503-2922

Dear Mr. Blackburn:

The Department for Natural Resources offers the following comments regarding the draft Evaluation Year 2006 Annual Report:

Page 3, II. Overview of the Kentucky Coal Mining Industry, Paragraph 3-The report states that underground mines account for approximately two-thirds of the acreage permitted in the State." However, on **Page 4**, First Paragraph, the report states that surface mines and associated facilities account for one-quarter of the acreage permitted in the State. Please re-calculate or clarify these numbers.

Page 5, II. Overview of the Kentucky Coal Mining Industry, Table-Please note that the figures reported are for the number of permits without final bond release rather than the number of surface mines.

Page 13, 10. Geographic Information System, First Paragraph 1-At this time DNR has no plans to continue digitizing permit boundaries as it is labor-intensive and requires dedicated personnel. Nonetheless, DNR is scanning and geo-referencing all mining and reclamation (MRP) maps of issued permits.

Page 17, 4. Appalachian Clean Streams Initiative (ASCI) - top paragraph last sentence reads" *The Ebenezer AML Reclamation Project also discussed in the EY 2006 report remains on hold by DAML.*" This sentence should be changed to read, "The Ebenezer AML Reclamation Project discussed in the EY 2006 report has been replaced for ASCI

Mr. Joseph L. Blackburn
August 17, 2007
Page Two

funding by the Rock Creek AMD Phase III Reclamation Project. DAML has a request to the Kentucky Finance and Administration Cabinet to seek bids for the construction of the Ebenezer project. The project will be funded without the use of ASCI funds. The Rock Creek Phase III project is awaiting confirmation from the EPA on the availability of 319(h) funds."

Page 20, A. Off-Site Impacts, Paragraph 2 and Table- In the narrative, the second most cited violation was sediment control. In the subsequent Table, sediment control is ranked the fourth most cited violation by percentage. Please clarify.

I appreciate the opportunity to comment on the EY 2007 draft Annual Report. If you have any questions, please do not hesitate to contact my office at (502) 564-6940.

Sincerely,



Susan C. Bush, P.G.
Commissioner

c: Larry Adams
Paul Ehret
Steve Hohman
Paul Rothman

Appendix C

Permittees Issued Non-
Compliances by DNR
(Listed by Descending Number of
Non-Compliances)

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
NALLY & HAMILTON ENTERPRISES INC	40	69	19	50	30,807.85	14,240.67
CAM MINING LLC	26	52	11	42	43,805.34	3,847.16
PREMIER ELKHORN COAL COMPANY	16	33	11	51	53,539.69	7,710.32
FRASURE CREEK MINING LLC	16	30	5	30	20,193.08	8,062.73
CONSOL OF KENTUCKY INC	16	28	12	54	78,472.65	4,808.30
CHAS COAL LLC	14	31	8	29	17,423.76	3,218.69
SEQUOIA ENERGY LLC	14	19	5	16	16,138.95	434.00
ICG HAZARD LLC	13	24	10	40	30,027.03	12,135.72
APEX ENERGY INC	13	17	6	17	11,179.00	3,651.40
FCDC COAL INC	12	17	4	22	16,034.77	250.33
COOK AND SONS MINING INC	11	21	10	14	13,863.86	1,218.93
SIDNEY COAL COMPANY INC	11	21	5	48	81,652.41	2,016.89
APPALACHIAN FUELS LLC	11	20	7	16	9,946.99	4,352.26
BDCC HOLDING COMPANY INC	11	18	7	23	42,531.98	972.98
LCC KENTUCKY LLC	11	13	10	81	42,922.92	25,026.42
ENTERPRISE MINING COMPANY LLC	10	17	9	58	61,430.05	4,422.49
SAPPHIRE COAL COMPANY	9	17	5	9	12,548.80	311.96
MARTIN COUNTY COAL CORPORATION	9	12	8	34	25,739.78	8,021.87
DUSTY DIAMOND COMPANY INC	7	16	2	2	2,346.81	255.00
LANDMARK MINING COMPANY INC	7	11	3	10	4,651.85	176.02
KANNAN MINING COMPANY	7	10	3	3	387.47	158.62
CLINTWOOD ELKHORN MINING COMPANY	7	8	6	40	40,617.97	1,170.77
NEW RIDGE MINING COMPANY	6	8	2	23	14,855.32	1,390.90
MILLER BROS. COAL, LLC	6	7	6	39	24,874.71	13,265.92
MOUNTAIN FURY, LLC.	5	12	2	3	67.61	38.50
BIG ELK MINING COMPANY, LLC	5	11	5	4	2,714.22	2,607.38
LOCUST GROVE INC	5	7	4	14	6,302.03	2,737.06
PONTIKI COAL LLC	5	7	3	7	31,411.00	195.00
NATIONAL COAL CORPORATION	5	6	4	19	20,373.86	3,566.00
HARLAN RECLAMATION SERVICES LLC	5	5	4	17	48,174.07	1,427.03
SANDLICK COAL COMPANY INC	5	5	2	10	7,939.25	805.47
IDLE TIME ENTERPRISES	4	13	1	1	11.78	11.00
MAGIC COAL COMPANY	4	9	1	1	2,181.25	70.00
D & C MINING CORPORATION	4	8	2	3	759.51	22.36
B & W RESOURCES INC	4	7	4	8	3,549.20	1,106.60
BEECH CREEK ENERGY INC	4	7	2	1	5.45	5.45
CAMBRIAN COAL CORPORATION	4	6	2	12	4,156.52	3,001.79
COTTON COAL COMPANY, INC	4	6	1	1	45.40	6.00
HAUS KOHLE, LLC	4	6	1	1	340.15	6.00
J R MINING INC	4	6	2	3	233.25	61.00
KIPAR INC	4	6	1	1	209.05	20.00
LEECO INC	4	6	3	12	21,091.81	688.28
BEECH FORK PROCESSING INC	4	5	3	17	16,776.79	1,681.41
PRATER CREEK COAL CORPORATION	4	4	2	3	79.35	45.00
WOLVERINE RESOURCES INC	4	4	2	3	644.05	77.50

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
UNITED FARMING INC	3	11	2	3	496.60	187.85
MATT/CO INC	3	9	3	14	8,297.61	284.12
STRONG BROTHERS MINING	3	8	1	1	158.75	45.00
DEMA COAL COMPANY INC	3	6	2	3	1,072.12	9.45
MARTIN COAL PROCESSING CORPORATION	3	6	1	1	12.00	10.00
PATRICK PROCESSING LLC	3	6	2	2	1,368.92	12.00
PHILLIP F BURDEN	3	6	1	1	91.00	70.00
REX COAL COMPANY INC	3	6	2	6	5,547.63	39.99
STURGEON MINING COMPANY INC	3	6	3	13	1,514.20	715.56
BLUEGRASS DEVELOPMENT GROUP LLC	3	5	2	1	89.72	45.00
DIXIE FUEL COMPANY LLC	3	5	1	5	4,815.74	373.93
H & D COAL COMPANY INC	3	5	2	3	648.00	403.00
ICG EAST KENTUCKY LLC	3	5	2	9	5,815.90	2,100.29
ICG KNOTT COUNTY LLC	3	5	3	15	19,797.42	746.00
POMPEY COAL CORPORATION	3	5	3	5	2,086.67	1,035.00
AEP KENTUCKY COAL LLC	3	4	3	28	16,530.72	7,368.78
BLEDSOE COAL CORPORATION	3	4	3	24	31,131.04	2,224.77
APPOLO FUELS INC	3	3	1	24	10,401.50	1,099.46
EASTERN FUELS LLC	3	3	1	3	1,830.83	17.00
BIG D ENTERPRISES	2	9	1	1	80.75	35.00
DEE COAL CO	2	9	1	1	56.41	8.00
JAMES H TAYLOR MINING COMPANY INC	2	9	1	1	825.98	10.89
KEENER RIDGE COAL, INC.	2	9	1	1	286.30	53.00
MASON COAL INC	2	8	1	1	134.01	3.50
DOUBLE K MINING INC	2	7	1	1	38.42	38.00
BLACK FIRE COAL COMPANY LLC	2	6	1	1	20.23	6.00
DIAMOND ENERGY, INCORPORATED	2	6	1	1	114.80	45.00
STEWART RESOURCES, LLC	2	6	1	1	162.58	15.00
NATHAN'S WELDING LLC	2	5	1	2	2,841.87	22.96
OSCAR HATTEN COAL CO LLC	2	5	1	1	22.59	2.00
ROCKCASTLE MINING COMPANY INC	2	5	1	1	135.51	112.44
WHITAKER COAL CORPORATION	2	5	1	12	18,939.83	1,466.70
ASHLAND STEAM COAL SALES INC	2	4	1	1	2,083.01	45.00
FOUR STAR RESOURCES LLC	2	4	1	2	77.32	39.10
HARDTOP MINING CO INC	2	4	1	1	1,146.10	7.90
K & T ENERGY AND MINING CORPORATION	2	4	1	1	56.00	39.00
LAUREL HILLS INVESTMENTS, INC.	2	4	1	1	22.10	10.00
LODESTAR ENERGY INC	2	4	2	4	33,246.53	1,000.00
SAYCO INC	2	4	1	1	270.41	4.91
BRANSON COAL COMPANY INC	2	3	1	1	169.03	8.22
C & N MINING, LLC	2	3	1	1	502.09	0.00
CLOVERFORK MINING & EXCAVATING INC	2	3	1	7	2,956.33	1,615.59
COMMONWEALTH COAL PARTNERS, LLC	2	3	1	1	94.50	36.00
CUMBERLAND VALLEY MINING COMPANY	2	3	1	3	1,818.70	88.00
EVANS COAL CORP	2	3	2	4	1,239.55	285.00

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
L & R COALS	2	3	1	1	41.50	4.00
LITTLE BOYD COAL CO INC	2	3	1	1	406.76	250.00
MANALAPAN MINING COMPANY INC	2	3	2	12	16,224.14	916.94
MCCOY ELKHORN COAL CORPORATION	2	3	2	31	44,541.00	684.08
REDBIRD RESOURCES LLC	2	3	1	1	12.43	12.43
REID & SONS CONSTRUCTION	2	3	2	2	85.20	25.00
THE RAVEN CO INC	2	3	1	1	447.15	25.00
UNITED STATES COAL CORPORATION	2	3	1	1	688.20	96.90
WHYMORE COAL COMPANY INC	2	3	1	5	608.06	233.40
CHEYENNE RESOURCES INC	2	2	2	13	5,546.76	3,829.63
CROCKETT COLLIERIES (KY) INC	2	2	2	3	1,388.51	68.11
DENHAM & LEWIS PROCESSING INC	2	2	1	1	5.00	5.00
DIAMOND MAY COAL COMPANY	2	2	2	3	6,950.14	294.00
HARLAN-CUMBERLAND COAL COMPANY LLC	2	2	2	5	13,900.32	437.79
IKERD COAL COMPANY LLC	2	2	1			
JOHNSON-FLOYD COAL COMPANY LLC	2	2	1	3	579.73	280.00
KENAMERICAN RESOURCES INC	2	2	2	3	19,962.20	199.00
LONG FORK COAL COMPANY	2	2	2	6	4,874.23	256.94
P & C MINING CO, INC	2	2	1	2	84.58	25.77
RESOURCE LAND COMPANY LLC	2	2	1	2	11,007.62	415.00
SABER MINING COMPANY, INC	2	2	1	1	442.88	5.00
SOLOMONS MINING COMPANY	2	2	2	3	2,138.99	985.83
TWIN RESOURCES LLC	1	11	1	1	271.25	140.00
SILVER CLOUD COAL INC	1	7	1	1	15.89	15.89
JESS BOWLING	1	6	1	1	132.70	36.00
BASIC SERVICES	1	5	1	1	15.50	8.00
VERNON SPURLOCK	1	5	1	2	173.50	25.40
WELLMORE COAL CORPORATION	1	5	1	12	12,978.35	99.20
D & M LAND WORKS LLC	1	4	1	2	128.30	28.60
KENTUCKY MAY COAL COMPANY INC	1	4	1	4	4,194.90	26.03
STAR RUN INC	1	4	1	1	671.91	3.00
APPCO MINING INC	1	3	1	1	139.86	1.56
BLACK DIAMOND RESOURCES INC	1	3	1	3	1,464.40	447.00
BSE MINING INC	1	3	1	2	634.54	20.55
HOLBROOK MINING COMPANY INC	1	3	1	2	294.21	173.00
L & J DREDGING COMPANY INC	1	3	1	1	5.94	5.94
LIGHTSOURCE MINING COMPANY	1	3	1	1	158.51	22.00
RGT MINING AND CONSTRUCTION CO	1	3	1	1	215.00	8.00
SKYLINE EXCAVATION INC	1	3	1	1	205.60	60.00
STONE MINING COMPANY	1	3	1			
ADDINGTON INC	1	2	1	4	3,469.97	2,635.81
CRITTENDEN COUNTY COAL INC	1	2	1	2	7,602.61	565.00
DYSON CREEK COAL COMPANY, LLC	1	2	1	1	78.90	72.00
HANNCO ENERGY CORPORATION	1	2	1	6	1,880.68	1,582.46
JAMIESON CONSTRUCTION COMPANY	1	2	1	10	2,387.65	955.50

