

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:

Sky Haven Coal, Inc.
5510 State Park Road
Penfield PA 15849

and

SRP Coal Company, Inc.
5510 State Park Road
Penfield PA 15849

- : SMP No. 17880103 (Troxell #1)
- : SMP No. 17800124 (Mitchell #1)
- : SMP No. 17813091 (Albert #1)
- : SMP No. 17813084 (Goss 1 Mine)
- : MDP No. 17800147 (Butler 1 Mine)
- : MDP No. 4574SM31 (Butler 1 Mine)
- : MDP No. 45A76SM16 (Stoltz #1)
- : MDP No. 4673SM15 (Buhler 1 Mine)
- : MDP No. 4676SM1 (Strutt 1 Mine)
- : SMP No. 17850145 (McPherson #2)
- : SMP No. 17803108 (Reed #1)
- : Clearfield and Elk Counties
- : Alternative Financial Assurance Mechanism
- : CO&A

**FIRST AMENDMENT TO
POSTMINING TREATMENT TRUST CONSENT ORDER AND AGREEMENT**

(MC)
July

AMM This First Amendment Consent Order and Agreement is entered into this ~~20th~~ ^{15th} day of July, 2007, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Sky Haven Coal, Inc. ("Sky Haven"), and SRP Coal Company, Inc. ("SRP").

- I. On January 19, 2007, the Department, Sky Haven and SRP entered into a Postmining Treatment Trust Consent Order and Agreement ("COA").
2. Paragraph III is added to the COA.
- III. In April 2007, Sky Haven notified the Department that the company was in a difficult financial situation. Sky Haven did not make the March or April payments which are required by Paragraph 6 of the COA. Sky Haven explained the various steps that the company was taking to straighten out the financial situation. After a series of communications, Sky Haven agreed to a new payment schedule which is set forth in an amended Paragraph 6.b.

3. Paragraph 2 is modified to read:

2. Findings

- a. Sky Haven/SRP agrees that the findings in Paragraph A through III are true and correct and, in any matter or proceeding involving Sky Haven/SRP and the Department relating to this COA, Sky Haven/SRP shall not challenge the accuracy or validity of these findings.
- b. The parties do not authorize any other persons to use the findings in this Consent Order and Agreement in any matter or proceeding.

4. Paragraph 6 is modified to read:


6. Funding of the Primary Trust Account

- a. Initial Payment to the Primary Trust Account: Upon its execution of this Consent Order and Agreement, Sky Haven/SRP shall deposit an amount of \$27,533.00 into the Primary Trust Account.
- b. Ongoing Payments to the Primary Trust Account: Sky Haven/SRP will deposit subsequent payments of 1) \$6,500 each month for May, June, July and August 2007; 2) \$10,000 each month in September, October, November and December, 2007; 3) \$42,977 each month from January 2008 through and including December 2008; and \$27,533 each month beginning January 2009.


5. No other amendments are made to the COA which remains in full force and effect.

FOR SKY HAVEN COAL, INC.
SRP COAL COMPANY, INC.


FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



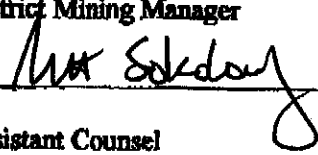
Joseph A. Owens
President



Michael W. Smith
District Mining Manager



Attorney for Sky Haven/SRP AS
(Corporate seal) WITNESS ONLY



Assistant Counsel