



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street
Charleston, WV 25304
(304) 926-0499

Harold D. Ward, Cabinet Secretary
www.dep.wv.gov

January 8, 2025

Mr. Justin Adams
Director, Charleston Field Office, US DOI
Office of Surface Mining Reclamation and Enforcement
1027 Virginia Street, East
Charleston, WV 25301

Re: TDN-X24-111-579-003

Dear Mr. Adams,

This letter and the appendices are the response of the West Virginia Department of Environmental Protection to Ten Day Notice No. X24-111-579-003, dated December 12, 2024. This Ten-Day notice (TDN) was issued following an Oversight State Enforcement Follow-Up on November 15, 2024.

This response includes a reply to the allegations in the TDN based on a review of the pertinent actions relating to the ownership and control file. The response to the allegations in the TDN includes references to the NOV follow-up and extensions. The appendices include a copy of the violation history and inspection and enforcement actions since the issuance of the violation in question.

In reference to the TDN above, WVDEP is providing the following information:

01 Nature of Violation and Location:

WV DEP failure to identify pattern of violations.

38 CSR 2-20.4

20.4. Show Cause Orders.

20.4.a. *General.* Where the Secretary determines that a pattern of violations of the Act, this rule or the terms and conditions of a permit exists or has existed, and that the violations were caused willfully or through an unwarranted failure to comply, the Secretary shall issue an order requiring the permittee to show cause why the permit and the permittees right to mine under the Act should not be suspended or revoked. For purposes of this subsection a willfully caused violation is a violation resulting from an intentional act or omission, and an unwarranted failure to comply means the failure of the permittee to prevent the occurrence of any violation or the failure to abate any violation of the Act, this rule, or the terms and conditions of the permit due to indifference, lack of diligence or lack of reasonable care.

20.4.b. *Criteria for Establishing a Pattern of Violations.* The Secretary may determine that a pattern of violations exists or has existed, where violations were cited on two or more inspections of the permit area within any twelve (12) month period. In making such a determination, the Secretary shall take into consideration the following circumstances:

20.4.b.1. *The number of previous violations cited on more than one occasion for the same or related requirements of the Act, this rule, or the terms and conditions of the permit;*

20.4.b.2. *The number of previous violations, cited on more than one occasion, of different requirements of the Act, this rule, or the terms and conditions of the permit;*
and

20.4.b.3. *The extent to which the violations were isolated departures from lawful conduct.*

20.4.c. *Duplicate or Similar Violations.* The Secretary shall promptly review the history of violations of any permittee who has been cited for violations of the same or related requirements of the Act, this rule, or the terms and conditions of the permit during three (3) or more inspections of the permit area within any twelve (12) month period. After such review, the Secretary shall determine whether or not a pattern of violations exists.

20.4.d. *Permittee Responsibility.* Violations by any persons conducting surface coal mining operations on behalf of the permittee shall be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage.

20.4.e. *Hearings and Appeals.* If the permittee files an answer to the show cause order and requests a hearing, a public hearing shall be held. The Secretary shall give thirty (30) days advance written notice to the permittee and any interested party who requests intervener status of the date, time, and place of the hearing. The Secretary shall publish the notice if practicable, in a newspaper of general circulation in the area of the operations, and shall also post the notice in the regional office of the Department of Environmental Protection nearest the operation.

20.4.f. *Consent Agreement.* When the permittee demonstrates that sufficient resources are available to him to abate the violation(s), the Secretary may enter into a consent agreement.

20.4.g. *Hearing Record and Decisions.* Within sixty (60) days following the hearing, the Secretary shall issue a written determination as to whether a pattern of violations exists, and furnish to the operator and all other parties to the hearing a written decision or consent order and the reason therefore, concerning suspension or revocation of the permit.

20.4.h. *Revocation and Suspension.* If the Secretary revokes or suspends the permit and the permittees right to mine under the Act, the permittee shall immediately cease surface coal mining operations in the subject permit area, and initiate the appropriate remedial action as follows:

20.4.h.1. If the permit and the right to mine under the Act are revoked, the operator shall complete reclamation within the time specified in the revocation order; or

20.4.h.2. If the permit and right to mine under the Act are suspended, the operator shall complete all affirmative obligations to abate all conditions, practices, or violations, as specified in the suspension order. 20.4.i. Failure to Abate. Whenever a permittee fails to abate a violation contained in a notice of violation or cessation order within the abatement period set in the notice or order or as subsequently extended, the Secretary shall review the permittees history of violations to determine whether a pattern of violations exists and shall issue an order to show cause where appropriate.

20.4.j. Consent Agreement. If, at any point in the enforcement process following the issuance of a notice of violation, a cessation order or a show cause order, a consent agreement is reached between the Secretary and a permittee and/or operator, the following standards shall apply to that consent order:

20.4.j.1. The Secretary will require all abatement work mandated in the consent agreement to be performed in the most expeditious manner physically possible. In no event shall the time period in which remedial action must be completed exceed one (1) year, nor can extensions to abatement times in consent orders total more than one year; provided however, that for sites permitted before September 5, 1989, the Secretary may grant a future extension if he finds in writing that exceptional circumstances exist which preclude abatement in the twelve-month period.