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
MASSIVE MINING INC	1	2	1	1	167.10	17.00
MORGAN COUNTY LEASING INC	1	2	1	2	293.88	38.22
NFC MINING INC	1	2	1	2	27.35	27.35
PEABODY COAL COMPANY, LLC	1	2	1	16	44,139.20	5,276.50
PETER CAVE MINING COMPANY	1	2	1	5	14,891.90	845.71
PIGMY COAL COMPANY	1	2	1	1	1,767.50	22.00
RAPID ENERGY INC	1	2	1	4	590.30	272.30
SAPPHIRE MINING INC	1	2	1			
TRANSRAIL PROPERTIES INC	1	2	1	1	14.00	14.00
WADE COAL LLC	1	2	1			
WESTERN KENTUCKY MINERALS, INC	1	2	1	1	296.20	50.00
YOCUM CREEK COAL COMPANY INC	1	2	1	1	2.94	0.50
AMERICAN MINING WEST LLC	1	1	1	1	1,122.50	0.00
BOTNER ENTERPRISES LLC	1	1	1	2	21.53	14.30
CHAROLAIS MINING COMPANY, LLC	1	1	1	1	512.60	225.00
CINDAS CREEK #2 LLC	1	1	1	1	372.05	6.60
COMBINED ENTERPRISES, LLC	1	1	1	2	177.55	36.00
CONCO COAL COMPANY INC	1	1	1	1	94.57	28.00
CORBIN MINING LLC	1	1	1	1	354.77	330.00
D & A EQUIPMENT INC	1	1	1	1	201.91	75.00
D S ENERGY INC	1	1	1	2	2,097.91	4.05
DCM RESOURCE ENERGIES INC	1	1	1	1	30.10	1.50
DEKALB RECOVERY INC	1	1	1	2	225.32	5.50
EVERGREEN MINING INC	1	1	1	4	406.56	137.60
GATLIFF COAL COMPANY	1	1	1	6	2,641.50	443.55
GENESIS COAL CORP.	1	1	1	1	800.15	6.00
HANNAH COAL CORPORATION	1	1	1	1	173.61	25.00
HIGHWALL MINING COMPANY OF VIRGINIA INC	1	1	1	3	61.50	17.00
HOPKINS COUNTY COAL LLC	1	1	1	21	20,481.60	7,476.20
INFINITY ENERGY, INC	1	1	1	1	137.13	75.00
JERICOL MINING INC	1	1	1	15	17,111.35	1,119.99
JOHNS CREEK PROCESSING COMPANY	1	1	1	2	494.47	142.00
LICKING RIVER RESOURCES INC	1	1	1	4	2,851.78	825.00
LWF LEASING LLC	1	1	1	4	1,257.73	19.01
MAGGARD MINING INC	1	1	1			
MAVERICK MINING COMPANY LLC	1	1	1			
MORGAN COUNTY COAL, INC.	1	1	1	1	162.76	100.00
MOTTS BRANCH COAL INC	1	1	1			
P C & H CONSTRUCTION INC	1	1	1	5	2,694.29	694.60
PLEASANT VIEW MINING CO INC	1	1	1	1	835.50	52.40
POWELL BRANCH ENERGY LLC	1	1	1	1	246.10	1.00
RANDY-D, LLC	1	1	1	1	896.30	6.00
RENFRO EQUIPMENT INC	1	1	1	1	88.00	52.00
RIVERWAY SOUTH INC	1	1	1	1	20.30	20.30
ROAD FORK DEVELOPMENT COMPANY INC	1	1	1	9	20,639.84	703.07

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
SHAMROCK COAL COMPANY INCORPORATED	1	1	1	8	21,579.65	450.00
SMITH PROCESSING COMPANY	1	1	1	2	16.70	16.50
SOUTHFORK COAL CO	1	1	1	5	3,309.26	250.84
THUNDERCAT ENERGY CORPORATION	1	1	1			
TORCHLIGHT ENERGY, INC	1	1	1	1	115.86	4.00
TRACE BRANCH COAL INC	1	1	1			
TRAVELER COAL, LLC	1	1	1	1	364.50	70.00
U S ENERGY INC	1	1	1	1	301.65	6.93
WARRIOR COAL LLC	1	1	1	6	15,582.45	610.00
Y-HOLLOW DEVELOPMENT INC	1	1	1	1	15.10	15.10
YONTS COAL LLC	1	1	1	1	631.50	3.00

Appendix D

Permittees Issued Non-
Compliances by DNR
(Listed Alphabetically)

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
ADDINGTON INC	1	2	1	4	3,469.97	2,635.81
AEP KENTUCKY COAL LLC	3	4	3	28	16,530.72	7,368.78
AMERICAN MINING WEST LLC	1	1	1	1	1,122.50	0.00
APEX ENERGY INC	13	17	6	17	11,179.00	3,651.40
APPALACHIAN FUELS LLC	11	20	7	16	9,946.99	4,352.26
APPCO MINING INC	1	3	1	1	139.86	1.56
APPOLO FUELS INC	3	3	1	24	10,401.50	1,099.46
ASHLAND STEAM COAL SALES INC	2	4	1	1	2,083.01	45.00
B & W RESOURCES INC	4	7	4	8	3,549.20	1,106.60
BASIC SERVICES	1	5	1	1	15.50	8.00
BDCC HOLDING COMPANY INC	11	18	7	23	42,531.98	972.98
BEECH CREEK ENERGY INC	4	7	2	1	5.45	5.45
BEECH FORK PROCESSING INC	4	5	3	17	16,776.79	1,681.41
BIG D ENTERPRISES	2	9	1	1	80.75	35.00
BIG ELK MINING COMPANY, LLC	5	11	5	4	2,714.22	2,607.38
BLACK DIAMOND RESOURCES INC	1	3	1	3	1,464.40	447.00
BLACK FIRE COAL COMPANY LLC	2	6	1	1	20.23	6.00
BLEDSON COAL CORPORATION	3	4	3	24	31,131.04	2,224.77
BLUEGRASS DEVELOPMENT GROUP LLC	3	5	2	1	89.72	45.00
BOTNER ENTERPRISES LLC	1	1	1	2	21.53	14.30
BRANSON COAL COMPANY INC	2	3	1	1	169.03	8.22
BSE MINING INC	1	3	1	2	634.54	20.55
C & N MINING, LLC	2	3	1	1	502.09	0.00
CAM MINING LLC	26	52	11	42	43,805.34	3,847.16
CAMBRIAN COAL CORPORATION	4	6	2	12	4,156.52	3,001.79
CHAROLAIS MINING COMPANY, LLC	1	1	1	1	512.60	225.00
CHAS COAL LLC	14	31	8	29	17,423.76	3,218.69
CHEYENNE RESOURCES INC	2	2	2	13	5,546.76	3,829.63
CINDAS CREEK #2 LLC	1	1	1	1	372.05	6.60
CLINTWOOD ELKHORN MINING COMPANY	7	8	6	40	40,617.97	1,170.77
CLOVERFORK MINING & EXCAVATING INC	2	3	1	7	2,956.33	1,615.59
COMBINED ENTERPRISES, LLC	1	1	1	2	177.55	36.00
COMMONWEALTH COAL PARTNERS, LLC	2	3	1	1	94.50	36.00
CONCO COAL COMPANY INC	1	1	1	1	94.57	28.00
CONSOL OF KENTUCKY INC	16	28	12	54	78,472.65	4,808.30
COOK AND SONS MINING INC	11	21	10	14	13,863.86	1,218.93
CORBIN MINING LLC	1	1	1	1	354.77	330.00
COTTON COAL COMPANY, INC	4	6	1	1	45.40	6.00
CRITTENDEN COUNTY COAL INC	1	2	1	2	7,602.61	565.00
CROCKETT COLLIERIES (KY) INC	2	2	2	3	1,388.51	68.11
CUMBERLAND VALLEY MINING COMPANY	2	3	1	3	1,818.70	88.00
D & A EQUIPMENT INC	1	1	1	1	201.91	75.00
D & C MINING CORPORATION	4	8	2	3	759.51	22.36
D & M LAND WORKS LLC	1	4	1	2	128.30	28.60
D S ENERGY INC	1	1	1	2	2,097.91	4.05

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
DCM RESOURCE ENERGIES INC	1	1	1	1	30.10	1.50
DEE COAL CO	2	9	1	1	56.41	8.00
DEKALB RECOVERY INC	1	1	1	2	225.32	5.50
DEMA COAL COMPANY INC	3	6	2	3	1,072.12	9.45
DENHAM & LEWIS PROCESSING INC	2	2	1	1	5.00	5.00
DIAMOND ENERGY, INCORPORATED	2	6	1	1	114.80	45.00
DIAMOND MAY COAL COMPANY	2	2	2	3	6,950.14	294.00
DIXIE FUEL COMPANY LLC	3	5	1	5	4,815.74	373.93
DOUBLE K MINING INC	2	7	1	1	38.42	38.00
DUSTY DIAMOND COMPANY INC	7	16	2	2	2,346.81	255.00
DYSON CREEK COAL COMPANY, LLC	1	2	1	1	78.90	72.00
EASTERN FUELS LLC	3	3	1	3	1,830.83	17.00
ENTERPRISE MINING COMPANY LLC	10	17	9	58	61,430.05	4,422.49
EVANS COAL CORP	2	3	2	4	1,239.55	285.00
EVERGREEN MINING INC	1	1	1	4	406.56	137.60
FCDC COAL INC	12	17	4	22	16,034.77	250.33
FOUR STAR RESOURCES LLC	2	4	1	2	77.32	39.10
FRASURE CREEK MINING LLC	16	30	5	30	20,193.08	8,062.73
GATLIFF COAL COMPANY	1	1	1	6	2,641.50	443.55
GENESIS COAL CORP.	1	1	1	1	800.15	6.00
H & D COAL COMPANY INC	3	5	2	3	648.00	403.00
HANNAH COAL CORPORATION	1	1	1	1	173.61	25.00
HANNCO ENERGY CORPORATION	1	2	1	6	1,880.68	1,582.46
HARDTOP MINING CO INC	2	4	1	1	1,146.10	7.90
HARLAN RECLAMATION SERVICES LLC	5	5	4	17	48,174.07	1,427.03
HARLAN-CUMBERLAND COAL COMPANY LLC	2	2	2	5	13,900.32	437.79
HAUS KOHLE, LLC	4	6	1	1	340.15	6.00
HIGHWALL MINING COMPANY OF VIRGINIA INC	1	1	1	3	61.50	17.00
HOLBROOK MINING COMPANY INC	1	3	1	2	294.21	173.00
HOPKINS COUNTY COAL LLC	1	1	1	21	20,481.60	7,476.20
ICG EAST KENTUCKY LLC	3	5	2	9	5,815.90	2,100.29
ICG HAZARD LLC	13	24	10	40	30,027.03	12,135.72
ICG KNOTT COUNTY LLC	3	5	3	15	19,797.42	746.00
IDLE TIME ENTERPRISES	4	13	1	1	11.78	11.00
IKERD COAL COMPANY LLC	2	2	1			
INFINITY ENERGY, INC	1	1	1	1	137.13	75.00
J R MINING INC	4	6	2	3	233.25	61.00
JAMES H TAYLOR MINING COMPANY INC	2	9	1	1	825.98	10.89
JAMIESON CONSTRUCTION COMPANY	1	2	1	10	2,387.65	955.50
JERICOL MINING INC	1	1	1	15	17,111.35	1,119.99
JESS BOWLING	1	6	1	1	132.70	36.00
JOHNS CREEK PROCESSING COMPANY	1	1	1	2	494.47	142.00
JOHNSON-FLOYD COAL COMPANY LLC	2	2	1	3	579.73	280.00
K & T ENERGY AND MINING CORPORATION	2	4	1	1	56.00	39.00
KANNAN MINING COMPANY	7	10	3	3	387.47	158.62

