

**COMMONWEALTH OF VIRGINIA**  
**BEFORE THE DEPARTMENT OF MINES, MINERALS AND ENERGY**

**SECOND AGREED MODIFICATION – AMENDMENT 2**  
**of the COMPLIANCE AGREEMENT**

**Purpose:**

As provided by Paragraph M of the Compliance Agreement executed on January 13, 2014, this amends the Second Agreed Modification to the Compliance AGREEMENT as finalized on September 5, 2018.

This second amendment revises the Reclamation Schedule under Paragraph C and allows the adjustment to the reclamation schedule in the event any permit or permits listed therein are transferred or re-permitted by DMME to a third party.

**AGREEMENT**

DMME and the Southern Coal by their signatures agree to amend the Second Agreed Modification as follows –


- A. Paragraph C of the Second Agreed Modification is amended to revise the “Complete by” dates for Permit Nos. 1101953, 1102059, 1102058 and 1102052 as noted herein -

<b>Reclamation Schedule</b>			
<b>Permit No.</b>	<b>Job</b>	<b>Begin</b>	<b>Complete by</b>
1101953	Baden Reclamation	August 1, 2018	December 31, 2019
1102059	Lambert	August 16, 2018	December 31, 2019
1102058	26	December 1, 2018	October 1, 2019
1102052	14 – Kelly Branch	April 1, 2019	November 30, 2019
1101905 and 1101824	23 – Looney Ridge	September 1, 2019	February 28, 2020
1101914	2	March 1, 2020	August 31, 2020
1101975	20	September 1, 2020	November 30, 2020
1602074	Taggart Marker	December 1, 2020	April 30, 2021
1101800 and 1101918	21	May 1, 2021	October 31, 2021
1502057	Straight Fork	November 1, 2021	August 31, 2022
1602068	Western Surface	September 1, 2022	December 31, 2022

1. Reclamation of all areas of Permit No. 1101953 to be completed by December 31, 2019, with trees and shrubs planted by March 31, 2020.
  2. Stream channel mitigation to be completed and all applicable areas of Permit No. 1102059 vegetated by December 31, 2019, with trees and shrubs planted by March 31, 2020.
  3. Backfilling and regrading of Permit No. 1102058 by October 1, 2019. Reclaimed areas to be vegetated by November 30, 2019, with trees and shrubs planted by March 31, 2020.
  4. Backfilling and regrading of Permit No. 1102052 by November 30, 2019. Reclaimed areas to be vegetated by December 31, 2019, with trees and shrubs planted by March 31, 2020
- B. In the event that a permit listed in the above Reclamation Schedule is transferred or re-permitted by DMME to another company not affiliated with Southern Coal, the schedule will be adjusted accordingly to move forward the reclamation schedule for the remaining Southern Coal permits.

Signatory Page


By signature below, Southern Coal Corporation voluntarily accepts this second amendment to the Second Agreed Modification to the Compliance AGREEMENT.

By:   
Print \_\_\_\_\_ Date \_\_\_\_\_  
Name: James C. Justice, III  
Title: Executive Vice President  
For: Southern Coal Corporation, Inc.

By signature below, the Director for the Division of Mined Land Reclamation acknowledges receipt of the signed second amendment to the Second Agreed Modification from Southern Coal.

By:   
Randy Casey \_\_\_\_\_ 7/30/19 \_\_\_\_\_  
Date  
Title: Director,  
For: Division of Mined Land Reclamation

By signature below, I hereby approve and accept this second amendment to the Second Agreed Modification, effective this date.

By:   
Title: Bradley C. Lambert \_\_\_\_\_ 7/30/19 \_\_\_\_\_  
Date  
Deputy Director  
For: Department of Mines, Minerals and Energy