20.4.j.2. Violation of any term in a consent agreement shall result in immediate forfeiture of the bond for the site, unless the Secretary finds in writing that:

20.4.j.2.A. The operator and/or permittee have shown good faith in taking remedial actions required by the consent agreement; and

20.4.j.2.B. No environmental harm has resulted, or will result, from the subject violation.

20.4.j.3. No consent agreement shall be agreed to if the permittee, and/or operator or any entity owned or controlled by the permittee and/or the operator, has violated or is in violation of a previous consent agreement; provided however, that the Secretary is required to make only best efforts to determine if said violation or ownership and control ties exist.

20.4.j.4. No consent agreement can be reached on a site if the permittee and/or operator have previously entered into two consent orders on the same site. The standards set forth in 1. through 4. above shall apply to any extension, modification, or other change in any existing consent agreement.

WVDEP-DMR issued Notice of Violations (NOV)s, Failure to Abate Cessation Orders (CO)s and Imminent Harm Cessation Orders (IHCO)s to Bluestone Coal Corp, hereinafter, "Bluestone". The following violations were issued to Bluestone: issued NOV 17 on February 15, 2024, modified to CO 31 on May 30, 2024, resulting in Show Cause 2308 issued on November 14, 2024; issued NOV 18 on February 15, 2024, modified to CO 30 on May 30, 2024, resulting in Show Cause 2309 issued on November 14, 2024; issued NOV 19 on February 15, 2024, modified to CO 32 on May 30, 2024, resulting in Show Cause 2310 issued on November 14, 2024. issued NOV 22 on May 1, 2024, modified to CO 24 on May 6, 2024, resulting in Show Cause 2311 issued on November 14, 2024.

Bluestone requested show cause hearings on SC 2308, SC 2309, SC 2310 and SC 2311 on December 26, 2024. In accordance with the Show Cause Orders, Bluestone has thirty (30) days from receipt of the show cause letters to request a hearing to show cause why the permit should

not be suspended or revoked. The request from Bluestone was one day late, therefore a Suspension Order was issued to the Permit on January 6, 2025.

On January 3, 2025, WVDEP inspection staff did a follow-up inspection on the Permit resulting in the termination of NOV 18/ CO 30 (Show Cause 2309) and NOV 19/ CO 32 (Show Cause 2310). The weather on January 6, 2025 prevented WVDEP staff from obtaining signatures from the operator. On January 7, 2025, WVDEP will meet with Bluestone to serve the paperwork for the termination of violations associated with SC 2309 and SC 2310. Those signed documents will be forwarded to OSM as additional supplemental information to this response when available.

WVDEP-DMR identified two patterns of violations on December 30, 2024 and issued Show Cause Orders SC 2336 and SC 2337. WVDEP-DMR issued NOV 35 on June 17, 2024, modified to CO 42 on October 1, 2024, resulting in SC 2336 on December 30, 2024; WVDEP-DMR issued NOV 34 on June 17, 2024, modified to CO 41 on October 1, 2024, resulting in SC 2337.

Additional patterns were identified on January 2, 2025. WVDEP-DMR issued NOV 15 on October 12, 2024, modified to CO 21 on February 15, 2024, resulting in SC 2341 on January 2, 2025; issued NOV 23 on May 13, 2024, modified to CO 37 on October 1, 2024, resulting in SC 2344 on January 2, 2025; issued NOV 25 on May 21, 2024, modified to CO 38 on October 1, 2024, resulting in SC 2339 on January 2, 2025; issued NOV 26 on May 21, 2024, modified to CO 39 on October 1, 2024, resulting in SC 2340 on January 2, 2025; issued NOV 29 on May 21, 2024, modified to CO 40 on October 1, 2024, resulting in SC 2338 on January 2, 2025; issued Imminent Harm Cessation Order (IHCO) 27 on May 21, 2024; issued IHCO 33 on June 17, 2024, resulting in SC 2343 on January 2, 2025; issued NOV 34 on June 17, 2024, modified to CO 41 on October 1, 2024, resulting in SC 3337 on January 2, 2025; NOV 36 issued on July 23, 2024, modified to CO 43 on October 1, 2024, resulting in SC 2342 on January 2, 2025.

02 Nature of Violation and Location:

WV DEP Failure to revoke permit.

38CSR2-20.4.h.1

20.4.h.1. If the permit and the right to mine under the Act are revoked, the operator shall complete reclamation within the time specified in the revocation order.