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
KEENER RIDGE COAL, INC.	2	9	1	1	286.30	53.00
KENAMERICAN RESOURCES INC	2	2	2	3	19,962.20	199.00
KENTUCKY MAY COAL COMPANY INC	1	4	1	4	4,194.90	26.03
KIPAR INC	4	6	1	1	209.05	20.00
L & J DREDGING COMPANY INC	1	3	1	1	5.94	5.94
L & R COALS	2	3	1	1	41.50	4.00
LANDMARK MINING COMPANY INC	7	11	3	10	4,651.85	176.02
LAUREL HILLS INVESTMENTS, INC.	2	4	1	1	22.10	10.00
LCC KENTUCKY LLC	11	13	10	81	42,922.92	25,026.42
LEECO INC	4	6	3	12	21,091.81	688.28
LICKING RIVER RESOURCES INC	1	1	1	4	2,851.78	825.00
LIGHTSOURCE MINING COMPANY	1	3	1	1	158.51	22.00
LITTLE BOYD COAL CO INC	2	3	1	1	406.76	250.00
LOCUST GROVE INC	5	7	4	14	6,302.03	2,737.06
LODESTAR ENERGY INC	2	4	2	4	33,246.53	1,000.00
LONG FORK COAL COMPANY	2	2	2	6	4,874.23	256.94
LWF LEASING LLC	1	1	1	4	1,257.73	19.01
MAGGARD MINING INC	1	1	1			
MAGIC COAL COMPANY	4	9	1	1	2,181.25	70.00
MANALAPAN MINING COMPANY INC	2	3	2	12	16,224.14	916.94
MARTIN COAL PROCESSING CORPORATION	3	6	1	1	12.00	10.00
MARTIN COUNTY COAL CORPORATION	9	12	8	34	25,739.78	8,021.87
MASON COAL INC	2	8	1	1	134.01	3.50
MASSIVE MINING INC	1	2	1	1	167.10	17.00
MATT/CO INC	3	9	3	14	8,297.61	284.12
MAVERICK MINING COMPANY LLC	1	1	1			
MCCOY ELKHORN COAL CORPORATION	2	3	2	31	44,541.00	684.08
MILLER BROS. COAL, LLC	6	7	6	39	24,874.71	13,265.92
MORGAN COUNTY COAL, INC.	1	1	1	1	162.76	100.00
MORGAN COUNTY LEASING INC	1	2	1	2	293.88	38.22
MOTTS BRANCH COAL INC	1	1	1			
MOUNTAIN FURY, LLC.	5	12	2	3	67.61	38.50
NALLY & HAMILTON ENTERPRISES INC	40	69	19	50	30,807.85	14,240.67
NATHAN'S WELDING LLC	2	5	1	2	2,841.87	22.96
NATIONAL COAL CORPORATION	5	6	4	19	20,373.86	3,566.00
NEW RIDGE MINING COMPANY	6	8	2	23	14,855.32	1,390.90
NFC MINING INC	1	2	1	2	27.35	27.35
OSCAR HATTEN COAL CO LLC	2	5	1	1	22.59	2.00
P & C MINING CO, INC	2	2	1	2	84.58	25.77
P C & H CONSTRUCTION INC	1	1	1	5	2,694.29	694.60
PATRICK PROCESSING LLC	3	6	2	2	1,368.92	12.00
PEABODY COAL COMPANY, LLC	1	2	1	16	44,139.20	5,276.50
PETER CAVE MINING COMPANY	1	2	1	5	14,891.90	845.71
PHILLIP F BURDEN	3	6	1	1	91.00	70.00
PIGMY COAL COMPANY	1	2	1	1	1,767.50	22.00

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
PLEASANT VIEW MINING CO INC	1	1	1	1	835.50	52.40
POMPEY COAL CORPORATION	3	5	3	5	2,086.67	1,035.00
PONTIKI COAL LLC	5	7	3	7	31,411.00	195.00
POWELL BRANCH ENERGY LLC	1	1	1	1	246.10	1.00
PRATER CREEK COAL CORPORATION	4	4	2	3	79.35	45.00
PREMIER ELKHORN COAL COMPANY	16	33	11	51	53,539.69	7,710.32
RANDY-D, LLC	1	1	1	1	896.30	6.00
RAPID ENERGY INC	1	2	1	4	590.30	272.30
REDBIRD RESOURCES LLC	2	3	1	1	12.43	12.43
REID & SONS CONSTRUCTION	2	3	2	2	85.20	25.00
RENFRO EQUIPMENT INC	1	1	1	1	88.00	52.00
RESOURCE LAND COMPANY LLC	2	2	1	2	11,007.62	415.00
REX COAL COMPANY INC	3	6	2	6	5,547.63	39.99
RGT MINING AND CONSTRUCTION CO	1	3	1	1	215.00	8.00
RIVERWAY SOUTH INC	1	1	1	1	20.30	20.30
ROAD FORK DEVELOPMENT COMPANY INC	1	1	1	9	20,639.84	703.07
ROCKCASTLE MINING COMPANY INC	2	5	1	1	135.51	112.44
SABER MINING COMPANY, INC	2	2	1	1	442.88	5.00
SANDLICK COAL COMPANY INC	5	5	2	10	7,939.25	805.47
SAPPHIRE COAL COMPANY	9	17	5	9	12,548.80	311.96
SAPPHIRE MINING INC	1	2	1			
SAYCO INC	2	4	1	1	270.41	4.91
SEQUOIA ENERGY LLC	14	19	5	16	16,138.95	434.00
SHAMROCK COAL COMPANY INCORPORATED	1	1	1	8	21,579.65	450.00
SIDNEY COAL COMPANY INC	11	21	5	48	81,652.41	2,016.89
SILVER CLOUD COAL INC	1	7	1	1	15.89	15.89
SKYLINE EXCAVATION INC	1	3	1	1	205.60	60.00
SMITH PROCESSING COMPANY	1	1	1	2	16.70	16.50
SOLOMONS MINING COMPANY	2	2	2	3	2,138.99	985.83
SOUTHFORK COAL CO	1	1	1	5	3,309.26	250.84
STAR RUN INC	1	4	1	1	671.91	3.00
STEWART RESOURCES, LLC	2	6	1	1	162.58	15.00
STONE MINING COMPANY	1	3	1			
STRONG BROTHERS MINING	3	8	1	1	158.75	45.00
STURGEON MINING COMPANY INC	3	6	3	13	1,514.20	715.56
THE RAVEN CO INC	2	3	1	1	447.15	25.00
THUNDERCAT ENERGY CORPORATION	1	1	1			
TORCHLIGHT ENERGY, INC	1	1	1	1	115.86	4.00
TRACE BRANCH COAL INC	1	1	1			
TRANSRAIL PROPERTIES INC	1	2	1	1	14.00	14.00
TRAVELER COAL, LLC	1	1	1	1	364.50	70.00
TWIN RESOURCES LLC	1	11	1	1	271.25	140.00
U S ENERGY INC	1	1	1	1	301.65	6.93
UNITED FARMING INC	3	11	2	3	496.60	187.85
UNITED STATES COAL CORPORATION	2	3	1	1	688.20	96.90

Permittee	# NCs	Violations	Permits in Violation	Total Permits	Permitted Acres	Disturbed Acres
VERNON SPURLOCK	1	5	1	2	173.50	25.40
WADE COAL LLC	1	2	1			
WARRIOR COAL LLC	1	1	1	6	15,582.45	610.00
WELLMORE COAL CORPORATION	1	5	1	12	12,978.35	99.20
WESTERN KENTUCKY MINERALS, INC	1	2	1	1	296.20	50.00
WHITAKER COAL CORPORATION	2	5	1	12	18,939.83	1,466.70
WHYMORE COAL COMPANY INC	2	3	1	5	608.06	233.40
WOLVERINE RESOURCES INC	4	4	2	3	644.05	77.50
Y-HOLLOW DEVELOPMENT INC	1	1	1	1	15.10	15.10
YOCUM CREEK COAL COMPANY INC	1	2	1	1	2.94	0.50
YONTS COAL LLC	1	1	1	1	631.50	3.00

Appendix E

CY 2006 Fill Information

2006 Fill Information

A comprehensive effort was completed by the Lexington Field Office (LFO) to collect fill information on all new permits, amendments, and major amendments issued in Eastern Kentucky by Kentucky's Department for Natural Resources (DNR) during Calendar Year (CY) 2006. This effort has three purposes: (1) to identify those permitting actions involving excess spoil fills (fills) on either surface, underground, or other mining operations; (2) to collect pertinent fill and watershed information on each of the proposed fills; and, (3) to collect measurements from the sediment pond to the mine area and fill. DNR issued 247 permitting actions (92 new permits, 116 amendments, and 39 major amendments) in CY 2006 involving surface, underground, or other mining operations. LFO found 104 permitting actions that contained information on 312 proposed fills. The other 143 permitting actions did not involve fills. Table 1 breaks out the permitting actions with proposed fills.

Table 1

Mining Type	New Permits/ Number of Fills	Amendments/ Number of Fills	Major Amendments/ Number of Fills	Totals
Surface Mining	47/204	29/64	0/0	76/268
Underground Mining	15/22	12/20	0/0	27/42
Other Mining	0/0	1/2	0/0	1/2

An analysis was completed on each of the 312 fills. Table 2 provides the averages for some of the important features relating to the fills.

Table 2

Feature	Surface Mines	Underground Mines	Other Mines
Acres (Ave.)	14.93 acres	3.41 acres	4.15 acres
Volume (Ave.)	2,118,550 yd ³	171,948 yd ³	340,165 yd ³
Length (Ave.)	1,088 feet	387 feet	750 feet
Watershed Acres (Ave.)	51.70 acres	28.91 acres	68.00 acres

Table 3 breaks out the number of fills by watershed acreage.

Table 3

Watershed Acreage	Number of Fills
Less than 50 Acres	211 (67%)
50 Acres to 100 Acres	65 (21%)
100 Acres to 150 Acres	18 (6%)
150 Acres to 200 Acres	12 (4%)
200 Acres to 250 Acres	2 (1%)
Greater than 250 Acres	4 (1%)

Table 4 breaks out the number of fills by fill acreage.

Table 4

Fill Acreage	Number of Fills
Less than 5 Acres	140 (45%)
5 Acres to 10 Acres	59 (20%)
10 Acres to 20 Acres	54 (17%)
20 Acres to 30 Acres	22 (7%)
30 Acres to 50 Acres	20 (6%)
50 Acres to 100 Acres	14 (4%)
100 Acres to 200 Acres	2 (.7%)
Greater than 200 Acres	1 (.3%)

Table 5 breaks out the number of fills proposed, average watershed acres, and average fill acres in each of the U.S. Army Corps of Engineers Districts in Kentucky.

Table 5

Corps of Engineers Districts	Number of Fills	Average Watershed Acres	Average Fill Acres
Huntington District	148	50.68 acres	15.20 acres
Louisville District	126	51.48 acres	11.47 acres
Nashville District	38	32.06 acres	12.00 acres

As noted in Table 3, LFO found four fills on four different permits that affect watershed areas greater than 250 acres. Table 6 identifies those permits and fills.

Table 6

Surface Mines					
Company	Permit	Fill ID	Fill Acres	Fill Volume	Watershed Acres
ICG Hazard LLC	8970446	1	47.94 acres	6,480,205 yd ³	268.30 acres
DFM Inc	8770165	3	112.10 acres	1,672,344 yd ³	326.80 acres
Star Fire Mining Company	8600047	2	205.43 acres	46,314,663 yd ³	491.30 acres
Motts Branch Coal Inc	8600439	1	10.60 acres	795,696 yd ³	264.10 acres

A second effort was conducted by LFO that collected permit-specific information on each of the 92 (67 surface, 21 underground, and 4 other) new coal mining permits issued in CY 2006. This effort focused on several different sections of the permit application, including permitted acreage, mine type, total volume of spoil generated, swell factor, spoil placed in excess spoil storage areas compared to spoil used for reclamation, remining, and use of highwall miners.

Table 7 provides a comparison by mine type of the information collected on new surface coal permits issued in CY 2006.

Table 7

	Surface	Underground	Other
New Permits with an AOC Variance Approved	3	0	0
Average Percent of Overburden Returned to Bench	67%	na	na
Range of Overburden Returned to Bench	36% - 100%	na	na
New Permits with Remining Variances	0	na	na
	Average Returned	na	na
	Range Returned	na	na
Average Number of Fills Proposed	5	na	na
Range of Fills Proposed	5 - 9	na	na
New Permits Without an AOC Variance Approved	64	21	4
Average Percent of Overburden Returned to Bench	88%	97%	50%
Range of Overburden Returned to Bench	62% - 100%	68% - 100%	0% - 100%
New Permits with Remining Variances	16	5	na
	Average Returned	90.5%	97%
	Range Returned	62% - 100%	89% - 100%
Average Number of Fills Proposed	1.2	1	0
Range of Fills Proposed	0 - 15	0 - 3	0

A third effort was conducted by LFO to collect information on the distance from the fills to the ponds and the distance from the mining areas to the ponds. Measurements were taken at the pond located below the fill. A total of 312 fills (276 fills with new ponds, 36 fills with existing ponds) was evaluated (See Appendix A).

Table 8 provides a comparison by new and existing ponds collected on new permits, amendments, and major amendments.

Table 8

Features Measured	Average Distance
Existing Ponds to Fills	1,007 feet
Existing Ponds to Mining Area	750 feet
New Ponds to Fills	298 feet
New Ponds to Mining Area	294 feet

On the following pages, Tables 9, 10, and 11 summarize the information collected on all new permits issued in CY 2006 for surface, underground, and other mining operations.

