

DOW conducted an investigation at the Clintwood JOD Coal Prep Plant along with Matthew Kendrick, Pikeville DMRE. The investigation was due to citizen complaints of blackwater releases from the facility and from a DMRE referral submitted to DOW due to black staining and deposits in the stream which occurred as a result of the releases. At the time of the investigation DOW observed KPDES Outfalls, 345, 348, and 349 on DNR permit 898-8203 and Outfall 339 which is a shared outfall on DNR permits 898-8203, 898-9188, and 898-4679. These DNR permits are all covered by KPDES permit KYGE41056. At the time of the investigation the site was active, and in A1 status.

The ponds associated with KPDES Outfalls 345, 348, and 349 were black in color and appeared to be full of sediment. This has greatly decreased the storage capacity of the ponds as well as retention and decreased the ponds' ability to settle out solids. No chemical treatment was provided in the ponds and no curtains or other mechanical treatment was used. The facility was attempting to use pumps to pump water to uphill ponds to prevent discharge and increase retention time. This method, however, did not appear to be effective. Straw bales had been placed at the pond outfalls to attempt to catch solids. The ponds were extremely full and may possibly discharge over the sides if the area experiences heavy precipitation. The outfalls and receiving stream, Big Creek, were stained black and had black deposits. KPDES Outfalls 345, 348 and 349 were not discharging at the time of the investigation.

KPDES Outfall 339 (Pond SS1) is a shared outfall which receives runoff from the impoundment area as well as water pumped into it from Outfalls 345, 348, and 349. KPDES outfall 339 appeared black in color and had a film on the surface. Grey turbid water was being pumped into the pond at the outfall point effectively "short circuiting" the pond. The pond was discharging and the effluent appeared grey and turbid. The pond discharges and the effluent immediately co-mingles with surface flow from a UT of Big Creek. This flow was then being held in a constructed sump before discharging to Big Creek. The sump was constructed to hold back the water and provide further sedimentation. Even though "on-permit" this is considered in-stream treatment and is not permitted. The sump contained black sludge and water with a black oil like film on the surface. The water flowing into the sump is the combined flow of the UT surface flow and Outfall 339. The company representative stated that Diversified Oil and Gas had a line break allowing oil to leak into the pond and discharge into the sump. Clintwood JOD denied responsibility and did not want to provide clean-up. DOW contacted ERT for support. ERT responders and Diversified Oil and Gas responded to the site and determined the film and sludge was not a petroleum product but was a mixture of coal fines and flocculant used in the coal prep process. ERT notified the company that they were responsible for clean-up. KPDES Outfalls 339, 345, and surface flow from a UT discharge to Big Creek through a culvert under the site. The water discharging into the stream appeared slightly discolored. It appeared that the surface flow from the UT was diluting the flow from KPDES Outfall 339 prior to discharge.

This facility has a history of blackwater releases and has had multiple responses from DMRE due to citizen complaints. On October 09, 2024 DNR DMRE issued a Notice of Non-Compliance for substandard discharge from KPDES Outfall 339 (Pond SS1) which is a shared outfall on DNR permits 898-9188, 898-8203, and 898-4679. DMRE sampled the outfall and analysis showed 1420 mg/L TSS. A sample from Big Creek 0.5 mi downstream from the discharge point showed a TSS of 106 mg/L. These results indicate the effluent greatly exceeded the KPDES permit limit of 70 mg/L and caused stream degradation resulting in objectionable deposits and discoloration which have remained in the stream bed.

On November 20, 2024 DNR DMRE responded to a citizen complaint of a blackwater release occurring the previous weekend. DMRE issued a Notice of Non-Compliance for the release from KPDES Outfall 348 (Pond D3) and documented stream degradation in the form of heavy black deposits and solids remaining in the stream bed of Big Creek. Samples were collected and results indicate the effluent had a TSS of 81 mg/L which exceeds the KPDES permit limits of 70 mg/L.

DMRE has completed other inspections noting the need for pond maintenance and documenting site issues. These inspections have not resulted in the issuance of a Notice of Non-Compliance, but document the site conditions. DNR DMRE submitted a referral to DOW for the continued issues on the site which have resulted in stream degradation. This investigation and resulting enforcement action will encompass the DNR DMRE referral as well as Incidents 2541032, 2541449, 2542903, 2543073, and 2543077.



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