Table 9 - Surface Mines

Company	Permit Number	Acres	Mine Type	AOC Variance (Y/N)	Swelled Overburden (yds ³)	Predicted Swell Factor	Proposed Overburden Placed in Fills (yds ³)	Proposed Overburden used in Reclamation/Percent (yds ³ /%)	Number of Fills Proposed
Strata Mining Inc	8070306	663.98	Contour, Auger	N	26,953,956	.20	0	26,953,956 (100)	0
Nally & Hamilton Enterprises Inc	8070307	904.55	Area, Contour, Auger	N	52,817,039	.25	6,522,593	46,294,446 (88)	7
Kincaid Enterprises Inc	8070330	58.00	Contour, Auger	N	1,888,277	.20	89,289	1,798,988 (95)	1
D & H Coal Company of Laurel County	8130265	196.10	Contour	N	5,004,268	.20	355,675	4,648,593 (93)	8
Fivemile Energy Resources Inc	8130269	321.40	Area, Contour, Auger	N	14,655,993	.25	1,350,870	13,305,123 (91)	5
Traveler Coal LLC	8130301	361.50	Contour, Auger	N	22,096,855	.20	2,847,943	19,248,912 (87)	7
Black Fire Coal Company LLC	8260600	20.23	Area, Contour	N	822,780	.19	36,978	785,802 (96)	1
DCM Resource Energies Inc	8260604	30.10	Contour, Auger	N	307,704	.20	24,603	283,101 (92)	1
Robinson Coal Company Inc	8260607	11.00	Contour, Auger	N	201,034	.18	10,321	190,713 (95)	2
Mountain Fury LLC	8260614	51.51	Area	N	914,443	.20	0	914,443 (100)	0
Heartland Estates Inc	8360297	8.29	Contour	N	107,557	.20	30,138	25,505 (24)	1
Noble Coal LLC	8360311	96.82	Contour, Auger, Underground	N	5,164,197	.20	627,847	4,536,350 (88)	2
Lightsource Mining Company	8360316	157.19	Contour, Auger	N	1,969,119	.30	200,533	1,768,586 (90)	3
Appalachian Fuels LLC	8360320	154.00	Contour, Auger	N	20,664,394	.15	0	20,664,394 (100)	0
Miller Bros Coal LLC	8360321	708.50	Contour, Auger	N	133,826,507	.25	31,731,381	102,095,126 (76)	4
Motts Branch Coal Inc	8360322	50.50	Contour, Auger, Area	N	2,158,825	.25	510,408	1,648,417 (76)	1
Sequoia Energy LLC	8480245	316.27	Contour, Auger, Underground	N	2,345,295	.20	0	2,345,295 (100)	0
Rex Coal Company Inc	8480247	94.70	Contour, Auger	N	2,800,903	.25	0	2,800,903 (100)	0
National Coal Corporation	8480248	264.11	Contour, Auger	N	2,485,960	.20	1,014,895	2,485,960 (100)	6
Combined Enterprises LLC	8480250	57.70	Contour, Auger	N	103,198	.25	46,800	103,198 (100)	1
D & C Mining Corporation	8480254	2.61	Area	Y	24,409	.20	0	24,409 (100)	0
T & T Coal Inc	8550181	133.00	Contour, Auger, Area	N	4,166,034	.18	0	4,166,034 (100)	0
Dancoal Inc	8580176	4.86	Area	N	210,300	.20	0	210,300 (100)	0
Jimmy Wright Logging Inc	8580177	35.08	Contour, Auger	N	1,158,000	.20	245,000	913,000 (79)	2
Mine Rite Coal Co Inc	8580186	30.56	Contour, Auger	N	564,000	.20	14,400	420,000 (74)	2
Pikeville Energy Inc	8580201	60.00	Contour	N	2,655,446	.25	1,066,069	1,589,377 (62)	4
Motts Branch Coal Inc	8600428	379.60	Area, Contour, Auger	N	9,727,200	.25	3,130,325	6,596,875 (68)	4
Logan Gap Development	8600432	62.35	Contour, Auger	N	1,419,444	.25	0	1,419,444 (100)	0
Motts Branch Coal Inc	8600439	387.30	Contour, Auger	N	6,710,285	.30	1,325,009	5,385,276 (80)	3
Nally & Hamilton Enterprises Inc	8610479	1,313.50	Contour, Auger, Underground	N	136,617,442	.25	23,773,845	112,833,597 (83)	6
Knox Hardwoods LLC	8610482	2.90	Contour	N	3,098	.20	0	3,098 (100)	0
Jamieson Construction Co	8630297	81.60	Contour, Auger	N	2,674,648	.20	0	2,674,648 (100)	0
B & C Energy Inc	8640180	124.05	Contour, Auger	N	5,542,306	.20	0	5,542,306 (100)	0
Diamond Energy Inc	8640187	114.80	Contour, Auger	N	7,333,830	.25	1,476,181	5,857,649 (80)	2
P & C Mining Company Inc	8640198	42.44	Contour, Auger	N	411,796	.20	0	411,796 (100)	0
T & T Coal Inc	8650074	26.66	Area, Contour	N	1,086,758	.19	118,041	968,717 (89)	1

Table 9 - Surface Mines - Continued

Company	Permit Number	Acres	Mine Type	AOC Variance (Y/N)	Swelled Overburden (yds ³)	Predicted Swell Factor	Proposed Overburden Placed in Fills (yds ³)	Proposed Overburden used in Reclamation/Percent (yds ³ /%)	Number of Fills Proposed
Detherage Minerals Inc	8660273	255.00	Area	N	30,965,285	.20	4,836,939	26,128,346 (84)	4
B & W Resources Inc	8660287	537.51	Contour	N	78,363,050	.25	5,842,715	72,520,335 (93)	4
Cumberland Valley Mining Co	8660288	369.80	Contour, Auger	N	10,020,539	.20	400,000	9,620,569 (96)	6
Mark Cook Trucking Company Inc	8670454	85.90	Contour, Auger, Area	N	3,527,441	.10	366,308	3,161,133 (90)	2
A & G Coal Corporation	8670455	264.00	Contour, Auger	N	49,324,548	.25	13,861,292	35,463,256 (72)	0
Sapphire Coal Company	8670457	427.66	Contour, Auger, Area	N	5,602,321	.25	1,114,114	4,488,207 (80)	6
Laurel Hills Investments Inc	8670459	22.10	Refuse Removal	N	55,857	.00	0	55,857 (100)	0
Fleenor Inc	8670461	51.20	Contour, Auger, Underground	N	591,525	.20	54,222	537,303 (91)	1
B & C Energy Inc	8770167	322.73	Contour, Auger	N	16,984,113	.20	1,020,456	15,963,657 (94)	8
HNR Mining Inc	8800146	1,243.17	MTR	Y	178,463,814	.25	61,115,560	117,348,254 (66)	9
Czar Coal Corporation	8800163	614.40	Contour, Auger	N	33,708,514	.30	6,554,839	27,153,675 (81)	9
Lost Creek Coal Oil & Gas Leasing	8880081	422.04	Area	N	39,796,608	.20	5,604,000	34,192,608 (86)	15
Morgan County Leasing Inc	8880085	231.83	Contour, Auger	N	13,185,922	.20	375,030	12,810,892 (97)	5
Mine Rite Coal Company Inc	8880086	28.91	Contour, Auger	N	68,500	.00	0	68,500 (100)	0
Morgan County Leasing Inc	8880087	162.76	Area, Contour	N	17,382,000	.20	2,942,000	14,440,000 (83)	4
Sturgeon Mining Company Inc	8950147	118.80	Contour, Auger	N	2,265,611	.20	200,181	2,065,430 (91)	4
Crabtree Mining Enterprises Inc	8950156	60.64	Area	N	1,924,400	.30	520,480	1,403,920 (73)	5
Nally & Hamilton Enterprises Inc	8970441	588.44	Contour, Auger	N	14,572,892	.25	1,197,365	13,375,437 (92)	8
ICG Hazard LLC	8970446	503.33	Area	N	153,202,859	.25	15,799,388	137,403,471 (90)	3
ICG Hazard LLC	8970448	492.94	Area, Contour, Auger	N	57,470,803	.25	15,249,377	42,221,426 (97)	5
Locust Grove Inc	8970449	535.56	Contour, Auger	N	20,965,181	.25	6,376,758	14,588,423 (70)	3
BDCC Holding Company Inc	8970452	349.20	Contour, Auger	N	4,453,616	.25	788,795	3,664,821 (82)	4
Mountain Fury LLC	8970479	7.00	Area	N	22,222	.00	0	22,222 (100)	0
Berkeley Energy Corporation	8980610	1,404.73	Area	N	219,398,604	.20	74,961,072	144,437,532 (66)	13
Premier Elkhorn Coal Company	8980694	829.64	Area, Contour, Auger, MTR	Y	93,822,664	.30	59,917,393	33,905,271 (36)	5
Sunny Ridge Mining Company Inc	8980714	44.20	Load Out, Reclamation Area	N	0	.00	0	0	0
Clintwood Elkhorn Mining co	8980726	195.62	Contour, Auger	N	7,387,513	.25	1,162,577	6,224,936 (84)	3
Dusty Diamond Company Inc	8980734	347.63	Contour, Auger, Underground	N	2,441,769	.20	431,873	2,009,896 (82)	2
Joshua Enterprises Inc	8980770	158.93	Area	N	8,324,182	.20	0	8,324,182 (100)	0
Davidson & Davidson LLC	9000046	9.10	Area	N	170,666	.10	0	170,666 (100)	0
Ikerd Coal Company LLC	9180393	72.70	Area	N	5,656,740	.26	638,467	5,018,273 (89)	2

Table 10 - Underground Mines

Company	Permit Number	Acres	Mine Type	AOC Variance (Y/N)	Swelled Overburden (yds ³)	Predicted Swell Factor	Proposed Overburden Placed in Fills (yds ³)	Proposed Overburden used in Reclamation/Percent (yds ³ /%)	Number of Fills Proposed
Chas Coal LLC	8265046	314.48	Underground	N	0	0	0	0	0
The Elk Horn Coal Company LLC	8365463	489.20	Underground	N	34,411	.25	31,411	31,411 (100)	2
Mason Coal Inc	8365465	134.01	Underground	N	10,966	.25	4,668	10,966 (100)	1
The Elk Horn Coal Company LLC	8365470	1,027.00	Underground	N	74,557	.25	3,802	70,755 (95)	1
Dekalb Recovery Inc	8365479	21.40	Underground	N	44,400	.20	0	44,400 (100)	0
FCDC Coal Inc	8365481	403.15	Underground	N	36,415	.25	36,415	36,415 (100)	2
Matt/Co Inc	8365486	549.75	Underground	N	55,337	.25	1,129	54,208 (98)	1
Motts Branch Coal Inc	8365487	904.10	Underground	N	21,657	.20	21,657	18,633 (86)	2
Sandlick Coal Company Inc	8485430	3,428.90	Underground	N	124,629	.25	10,514	114,115 (92)	3
National Coal Corporation	8485432	1,424.30	Underground	N	796,295	.10	796,295	796,295 (100)	3
King Brothers Coal Inc	8605243	871.26	Underground	N	14,415	.10	0	14,415 (100)	0
Consol of Kentucky Inc	8605257	797.77	Underground	N	47,253	.20	47,253	47,253 (100)	1
D & R Coal Inc	8615323	151.45	Underground	N	308,134	.18	34,800	273,334 (89)	1
Mallie Coal Co	8165324	174.36	Underground	N	33,687	.30	0	33,687 (100)	0
Torchlight Energy Inc	8645010	115.86	Underground	N	7,700	0	7,700	7,700 (100)	1
Cumberland River Coal Company	8675291	573.52	Underground	N	87,975	.20	0	87,975 (100)	0
Whitaker Coal Corporation	8975121	3,789.03	Underground	N	340,281	.25	81,331	258,950 (76)	1
C & N Mining LLC	8984208	499.08	Underground	N	62,658	.20	20,061	42,596 (68)	1
CAM Mining LLC	8984273	323.00	Underground	N	101,314	.20	5,177	96,137 (95)	1
CAM Mining LLC	8984288	810.00	Underground	N	176,719	.25	0	176,719 (100)	0
Premier Elkhorn Coal Company	8984298	819.00	Underground	N	30,533	.20	30,533	23,750 (78)	1

Table 11 - Other Mines

Company	Permit Number	Acres	Mine Type	AOC Variance (Y/N)	Swelled Overburden (yds ³)	Predicted Swell Factor	Proposed Overburden Placed in Fills (yds ³)	Proposed Overburden used in Reclamation/Percent (yds ³ /%)	Number of Fills Proposed
CAM Mining LLC	8367009	8.00	Haul Road	N	0	.00	0	0	0
Prater Creek Coal Corporation	8369024	11.20	Refuse Disposal	N	0	.00	0	0	0
Premier Elkhorn Coal Company	8987070	318.57	Haul Road	N	0	.00	0	0	0
Appalachian Fuels LLC	8988151	12.50	Prep Plant, Load Out	N	10,083	.20	0	10,083 (100)	0

APPENDIX A

**MEASUREMENTS FROM PONDS TO MINE AREA
AND EXCESS SPOIL FILLS**

**MEASUREMENTS FROM PONDS TO MINE AREA
AND EXCESS SPOIL FILLS**

PERMITTEE NAME	PERMIT NUMBER	FILL NUMBER	POND NUMBER	POND STATUS	POND TO MINE	POND TO FILL	SEGMENT PERMITTED
MARTIN COUNTY COAL CORPORATION	6805012	6-A5	C	N	400	50	Yes
MARTIN COUNTY COAL CORPORATION	6805012	7-A5	A	N	400	100	Yes
MARTIN COUNTY COAL CORPORATION	6805012	8-A5	B	N	300	50	Yes
NALLY & HAMILTON ENTERPRISES I	8070307	1	1	N	500	50	Yes
NALLY & HAMILTON ENTERPRISES I	8070307	2	29	N	500	100	Yes
NALLY & HAMILTON ENTERPRISES I	8070307	3	16	N	600	250	Yes
NALLY & HAMILTON ENTERPRISES I	8070307	4	16	N	600	1,200	Yes
NALLY & HAMILTON ENTERPRISES I	8070307	5	15	N	800	1,300	Yes
NALLY & HAMILTON ENTERPRISES I	8070307	6	2	N	450	50	Yes
NALLY & HAMILTON ENTERPRISES I	8070307	7	33	N	600	200	Yes
KINCAID ENTERPRISES INC	8070330	BF1	1	N	200	150	Yes
NALLY & HAMILTON ENTERPRISES I	8078056	1	1	E	200	150	Yes
NALLY & HAMILTON ENTERPRISES I	8078056	2	1	E	200	150	Yes
D & H COAL COMPANY OF LAUREL C	8130265	1	1A	N	300	600	Yes
D & H COAL COMPANY OF LAUREL C	8130265	2	1A	N	300	700	Yes
D & H COAL COMPANY OF LAUREL C	8130265	3	3	N	150	200	Yes
D & H COAL COMPANY OF LAUREL C	8130265	4	3	N	150	200	Yes
D & H COAL COMPANY OF LAUREL C	8130265	5	4	N	150	300	Yes
D & H COAL COMPANY OF LAUREL C	8130265	6	4	N	150	300	Yes
D & H COAL COMPANY OF LAUREL C	8130265	7	5	N	200	1,500	Yes
D & H COAL COMPANY OF LAUREL C	8130265	8	5	N	200	1,300	Yes
FIVEMILE ENERGY RESOURCES INC	8130269	1	BP15	N	100	50	Yes
FIVEMILE ENERGY RESOURCES INC	8130269	2	2	N	800	400	Yes
FIVEMILE ENERGY RESOURCES INC	8130269	3	3	N	600	25	Yes
FIVEMILE ENERGY RESOURCES INC	8130269	4	1	N	400	100	Yes
FIVEMILE ENERGY RESOURCES INC	8130269	5	30	N	300	25	Yes
TRAVELER COAL LLC	8130301	1	1	N	400	25	Yes
TRAVELER COAL LLC	8130301	2	6	N	300	600	Yes
TRAVELER COAL LLC	8130301	3	5	N	50	25	Yes
TRAVELER COAL LLC	8130301	4	3	N	300	25	Yes
TRAVELER COAL LLC	8130301	5	2	N	300	200	Yes
TRAVELER COAL LLC	8130301	6	4	N	150	25	Yes
TRAVELER COAL LLC	8130301	BS	43,44	N	100	0	Yes
BLACK FIRE COAL COMPANY LLC	8260600	1	PD1	N	100	200	Yes
DCM RESOURCE ENERGIES INC	8260604	BF	1	N	0	100	Yes
ROBINSON COAL COMPANY INC	8260607	1	1	N	100	25	Yes
ROBINSON COAL COMPANY INC	8260607	BF1	2	N	100	0	Yes
HEARTLAND ESTATES INC	8360297	1	B4	N	250	0	Yes
FRASURE CREEK MINING LLC	8360303	6	19	N	100	25	Yes
FRASURE CREEK MINING LLC	8360303	7	29	N	400	100	Yes
MATT/CO INC	8360307	2	10	N	750	100	Yes
MATT/CO INC	8360307	3	11	N	800	100	Yes
MATT/CO INC	8360307	4	12	N	600	100	Yes
MATT/CO INC	8360307	5	13	N	800	100	Yes
MOTTS BRANCH COAL INC	8360308	1	1	E	200	25	Yes
MOTTS BRANCH COAL INC	8360308	6	6	N	200	25	Yes
NOBLE COAL LLC	8360311	2	E1	N	0	600	Yes
NOBLE COAL LLC	8360311	TSA 1	E1	N	0	200	Yes
LIGHTSOURCE MINING COMPANY	8360316	1	1	N	0	300	Yes
LIGHTSOURCE MINING COMPANY	8360316	2	2	N	25	100	Yes
LIGHTSOURCE MINING COMPANY	8360316	3	3	N	25	25	Yes
MILLER BROS COAL LLC	8360321	1	1	N	0	400	Yes
MILLER BROS COAL LLC	8360321	2	2	E	0	1,200	Yes

**MEASUREMENTS FROM PONDS TO MINE AREA
AND EXCESS SPOIL FILLS**

PERMITTEE NAME	PERMIT NUMBER	FILL NUMBER	POND NUMBER	POND STATUS	POND TO MINE	POND TO FILL	SEGMENT PERMITTED
MILLER BROS COAL LLC	8360321	3	3	N	50	400	Yes
MILLER BROS COAL LLC	8360321	4	4	N	50	200	Yes
MOTTS BRANCH COAL INC	8360322	1	1	N	0	200	Yes
FRASURE CREEK MINING LLC	8365441	1	1A	E	200	50	Yes
THE ELK HORN COAL COMPANY LLC	8365463	SHF1	D1	N	0	25	Yes
THE ELK HORN COAL COMPANY LLC	8365463	SHF2	D2	N	100	50	Yes
MASON COAL INC	8365465	1	B1	N	0	0	Yes
THE ELK HORN COAL COMPANY LLC	8365470	A	1	E	350	25	Yes
FCDC COAL INC	8365481	SSA	1	N	150	0	No
FCDC COAL INC	8365481	SSB	2	N	200	0	No
MATT/CO INC	8365486	1	1	N	0	0	Yes
MOTTS BRANCH COAL INC	8365487	1	1	N	0	0	Yes
MOTTS BRANCH COAL INC	8365487	2	3	N	25	25	Yes
NATIONAL COAL CORPORATION	8480248	1	P1	N	100	150	Yes
NATIONAL COAL CORPORATION	8480248	1A	P1	N	100	200	Yes
NATIONAL COAL CORPORATION	8480248	2	P1	N	100	600	Yes
NATIONAL COAL CORPORATION	8480248	3	P1	N	100	1,000	Yes
NATIONAL COAL CORPORATION	8480248	4	P1	N	100	2,700	Yes
NATIONAL COAL CORPORATION	8480248	5	P2	N	300	25	Yes
COMBINED ENTERPRISES LLC	8480250	1	3	N	0	25	Yes
NEW RIDGE MINING COMPANY	8480253	1	20	N	500	50	No
MAGGARD MINING INC	8485384	SH-1	2	E	100	150	Yes
SANDLICK COAL COMPANY INC	8485402	1	1	E	600	800	Yes
SANDLICK COAL COMPANY INC	8485430	A	1	E	6,900	6,400	Yes
SANDLICK COAL COMPANY INC	8485430	B	1	E	6,900	6,600	Yes
SANDLICK COAL COMPANY INC	8485430	C	1	E	6,900	7,400	Yes
NATIONAL COAL CORPORATION	8485432	1	1PB	E	200	1,600	Yes
NATIONAL COAL CORPORATION	8485432	2	1LF	E	500	500	Yes
NATIONAL COAL CORPORATION	8485432	3	1LF	E	500	600	Yes
JIMMY WRIGHT LOGGING INC	8580177	1	1	N	200	300	Yes
JIMMY WRIGHT LOGGING INC	8580177	2	5	N	200	50	Yes
MINE RITE COAL CO INC	8580186	1	2	N	200	50	Yes
MINE RITE COAL CO INC	8580186	2	1	N	250	150	Yes
PIKEVILLE ENERGY INC	8580201	BF1	1,2	N	0	50	No
PIKEVILLE ENERGY INC	8580201	BF2	3,4,5	N	0	50	No
PIKEVILLE ENERGY INC	8580201	BF3	6	N	0	50	No
PIKEVILLE ENERGY INC	8580201	BF4	8,9,1	N	0	50	No
STAR FIRE MINING COMPANY	8600047	2	123R	N	500	0	Yes
NALLY & HAMILTON ENTERPRISES I	8600380	15-A6	106	N	600	50	Yes
NALLY & HAMILTON ENTERPRISES I	8600380	16-A6	107	N	550	100	Yes
NALLY & HAMILTON ENTERPRISES I	8600380	17-A6	92	N	700	100	Yes
CONSOL OF KENTUCKY INC	8600390	7	4	N	250	50	Yes
MOTTS BRANCH COAL INC	8600426	3	6	N	300	0	Yes
MOTTS BRANCH COAL INC	8600428	1	P1	N	500	50	Yes
MOTTS BRANCH COAL INC	8600428	2	P2	N	500	25	Yes
MOTTS BRANCH COAL INC	8600428	3	P2	N	500	25	Yes
MOTTS BRANCH COAL INC	8600428	4	P3	N	300	25	Yes
MOTTS BRANCH COAL INC	8600439	1	P1	N	25	50	Yes
MOTTS BRANCH COAL INC	8600439	2	P2	N	100	25	Yes
MOTTS BRANCH COAL INC	8600439	3	D1	N	20	20	Yes
CONSOL OF KENTUCKY INC	8605221	SS1	1	E	0	700	Yes
CONSOL OF KENTUCKY INC	8605221	SS2	1	E	0	1,000	Yes
CONSOL OF KENTUCKY INC	8605257	FILL	1	N	150	0	Yes

**MEASUREMENTS FROM PONDS TO MINE AREA
AND EXCESS SPOIL FILLS**

PERMITTEE NAME	PERMIT NUMBER	FILL NUMBER	POND NUMBER	POND STATUS	POND TO MINE	POND TO FILL	SEGMENT PERMITTED
NALLY & HAMILTON ENTERPRISES I	8610479	1	1	N	600	300	Yes
NALLY & HAMILTON ENTERPRISES I	8610479	2	2	N	900	100	Yes
NALLY & HAMILTON ENTERPRISES I	8610479	3	3	N	750	200	Yes
NALLY & HAMILTON ENTERPRISES I	8610479	4	4	N	500	100	Yes
NALLY & HAMILTON ENTERPRISES I	8610479	5	5	N	800	100	Yes
NALLY & HAMILTON ENTERPRISES I	8610479	6	6	N	900	100	Yes
D & R COAL INC	8615323	BF1	SS2	N	0	150	Yes
JAMIESON CONSTRUCTION COMPANY	8630291	SDA15	10	N	50	0	Yes
JAMIESON CONSTRUCTION COMPANY	8630291	SDA16	11	N	100	0	Yes
JAMIESON CONSTRUCTION COMPANY	8630291	SDA17	12	N	25	0	Yes
JAMIESON CONSTRUCTION COMPANY	8630291	SDA18	13/14	N	50	0	Yes
MEADOW FORK MINING CO LLC	8640182	4	13	N	50	250	Yes
MEADOW FORK MINING CO LLC	8640182	5	14	N	100	250	Yes
MEADOW FORK MINING CO LLC	8640182	6	15	N	100	150	Yes
MEADOW FORK MINING CO LLC	8640182	1	1	E	100	200	Yes
DIAMOND ENERGY INCORPORATED	8640187	1	BS6	N	0	400	Yes
DIAMOND ENERGY INCORPORATED	8640187	2	BS1,2	N	0	50	Yes
MILLER BROS COAL LLC	8640191	B	2A	N	600	300	Yes
TORCHLIGHT ENERGY INC	8645010	BF	1	N	20	200	Yes
T & T COAL INC	8650074	1	1	N	0	400	Yes
DETERAGE MINERALS INC	8660273	2	2	N	400	200	Yes
DETERAGE MINERALS INC	8660273	3	2	N	400	300	Yes
DETERAGE MINERALS INC	8660273	11	8	N	300	300	Yes
DETERAGE MINERALS INC	8660273	12	3	N	250	100	Yes
B & W RESOURCES INC	8660287	1	1	N	600	100	Yes
B & W RESOURCES INC	8660287	2	2	N	450	25	Yes
B & W RESOURCES INC	8660287	3	3	N	500	0	Yes
B & W RESOURCES INC	8660287	4	4	N	600	0	Yes
CUMBERLAND VALLEY MINING CO	8660288	1A	1	N	100	1,600	Yes
CUMBERLAND VALLEY MINING CO	8660288	1B	1	N	100	2,200	Yes
CUMBERLAND VALLEY MINING CO	8660288	2	1	N	100	50	Yes
CUMBERLAND VALLEY MINING CO	8660288	3	5	N	300	50	Yes
CUMBERLAND VALLEY MINING CO	8660288	4	7	N	200	100	Yes
CUMBERLAND VALLEY MINING CO	8660288	5	13	N	150	50	Yes
KIPAR INC	8670408	2	2	N	100	100	Yes
KIPAR INC	8670408	3	1	E	0	1,700	Yes
KIPAR INC	8670408	4	3	N	100	200	Yes
CUMBERLAND RIVER COAL COMPANY	8670434	2	61	N	1,200	200	Yes
CUMBERLAND RIVER COAL COMPANY	8670434	3	62	N	6,400	5,400	Yes
MARK COOK TRUCKING COMPANY INC	8670454	1	1	N	150	25	Yes
MARK COOK TRUCKING COMPANY INC	8670454	2	2	N	150	25	Yes
SAPPHIRE COAL COMPANY	8670457	2	2	N	50	600	Yes
SAPPHIRE COAL COMPANY	8670457	3	3	N	100	50	Yes
SAPPHIRE COAL COMPANY	8670457	4	4	N	150	50	Yes
SAPPHIRE COAL COMPANY	8670457	5	5	N	25	100	Yes
SAPPHIRE COAL COMPANY	8670457	6	6	N	200	100	Yes
SAPPHIRE COAL COMPANY	8670457	7	5	N	25	1,200	Yes
FLEENOR INC	8670461	BF1	1	N	300	50	Yes
DFM INC	8770165	3	13	E	100	300	Yes
DFM INC	8770165	5	15	E	400	300	Yes
CONSOL OF KENTUCKY INC	8770166	5	21	N	100	1,000	Yes
B & C ENERGY INC	8770167	1	1	N	150	500	Yes
B & C ENERGY INC	8770167	2	2	E	200	200	Yes

**MEASUREMENTS FROM PONDS TO MINE AREA
AND EXCESS SPOIL FILLS**

PERMITTEE NAME	PERMIT NUMBER	FILL NUMBER	POND NUMBER	POND STATUS	POND TO MINE	POND TO FILL	SEGMENT PERMITTED
B & C ENERGY INC	8770167	3	4	E	150	500	Yes
B & C ENERGY INC	8770167	4	1	N	150	600	Yes
B & C ENERGY INC	8770167	5	1	N	150	1,000	Yes
B & C ENERGY INC	8770167	6	3	E	150	350	Yes
B & C ENERGY INC	8770167	A	37	N	0	0	Yes
B & C ENERGY INC	8770167	B	38	N	0	0	Yes
MARTIN COUNTY COAL CORPORATION	8800018	SS	DO4-5	N	1,000	0	Yes
MARTIN COUNTY COAL CORPORATION	8800062	T	199	E	0	300	Yes
MARTIN COUNTY COAL CORPORATION	8800062	BF U	107	E	0	700	Yes
CZAR COAL CORPORATION	8800143	BF1	1F	E	0	0	Yes
CZAR COAL CORPORATION	8800143	BF2	1F	E	0	100	Yes
HNR MINING INC	8800146	1C	1	N	300	100	Yes
HNR MINING INC	8800146	1D	1	N	300	400	Yes
HNR MINING INC	8800146	2C	2	N	300	400	Yes
HNR MINING INC	8800146	2D	2	N	300	900	Yes
HNR MINING INC	8800146	2E	2	N	300	800	Yes
HNR MINING INC	8800146	3A	3	N	300	200	Yes
HNR MINING INC	8800146	4	3	N	300	100	Yes
HNR MINING INC	8800146	5	5	N	450	100	Yes
HNR MINING INC	8800146	6	6	N	600	50	Yes
CZAR COAL CORPORATION	8800163	1	3	N	150	25	Yes
CZAR COAL CORPORATION	8800163	2	6	N	200	25	Yes
CZAR COAL CORPORATION	8800163	3	8	N	200	50	Yes
CZAR COAL CORPORATION	8800163	5	13	N	150	25	Yes
CZAR COAL CORPORATION	8800163	6	12	N	200	25	Yes
CZAR COAL CORPORATION	8800163	7	48	N	100	400	Yes
CZAR COAL CORPORATION	8800163	8	48	N	50	25	Yes
CZAR COAL CORPORATION	8800163	9	10	N	50	25	Yes
CZAR COAL CORPORATION	8800163	10	9	N	50	25	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	1	1	N	50	200	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	2	1	N	50	175	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	3	11	N	150	200	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	4	8	N	150	100	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	5	7	N	300	250	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	6	22	N	300	300	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	7	22	N	300	300	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	8	3	N	150	100	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	9	3	N	150	250	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	10	31	N	300	200	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	11	31	N	300	200	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	12	33	N	200	200	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	13	35	N	200	400	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	14	35	N	200	300	Yes
LOST CREEK COAL OIL & GAS LEAS	8880081	15	6	N	200	50	Yes
MORGAN COUNTY LEASING INC	8880085	1	23	N	150	25	Yes
MORGAN COUNTY LEASING INC	8880085	2	15	N	200	25	Yes
MORGAN COUNTY LEASING INC	8880085	3	16	N	200	50	Yes
MORGAN COUNTY LEASING INC	8880085	4	20	N	100	25	Yes
MORGAN COUNTY LEASING INC	8880085	5	10	N	400	25	Yes
MORGAN COUNTY COAL INC	8880087	1	5	N	350	100	Yes
MORGAN COUNTY COAL INC	8880087	2	3	N	200	300	Yes
MORGAN COUNTY COAL INC	8880087	3	4	N	200	100	Yes
MORGAN COUNTY COAL INC	8880087	4	1	N	250	25	Yes

**MEASUREMENTS FROM PONDS TO MINE AREA
AND EXCESS SPOIL FILLS**

PERMITTEE NAME	PERMIT NUMBER	FILL NUMBER	POND NUMBER	POND STATUS	POND TO MINE	POND TO FILL	SEGMENT PERMITTED
STURGEON MINING COMPANY INC	8950147	1	1	N	50	150	Yes
STURGEON MINING COMPANY INC	8950147	2	2	N	50	150	Yes
STURGEON MINING COMPANY INC	8950147	3	1	N	50	2,000	Yes
STURGEON MINING COMPANY INC	8950147	4	2	N	50	700	Yes
CRABTREE MINING ENTERPRISES IN	8950156	1	2	N	400	600	Yes
CRABTREE MINING ENTERPRISES IN	8950156	2	2	N	400	800	Yes
CRABTREE MINING ENTERPRISES IN	8950156	3	1	N	400	2,100	Yes
CRABTREE MINING ENTERPRISES IN	8950156	4	1	N	400	2,300	Yes
CRABTREE MINING ENTERPRISES IN	8950156	5	3	N	400	300	Yes
PINE BRANCH COAL SALES INC	8970271	22	45	N	200	300	Yes
PINE BRANCH COAL SALES INC	8970271	18	45	N	200	1,000	Yes
PINE BRANCH COAL SALES INC	8970330	15	46	N	350	100	Yes
LESLIE RESOURCES INC	8970346	10	13	N	150	600	Yes
CANDLE RIDGE MINING INC	8970431	1	1	N	200	3,400	Yes
CANDLE RIDGE MINING INC	8970431	2	1	N	200	3,000	Yes
CANDLE RIDGE MINING INC	8970431	3	1	N	200	1,800	Yes
CANDLE RIDGE MINING INC	8970431	4	1	N	200	100	Yes
CANDLE RIDGE MINING INC	8970431	7	35	N	200	0	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	1	2	N	50	250	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	2	5	N	100	250	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	3	8	N	150	300	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	4	15	N	200	200	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	5	16	N	300	950	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	6	16	N	300	800	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	7	16	N	300	300	Yes
NALLY & HAMILTON ENTERPRISES I	8970441	8	1	N	200	900	Yes
ICG HAZARD LLC	8970446	1	1	N	150	0	Yes
ICG HAZARD LLC	8970446	2	2	N	250	0	Yes
ICG HAZARD LLC	8970446	3	3	N	400	50	Yes
ICG HAZARD LLC	8970448	1	1	N	200	50	Yes
ICG HAZARD LLC	8970448	2	2	N	200	50	Yes
ICG HAZARD LLC	8970448	3	2	N	200	50	Yes
ICG HAZARD LLC	8970448	4	4	N	300	100	Yes
ICG HAZARD LLC	8970448	5	5	N	300	100	Yes
LOCUST GROVE INC	8970449	1	1	N	350	50	Yes
LOCUST GROVE INC	8970449	2	2	E	250	50	Yes
LOCUST GROVE INC	8970449	3	3	N	150	50	Yes
BDCC HOLDING COMPANY INC	8970452	1	1	N	150	100	Yes
BDCC HOLDING COMPANY INC	8970452	2	2	N	200	50	Yes
BDCC HOLDING COMPANY INC	8970452	3	3	N	100	50	Yes
BDCC HOLDING COMPANY INC	8970452	4	4	N	200	50	Yes
ICG HAZARD LLC	8970454	1	1609	E	300	200	Yes
ICG HAZARD LLC	8970454	7	1609	E	300	400	Yes
ICG HAZARD LLC	8970455	6	6	E	600	200	Yes
ICG HAZARD LLC	8970457	1	1	N	25	50	Yes
ICG HAZARD LLC	8970457	1A	1	N	25	100	Yes
ICG HAZARD LLC	8970457	3	3	E	200	300	Yes
ICG HAZARD LLC	8970457	7	6	N	300	300	Yes
ICG HAZARD LLC	8970457	8	7	N	25	400	Yes
ICG HAZARD LLC	8970457	9	8	N	25	400	Yes
LEECO INC	8975106	SSA	BPJ	N	0	0	Yes
LEECO INC	8975106	SSB	BPC	E	0	1,200	Yes
ICG HAZARD LLC	8975118	FILL	1&2	N	0	0	Yes

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PERMITTEE NAME	PERMIT NUMBER	FILL NUMBER	POND NUMBER	POND STATUS	POND TO MINE	POND TO FILL	SEGMENT PERMITTED
WHITAKER COAL CORPORATION	8975121	1	2	N	200	50	Yes
PREMIER ELKHORN COAL COMPANY	8980378	15	22	N	100	150	Yes
PREMIER ELKHORN COAL COMPANY	8980378	16	23	N	200	150	Yes
PREMIER ELKHORN COAL COMPANY	8980378	17	24	N	100	25	Yes
PREMIER ELKHORN COAL COMPANY	8980378	18	25	N	500	1,000	Yes
APEX ENERGY INC	8980597	17	19	N	300	25	Yes
BERKELEY ENERGY CORPORATION	8980610	1	1	N	600	100	Yes
BERKELEY ENERGY CORPORATION	8980610	4	4	N	450	50	Yes
BERKELEY ENERGY CORPORATION	8980610	5	5	N	450	25	Yes
BERKELEY ENERGY CORPORATION	8980610	7	7	N	650	25	Yes
BERKELEY ENERGY CORPORATION	8980610	8	8	N	450	50	Yes
BERKELEY ENERGY CORPORATION	8980610	9	9	N	400	100	Yes
BERKELEY ENERGY CORPORATION	8980610	10	10	N	450	150	Yes
BERKELEY ENERGY CORPORATION	8980610	11	11	N	500	50	Yes
BERKELEY ENERGY CORPORATION	8980610	12	12	N	850	50	Yes
BERKELEY ENERGY CORPORATION	8980610	13	13	N	700	200	Yes
BERKELEY ENERGY CORPORATION	8980610	15	15	N	400	25	Yes
BERKELEY ENERGY CORPORATION	8980610	17	17	N	500	50	Yes
BERKELEY ENERGY CORPORATION	8980610	18	18	N	200	50	Yes
CAMBRAIN COAL CORPORATION	8980620	1/2	1	E	100	250	Yes
PREMIER ELKHORN COAL COMPANY	8980694	2	31	N	800	300	Yes
PREMIER ELKHORN COAL COMPANY	8980694	3	77	N	700	25	Yes
PREMIER ELKHORN COAL COMPANY	8980694	4	75	N	1,800	400	Yes
PREMIER ELKHORN COAL COMPANY	8980694	5	78	N	700	500	Yes
PREMIER ELKHORN COAL COMPANY	8980694	6	79	N	700	25	Yes
CAM-KENTUCKY LLC	8980721	5	3	N	500	200	Yes
CAM-KENTUCKY LLC	8980721	6	28	N	200	0	Yes
CAM-KENTUCKY LLC	8980721	7	27	N	500	25	Yes
CLINTWOOD ELKHORN MINING CO	8980726	1	11	N	200	2,400	Yes
CLINTWOOD ELKHORN MINING CO	8980726	2	11	N	200	1,200	Yes
CLINTWOOD ELKHORN MINING CO	8980726	3	11	N	200	200	Yes
DUSTY DIAMOND COMPANY INC	8980734	1	2	N	350	50	Yes
DUSTY DIAMOND COMPANY INC	8980734	2	10	N	50	100	Yes
MCCOY ELKHORN COAL CORPORATION	8984100	5	11	E	200	800	Yes
MCCOY ELKHORN COAL CORPORATION	8984100	6	11	E	200	850	Yes
ROAD FORK DEVELOPMENT CO INC	8984207	3	2	N	200	50	Yes
C & N MINING LLC	8984208	1	1	N	0	200	Yes
PREMIER ELKHORN COAL COMPANY	8984269	2	4	N	50	25	Yes
PREMIER ELKHORN COAL COMPANY	8984269	3	3	N	100	50	Yes
PREMIER ELKHORN COAL COMPANY	8984269	4	5	N	25	50	Yes
CAM MINING LLC	8984273	1	1	N	400	100	Yes
PREMIER ELKHORN COAL COMPANY	8984298	1	1	N	100	50	Yes
PREMIER ELKHORN COAL COMPANY	8985694	13	8	N	500	1,600	Yes
PREMIER ELKHORN COAL COMPANY	8985694	14	8	N	500	0	Yes
WILLIAMS BROS COAL CO INC	8985957	SHF	3	N	50	0	Yes
IKERD COAL COMPANY LLC	9180393	1	7	N	1,400	450	Yes
IKERD COAL COMPANY LLC	9180393	2	3	N	1,200	250	Yes

Appendix F

**MSHA-Class Impoundments
Inventory**

**MSHA Class Impoundment
Inventory
EY 2007**

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Permittee (Impoundment Name)	Permit Number	MSHA Number	Site Status - 8/06	Type	Site Conditions	Previous Breakthroughs (Date)	Comments
Jerical Mining Inc (Loudor Creek Slurry Imp)	648-8001	KY07-07015-06	IN, 1989	Slurry	Inactive, impounding water at upper end.	No	Inactive - unlikely to reactivate- plan to contour Creech coal bed to generate spoil to reclaim. Darby pillared.
Marin County Coal Corp (Big Branch Impoundment)	680-8002	KY06-00035-01	IN, 10/00	Slurry	Closure plan approved. Reclaiming.	Yes 5/94 and 10/00	Breakthrough into underground works occurred 10/1/00. MSHA & OSM investigations conducted into the causes of the breakthrough. Capping of impoundment initiated.
Island Creek Coal Company (Hamilton 2 Freshwater)	713-5001	KY10-08024-02	IN, 1993	Fresh Water	Inactive, impounding water.	No	Slopes to steep per MSHA. Due to be abandoned by lowering water level to four feet.
Island Creek Coal Company (Hamilton 1 Freshwater)	713-5002	KY10-08020-01	IN, 1984	Fresh Water	Inactive, full of sediment.	No	
Island Creek Coal Company (Hamilton 1 Slurry)	713-5002	KY10-08020-04	IN, 1984	Slurry	Inactive, full but not abandoned.	No	
Island Creek Coal Company (Hamilton 1 Freshwater)	713-5002	KY10-08020-07	IN, 1999	Fresh Water	Minesite inactive, full but not abandoned.	No	
Island Creek Coal Company (Hamilton 1 Slurry)	713-5002	KY10-08020-06	IN, 1999	Slurry	Inactive.	No	Minor erosion.
Chas Coal, LLC/CC Coal Co. (Sims Fork Dam)	807-0327 807-0296	KY07-07066-04	RC	Fresh Water			Pond removed 12/17/00. Reclaimed.
Left Fork Mining Inc (Arjay Impoundment)	807-8029	KY07-07004-02	A	Slurry	Active, impounding very little water.	No	Built on existing refuse pile. Starter dam constructed, but no additional refuse or slurry has been put in it.
Chas Coal, LLC/CC Coal Co. (Little Camp Branch Slurry Imp)	807-8052 807-8041 807-8036	KY07-07066-02	IN, 06/03	Slurry	Inactive, impounding water. Small fire extinguished on site. Seepage in 1st lift. No instability noted. Water has been drawn down.	No	Black water from ruptured decant pipe in 1991. Breakthrough report says material above #4 not competent. #4 under embankment & pool. Active UG in #7 mining towards impoundment & dam. Later inspection found water has been lowered.
Chas Coal, LLC/CC Coal Co. (Little Camp Branch Dam)	807-8052 807-8041	KY07-07066-01	IN, 06/03	Fresh Water	Minesite inactive. Impounding water.	No	Sediment control for Little Camp Branch Slurry Impoundment.

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National Coal Corp/Appalachian Fuels, LLC/Straight Creek Coal Resource (Stoney Fork Impoundment)	807-8054 807-8046 407-8004	KY07-07145-01	A	Slurry	Active, impounding water.	No	
Bell County Coal Corporation (Coppers Fork Impoundment)	807-9002	KY07-07039-04	A	Slurry	Active, impounding water.	No	MSHA to raise impoundment to "High Hazard."
HNR Mining/Appalachian Fuels LLC/Addington Mining, Inc (Sediment Pond 002)	813-8017 813-8010	KY07-07071-01	A	Fresh Water	Active, impounding water.	No	Sediment control structure. AMD site. Pool pumped to 401 refuse impoundment.
HNR Mining/Appalachian Fuels LLC/Addington Mining, Inc (Slurry Impoundment 401)	813-8017 813-8010	KY07-07071-02	A	Slurry	Active, impounding water.	No	AMD site. Large seeps in left groin ditch.
ICG Hazard/Leslie Resources Inc (Fugate Fork Slurry)	813-8018 813-8011	KY07-07022-05	A	Slurry	Active, impounding water.	No	Heavy vegetation on embankment. Little water being impounded.
Chas Coal/Kerd Bandy Company Inc (Bloss Branch Impoundment)	826-8036 826-8028 826-8023	KY07-07052-05	A	Slurry	Active, impounding water.	No	In process of reactivation.
Green Coal Co (K-Nine Slurry)	830-8003 630-5000	KY10-08029-01	AB, 6/94	Slurry	Abandoned, impounding water.	No	Bond forfeiture, AMD site.
Kentucky Processing Company (Effluent Pond)	833-8002	KY07-07016-05	IN, 1994	Fresh Water	Inactive, impounding water.	No	Trees on the levee outslope.
Kentucky Processing Company (Calmes Pond)	833-8002	KY07-07016-07	IN 1994	Slurry	Inactive, impounding water.	No	
Kentucky Processing Company (Puckett Impoundment)	833-9002	KY07-07016-09	IN, 1994	Slurry	Inactive, seep below embankment. Scarp on downstream face.	No	Slurry water draining from adjacent refuse.

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FEDDC Coal Inc (Butler Branch Impoundment)	836-8041	KY06-00002-02	A	Slurry	Active, impounding water. Seep located on left side of embankment. #2 covered by coarse refuse on right side (old break through area).	Yes, 1990.	No decant. Pumps used to lower water level.
Bledsoe Coal Corporation (Gables Creek Slurry Imp)	848-8040	KY07-07063-02	IN	Slurry	Impoundment being reclaimed.	No	Decant leaking. Preparation plant removed several years ago. NC issued requiring reclamation.
Manalapan Mining Co., Inc (Bearre Branch Slurry Imp)	848-8045	KY07-07010-04	A	Slurry	Active, impounding small amount of water. Wick drain. Harlan seam has seals. Seepage barrier in place.	No	MSHA has asked for drilling and issued a citation. DNR has approved a seepage barrier on both Harlan & Upper Harlan seams. MSHA did not approve the seepage barrier plan.
Harlan Cumberland Coal Co (Turkeypen Branch Slurry Imp)	848-8059 848-8006	KY07-07029-07	A	Slurry	Active, impounding water. Darby pilared. Seepage barrier on Darby seam.	Yes - 09/94	Breakthrough seals constructed per MSHA. Old Darby adit in impoundment.
Harlan Cumberland, LLC/ Manalapan Mining (Ahrer Fork Slurry Impoundment)	848-8071 648-8003	KY07-07011-10	A	Slurry	Active, impounding a small amount of water. Wick drain. Nearing completion.	No	Harlan seam has been pilared in rear of impoundment. Mined after impoundment in place. Darby opening into embankment, under impoundment in rear. Harlan seam needs breakthrough analysis.
Resources Land Company, LLC/Mountain Labor, LLC (Pounding Mill Impoundment)	848-9018	KY07-16454-01	NS	Slurry	Not disturbed.	No	
New Ridge Mining Co/New Horizons Coal Inc (Left Fork Impoundment)	848-9023 848-9004	KY07-00015-09	IN, 9/03	Slurry	Inactive, impounding water.	No	Seep in 2nd lift on left side of embankment. Reactivated 8/01. Convert to non-impounding cells.

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New Ridge Mining Co/New Horizons Coal Inc (Right Fork Impoundment)	848-9024 848-9005	KY07-00015-01	IN, 6/96	Slurry	Inactive, water impounded, prior seep in the embankment. Abandonment plan submitted.	No	Three openings in Harlan seam sealed with rock and coarse refuse. Abandonment plan disapproved by MSHA. Agreement with DNR to reclaim.
Charolais Coal/Centennial Resources (Mark Energy/St. Charles)	854-8011 854-8008	KY10-08042-01	A	Slurry	Active, impounding water.	No	Decant leaking. AMID site. Extent of old underground works unknown. MSHA information shows that UG works were surface mined out under embankment and pool. There is 100" barrier between pool and remaining works.
Beech Fork Processing Inc (Laakey Branch Impoundment)	858-9000	KY06-00281-02	A	Slurry	Active, impounding water.	No	Haddix's UG projected to closer to impoundment. Coalburg day lights in left rear side.
Big Elk Mining Co, LLC/Starfire Mining Co (Buckhorn Creek Dam)	860-0422 860-8003	KY07-07150-01	NS	Fresh Water	Not built.	No	
Big Elk Mining Co, LLC/Starfire Mining Co (Long Fork Impoundment)	860-0422 860-8003	KY07-07150-02	NS	Slurry	Not built.		
Loadout, LLC/Motis Branch Coal Inc (Big Branch Impoundment)	860-8013 860-8011	KY07-07005-08	A	Slurry	Active, impounding water.		No spillway. Pump used to control water level. 100+ of freeboard.
Consol of Kentucky, Inc (Four Mile Branch Impoundment)	860-9000	KY07-07108-01	A	Slurry	Active, impounding water.	No	
Consol of Kentucky Inc (Four Mile Branch Sediment)	860-9000	KY07-07108-02	A	Fresh Water	Active, not an MSHA structure at present.	No	This is a sediment pond for the #34 slurry impoundment.
Diamond May Coal Co (Brushy Fork Slurry Impoundment)	860-9002	KY07-07073-02	IN, 10/06	Slurry	Inactive, impounding water.	No	#4 not pillared. #7 contoured, augered, & underground mined. Not sealed.

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ICG Knot County, LLC/Knot County Coal Co (King Branch Impoundment)	860-9011 860-9004	KY07-07113-03	A	Slurry	Active.	No	Permit does not show the correct coal seam elevation for Elkhorn #3.
Big Elk Mining Co, LLC/Starfire Mining Co (Lick Branch Impoundment)	860-9012 860-9005	KY07-07149-01	A	Slurry	Active	No	1,200 GPM seep on left abutment. Starfire is suppose to build to build a grout curtain to control the seep.
CH Development, LLC (Freshwater Pond)	861-8011	KY07-07012-01	A	Fresh Water	Active, currently used as sediment pond.	No	Sediment control structure.
CH Development, LLC (Pond of Reeds)	861-8011	KY07-07012-02	A	Fresh Water	Active, currently used as sediment pond.	No	Sediment control structure.
CH Development, LLC (Module No. 1)	861-8011	KY07-07012-05	A	Slurry	Active, completely dry.	No	Approved for remaining.
CH Development, LLC (Module No. 2)	861-8011	KY07-07012-06	IN, 3/94	Slurry	Inactive, completely dry.	No	Abandonment Plan approved by MSHA in 2003.
CH Development, LLC (Module No. 3)	861-8011	KY07-07012-07	RC	Slurry	Reclaimed.	No	Reclaimed.
CH Development, LLC (Module No. 4)	861-8011	KY07-07012-08	RC	Slurry	Reclaimed.	No	Reclaimed.
CH Development, LLC (Module No. 5)	861-8011	KY07-07012-10	IN 8/06	Slurry	Inactive, being remined.	No	Approved for remaining.
CH Development, LLC (Module No. 6)	861-8011	KY07-07012-11	IN 8/06	Slurry	Inactive, completely dry.	No	Approved for remaining.
CH Development, LLC (Module No. 7)	861-8011	KY07-07012-12	IN 8/06	Slurry	Inactive, completely dry.	No	Approved for remaining. Used to facilitate remaining cell#5.
Argus Energy, LLC/Lewis Fork Mining Company (Bear Branch Impoundment)	864-9002 864-9001	KY06-00385-01	IN 9/06	Slurry	Inactive, impounding water	No	Amend. #2 - Change from cells to impoundment.
Bledsoe Coal Corporation (Britton Branch Slurry Imp)	866-0236	KY07-07049-05	IN 2002	Slurry	Inactive, impounding five to eight feet water.	No	#4 pillars not pulled. Crest higher than approved by MSHA.
Bledsoe Coal Corporation (Robin Branch Dam)	866-0237	KY07-07102-01	IN, 2001	Fresh Water	Inactive, impounding water. Sediment pond.	No	Subsidence evaluation found no problems with pillaring. Phase I bond release.

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Bledsoe Coal Corporation (Stonecoal II Impoundment)	866-0256	KY07-07095-03	NS	Slurry			Proposed Impoundment. #7 & #8 overburden to be used in the embankment construction.
Shamrock Coal Company Inc (Roark Branch Dam)	866-5036	KY07-07115-01	IN, 12/01	Fresh Water	Minesite inactive, only activity is water drawdown.	No	Abandoned longwall mined under pool. Underground works expected to contain pool if subsidence occurs. Underground works are abandoned.
Appalachian Fuels, LLC/Straight Creek Coal Resource (Lovely Branch Impoundment)	866-5136 866-5128	KY07-07087-01	IN, 01/02	Slurry	Inactive, impounding water.	No	Active mining in Copeland. #4A not pillared.
Bledsoe Coal Corporation (Half Mile Slurry Impoundment)	866-8008	KY07-07051-03	A	Slurry	Active, impounding water.	No	Substantial seeps in embankment. Revision submitted to match MSHA approval. Proposes raising decant 52 feet.
Shamrock Coal Company Inc (Adams Fork Slurry Imp)	866-9001	KY07-07095-01	A	Slurry	Active, initial stage. Seep on right side.		Slopes on last lift may need regrading.
ICG Hazard/Leslie Resources Inc (Left Fork Slurry Impoundment)	866-9010 866-9006	KY07-07058-09	IN, 1989	Slurry	Inactive, impounding water.	No	Very little slurry placed. Does have coarse refuse disposal at embankment.
Enterprise Mining Co. LLC/Coastal Coal Co. LLC (Oldhouse Branch Imp)	867-8051 867-8048	KY06-00244-01	A	Slurry	Active, impounding water.	No	
Consol of Kentucky, Inc (Mill Creek Impoundment)	867-9007	KY06-00110-01	A	Slurry	Active, impounding water.	No	
Sapphire Coal Co/Cook & Sons/Golden Oak Mining Co. (Clay Hollow Impoundment)	867-9020 867-8047 867-8021	KY06-00277-01	A	Slurry	Active, impounding water.	No	DNR instructed to maintain pool level. Three core holes drilled.
Roadside Processing, Inc (No. 2 FW Dam)	874-8003	KY07-07050-07	IN 1980s	Fresh Water	Inactive, impounding water.	No	AMD site.
Southfork Coal Company (Iustus Dam)	874-8004	KY07-07013-03	IN, 1998	Fresh Water	Inactive, impounding water. Sediment pond.	No	Sediment control structure.
Roadside Processing, Inc (Copperas Fork Imp)	874-9005	KY07-07050-11	IN 1980s	Slurry	Inactive, impounding water.	No	AMD site.

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17 West Mining Inc (Peter Cave Dam)	880-0003	KY06-00143-02	IN, 10/95	Fresh Water	Minesite inactive, impounding water. Sediment pond.	No	Sediment control Structure.
LCC Kentucky LLC/17 West Mining Inc (Slurry Cells D1, D2 & D5)	880-0165 480-0046	KY06-00143-04	IN, 8/00	Slurry Cells	Inactive cells 99% full. Reclaiming.	No	Cell D2 only one in proximity of underground works. Spoil material against narrow barrier. Abandonment Plan approved - reclaiming.
Czar Coal Corporation (Big Hollow Impoundment)	880-8002	KY06-00034-01	A	Slurry	Active, impounding water.	No	UG mined around impoundment but not in it.
Czar Coal Corporation (Grassy Gap Impoundment)	880-8002	KY06-00199-01	A	Fresh Water	Active, used for prep plant water.	No	Pre-law sediment control structure.
Peter Cave Mining/Wolf Creek Collieries (Holy Branch Impoundment)	880-8008 480-8003	KY06-00051-04	IN, 10/95	Slurry	Inactive, impounding water. Seepage barrier of unknown thickness above Coalburg seam.	No	Received slurry from Martin Co. spill. Hold pond at 916' seeps investigated. NC to reclaim. Abandonment plan approved by MSHA.
Ken American Resources (Paradise Mine Freshwater)	889-5009	KY10-08048-01	A	Fresh Water	Active, impounding water.	No	Final pit pond. Incised to #11 coalbed. Dike between pool and entries.
Charolais Coal No 1, LLC/Peabody Coal Company (River Queen Slurry)	889-8003 889-8000	KY10-08001-01	IN, 07/91	Slurry	Inactive, impounding water.	Yes, 1985	
Peabody Coal Company (Centerprep Freshwater)	892-5000	KY10-08012-07	IN, 12/86	Fresh Water	Inactive, impounding water.	No	This pond consist of two cells. Silt control for slurry & FW pond.
Peabody Coal Company (Centerprep Slurry)	892-5000	KY10-08012-08	IN, 12/86	Slurry	Inactive, impounding water.	No	Dam is narrow and steep.
Pine Branch Coal Sales, Inc (Dam No. 5N)	897-0011	KY07-07082-01	A	Fresh Water	Active, impounding water. Sediment pond.	No	Sediment control structure.
Leeco, Inc. (Buckeye Creek Impoundment)	897-0287	KY07-00094-01	A	Slurry	Active impounding water. Amburgey under back of pool. Seep in right side of embankment.	No	Seep cited in April 1999.
BDCC Holdings Co., Inc (Stonecoal Branch Impoundment)	897-0339	KY07-00028-02	A	Slurry	Active impounding water. Active stripping in #5A.	No	Old 5A portal in rear of impoundment. Pumps control water level.

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BDDC Holding Co., Inc (Saddle Fork Slurry Impoundment)	897-5048 897-0387	KY07-00028-10	IN, 4/99	Slurry	Inactive, no water impounded. Pillared, openings, augered. Slurry slightly above 5A. Proposed seepage barrier on 5A seam.	Yes - 03/99	Wick drains carrying natural water. No slurry being pumped into impoundment. Became inactive because of leak. Company has proposed contouring 5A seam around pool area to seal.
ICG Hazard LLC/Ikerd-Bandy Co Incl/Leslie Resources Inc (Rowdy Branch Dam)	897-0456 897-0395	KY07-07097-01	A	Fresh Water	Active, impounding water.	No	
ICG Hazard LLC/Ikerd-Bandy Co Incl/Leslie Resources Inc (Cockrell Dam)	897-0456 897-0395	KY07-07118-01	A	Fresh Water	Active, impounding water.	No	
LCC Kentucky, LLC/Leslie Resources, Inc (Hollybush Dam)	897-0459 497-0122	KY07-07089-01	A	Fresh Water	Minesite inactive, impounding water.	No	Sediment control structure.
LCC Kentucky, LLC/Leslie Resources, Inc (Wiley Miller Dam)	897-0459 497-0122	KY07-07089-02	A	Fresh Water	Minesite inactive, impounding water.	No	Sediment control structure.
BDDC Holding Co., Inc (Lick Fork Slurry Impoundment)	897-5048	KY07-00028-07	RC	Slurry	Inactive, little water impounded	No	Permit approved to mine the area. Later inspection found the site is presently being remined and the embankment removed. Mined through. Phase I bond release.
BDDC Holding Co Inc (Guthrie No. 4 Dam)	897-5048	KY07-00028-04	IN, 06/94	Fresh Water	Inactive, impounding water.	No	Used for silt control instead of a slurry impoundment. Phase I bond release.
Blue Diamond Coal Co/Lecco, Inc (Beech Fork Imp)	897-8039 897-8034	KY07-07103-02	IN, 2004	Slurry	Inactive, not impounding water.	No	Pool area filled with coarse refuse, cannot impound water.

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LCC Kentucky, LLC/Buckhorn Processing Co (Harris Branch Slurry Imp)	897-8044 697-8005	KY07-07046-04	IN, 02/97	Slurry	Inactive, impounding water.	Yes, two prior releases thru #7 coal seam in 1989 & 1991. Sinkhole developed. All openings not found.	Experimental Practice proposed for fly ash disposal was withdrawn. Water level pumped down. According to DNR, little water remains. Abandonment plan approved by MSHA.
LCC Kentucky, LLC/Buckhorn Processing Co (Sediment Dam)	897-8044 697-8005	KY07-07046-01	IN, 02/97	Fresh Water	Inactive, impounding water. Silt control for entire permit. Berm blocks emergency spillway water from old opening.	No	No structural problem noted. Silt control for Lower, Upper, and Harris Branch slurry dams.
LCC Kentucky, LLC/Buckhorn Processing Co (Lower South Fork Dam)	897-8044 697-8005	KY07-07046-03	IN, 1990	Slurry	Inactive, not impounding water.	No	Impoundment capped off with old refuse and has no freeboard at the embankment. To be remined.
LCC Kentucky, LLC/Buckhorn Processing Co (Upper South Fork Dam)	897-8044 697-8005	KY07-07046-02	IN, 1990	Slurry	Inactive, not impounding water. Crest at 1379.	No	Impoundment full of dried slurry up to the spillway elevation. To be remined. Slurry elevation at 1369' - emergency spillway.
Leeco, Inc. (Right Fork Impoundment)	897-9004	KY07-07103-05	A	Slurry			
Whitaker Coal Corporation (Four Seam Slurry Imp)	897-9005	KY07-07044-09	A	Slurry	Active, impounding water.	No	Revision submitted to include MSHA approval of modification.
Johns Creek Coal Co. (Big Ground Hog Impoundment)	898-0628	KY06-00231-02	A	Slurry	Active, impounding water. Coarse refuse blanket required on right side.	No	Drilling required by MSHA. Right abutment undetermined with minimum cover of 120'. Elk #3 pillared.
ICG East Kentucky LLC/Sunny Ridge Mining Co., Inc (Bear Hollow Impoundment)	898-0736 898-0505	KY06-00071-02	RM	Slurry	Impoundment dewatered and slurry being mined.	No	Lower Elkhorn pillared. Slurry being hauled away. Not being pumped into.

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Sidney Coal Co. Inc. (Sidney Impoundment)	898-5168	KY06-00197-02	IN, 6/04	Slurry	Inactive, impounding water.	No	Dam can not go higher.
Chisholm Coal (Dotson Fork Impoundment)	898-5908	KY06-00059-01	RC	Slurry	Impoundment reclaimed.	No	Phase I Bond Release.
Long Fork Coal Co (Long Fork Slurry Impoundment)	898-8068	KY06-00017-01	A	Slurry	Active, impounding water. MSHA may require grouting of Williamson seam.	Yes, Pre-law	Williamson seam not pillared but flooded. Slurry injection in 1970's.
Premier Elkhorn Coal Co (Enterprise Impoundment)	898-8098	KY06-00266-02	RC	Slurry	Reclaimed	Yes - 06/99, Discharge through underdrain	Reclaimed.
Premier Elkhorn Coal Co/AEP Ky Coal, LLC/Millard Processing (Hopkins Fork Imp)	898-8145 898-8128 898-8015	KY06-00066-05	IN, 2001	Slurry	Inactive, impounding water.	No	Upstream & down stream seeps shown on the weekly's.
McCoy Elkhorn Coal Corp (Cow Branch Impoundment)	898-9012	KY06-00196-05	A	Slurry	Active, impounding water.	No	Alma portals under embankment.
New Ridge Mining Co (New Ridge Impoundment)	898-9065	KY06-00327-01	IN, 01/04	Slurry	Inactive, impounding water. Extensive UG works around both sides of impoundment.	No	Portals buried under embankment, seal with coarse gravel w/ bleeder pipe.
Premier Elkhorn Coal Co (Burke Branch Impoundment)	898-9072	KY06-00373-01	A	Slurry	Active, impounding water.	No	Hollowfill toes into impoundment.
Stone Mining Co (Grant's Branch Impoundment)	898-9074	KY06-00010-03	Bond Released	Slurry	Reclaimed, impounding water.	No	Experimental Practice approved as recreational site.
Sidney Coal Co. Inc. (Sukey Impoundment)	898-9091	KY06-18380-01	A	Slurry	New Permit.		
M.C. Mining Inc (Scott's Branch Impoundment)	898-9110	KY06-00142-01	A	Slurry	Active, impounding water.	No	NC design revision required. Pond Creek pillared.

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AEP Ky Coal, LLC/ Branham & Baker Coal Co. (Three Mile Impoundment)	898-9126 898-9080	KY06-00004-01	RC	Slurry	Reclaimed. Part of Surface Mining operation.	Yes, early 1970s, per MSHA.	Site reclaimed.
Sidney Coal Co./Holston Mining, Inc. (Millstone Branch Impoundment)	898-9127 898-9055	KY06-00246-01	IN, 2003	Slurry	Inactive, impounding water. Two seeps. Seepage barrier on the Winifred seam.	No	MSHA verbally prohibits raising pool above the Winifred seam.
Sidney Coal Co./Holston Mining, Inc. (Millstone Branch II Imp)	898-9127 898-9055	KY06-00246-02	IN, 2003	Slurry	Inactive, not impounding water.	No	MSHA verbally prohibits raising pool above the Winifred seam. Abandonment plan approved by MSHA.
Central Appalachian Mining, LLC/Lodestar Energy, Inc (Chapperal Impoundment)	898-9130 898-8012	KY06-00226-02	IN, 12/04	Slurry	Inactive, also used by Pikeville to dispose Water Plant waste.	No	Three seeps shown on the weekly's.
CAM-Kentucky/AEP Ky Coal, LLC/Branham & Baker Coal Co. (Rob Fork Impoundment)	898-9141 898-9132 898-9122	KY06-00111-02	A	Slurry	Active, impounding water. Seep located off right abutment.	No	MSHA reviewing Elk #2 sealing plans. Drilling required by MSHA to determine barrier thickness.
Lodestar Energy, Inc (Prep Plant 2 Caudill 2 Slurry)	913-5003	KY10-08038-02	IN, 03/01	Slurry	Inactive, remined slurry in 2000.	No	Slurry injection job #9 seam, #10 not mined.
Peabody Coal Company (Camp #11 Slurry IV)	913-5011	KY10-08017-01	Bond Released	Slurry	Permanent Facility	No	MI #45 approves as permanent.
Peabody Coal Company (Camp #11 Slurry I)	913-5011	KY10-08017-02	Bond Released	Slurry	Permanent Facility	No	MI #45 approves as permanent.
Peabody Coal Company (Camp # 11 Slurry II)	913-5011	KY10-08017-03	Bond Released	Slurry	Permanent Facility	No	MI #45 approves as permanent.
Peabody Coal Company (Camp # 11 Freshwater)	913-5011	KY10-08017-05	Bond Released	Fresh Water	Permanent Facility	No	MI #45 approves as permanent.
Peabody Coal Company (Camp 9 Prep Freshwater)	913-5011	KY10-08035-01	A	Fresh Water	Active, impounding water.	No	
Peabody Coal Company (Camp 9 Prep Slurry III)	913-5011	KY10-08035-02	A	Slurry	Active, impounding water.	No	

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Peabody Coal Company (Camp 9 Prep Slurry II)	913-5011	KY10-08035-03	A	Slurry	Active, impounding water.	No	
Peabody Coal Company (Camp 9 Prep Slurry I)	913-5011	KY10-08035-06	A	Slurry	Active, impounding water.	No	5,700 acre/feet of slurry injection.
River View Coal LLC/Island Creek Coal Company (Ohio #11 Freshwater)	913-5015 713-5000	KY10-08021-01	IN, 1999	Fresh Water	Minestic inactive, impounding water.	No	
River View Coal LLC/Island Creek Coal Company (Ohio #11 Slurry)	913-5015 713-5000	KY10-08021-02	IN, 1999	Slurry	Inactive, impounding water.	No	
Alden Resources/Blue Gem Mining/Gadlir Coal Company (Bennetts Branch Slurry Imp)	918-5187 918-5185 918-5179 918-5001	KY07-07042-01	A	Slurry	Active, impounding water.	No	Originally a non-impounding structure.
Czar Coal Corp. Creek/Middle Fork)	880-9001	KY06-0034-03	NS	Slurry	Not disturbed.	No	New permit.
Pine Branch Coal Sales, Inc (Combs Branch)	897-8036	KY07-07148-02	A	Slurry	Active	No	Added as MSHA Class Structure due to auger barrier issues.