In accordance with 38CSR2-20.4.h¹, the Secretary has discretion to determine which action WVDEP-DMR will take: revocation or suspension. Procedurally, WVDEP must first issue Notice of Violations (NOV)s and Cessation Orders (CO)s. When a pattern of violations is identified, the show cause process is followed. In this instance, WVDEP-DMR issued Show Cause Orders for the Permit on November 14, 2024, (SC 2308, SC 2309, SC 2310, and SC 2311). On December 26, 2024, Bluestone requested show cause hearings for SC 2308, SC 2309,

¹ 20.4.h. Revocation and Suspension. If the Secretary revokes or suspends the permit and the permittees right to mine under the Act, the permittee shall immediately cease surface coal mining operations in the subject permit area, and initiate the appropriate remedial action as follows.

SC 2310 and SC 2311. The request was made one day late; therefore, a Suspension Order was issued on January 6, 2025.

NOV 18 and CO 30, associated with SC 2309 were abated and terminated on January 3, 2025. NOV 19 and CO 32, associated with SC 2310 were abated and also terminated on January 3, 2025.

Additionally, WVDEP-DMR identified two patterns of violations on December 30, 2024 and issued Show Cause Orders SC 2336 and SC 2337. Additional patterns of violations were identified on January 2, 2025 and show cause letters for SC 2338, SC 2339, SC 2340, SC 2341, SC 2342, SC 2343 and SC 2344 were mailed to Bluestone. . In accordance with the Show Cause Orders, Bluestone has thirty (30) days from receipt of the show cause letters to request a hearing to show cause why the permit should not be suspended or revoked.

03 Nature of Violation and Location:

Permittee failure to abate IHCOs.

38CSR2-20.3.a.

20.3.a. Imminent Harm.

20.3.a.1. When the Secretary finds that a prospecting or surface mine operation creates an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, a cessation order shall be issued forthwith.

20.3.a.2. Any cessation order issued under the provisions of subsection (a) of section 16 of the Act, shall remain in effect until the violation has been abated or until modified, vacated, or terminated by the Secretary or the Surface Mine Board or by a court.

20.3.a.3. In any cessation order, the Secretary shall determine the appropriate remedial measures to be taken to abate the violation in the most expeditious manner possible and shall set forth these measures and the time by which abatement shall be accomplished in the order. 20.3.a.4. Mining operations conducted by any person without a valid surface mining permit, or approval for prospecting, constitute a condition or practice which causes or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, unless such operations are an integral, uninterrupted extension of previously permitted operations, and the person conducting such operations has filed a timely and complete application for a permit or approval to conduct such operations.

WVDEP-DMR issued Imminent Harm Cessation Order (IHCO) 27 on May 21, 2024 and IHCO 33 on June 17, 2024. WVDEP-DMR determined there was a pattern of violations, as both violations resulted in off-site impacts. On January 2, 2025 WVDEP-DMR issued Show Cause Order 2343. In accordance with the Show Cause Order, Bluestone has thirty (30) days from receipt of the show cause letter to request a hearing to show cause why the permit should not be suspended or revoked.

04 Nature of Violation and Location:

Permittee failure to abate FTACOs.

38CSR2-20.3.b.

20.3.b. Failure to Abate.

20.3.b.1. If the operator fails to meet the time set for abatement of a notice of violation issued pursuant to subsection 20.2 of this section, the Secretary shall issue a cessation order; or 20.3.b.2. If the operator fails to meet the time set for accomplishment of any interim step of a notice of violation issued pursuant to subsection 20.2 of this section, the Secretary may issue a cessation order.

WVDEP-DMR has followed the regulatory framework by issuing notice of violations (NOV)s and Failure to Abate Cessation Orders (FTACO)s for the Permit. WVDEP-DMR determined that four (4) patterns of violations existed and issued four (4) show cause letters to Bluestone on November 14, 2024: SC 2308, SC 2309, SC 2310, and SC 2311.

On December 26, 2024, Bluestone requested show cause hearings for SC 2308, SC 2309, SC 2310 and SC 2311, but failed to meet the thirty (30) day deadline. A Suspension Order was issued on January 6, 2025.

NOV 18 and CO 30, associated with SC 2309, were abated and terminated on January 3, 2025. NOV 19 and CO 32, associated with SC 2310, were also abated and terminated on January 3, 2025.

On December 30, 2024, WVDEP-DMR determined that two (2) patterns of violations existed and Show Cause 2336 and Show Cause 2337 were mailed to Bluestone. Additional patterns of violations were identified on January 2, 2025 and show cause letters SC 2338, SC 2339, SC 2340, SC 2341, SC 2342, SC 2343 and SC 2344 were mailed to Bluestone. In accordance with the Show Cause Order, Bluestone has thirty (30) days from receipt of the show cause letter to request a hearing to show cause why the permit should not be suspended or revoked.

WVDEP submits this response addressing the issues cited in TDN X23-111-579-003 and request this response be deemed appropriate. Thank you for your consideration of this information.

Sincerely,



Nicki Taylor
Assistant Director

Cc: John Flesher
James Kinser
Jonathan Rorrer

ATTACHMENTS



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 13, 2024

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2308

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon in McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 17 issued 02/15/2024 for failure to clean out sediment control structure when the sediment accumulation reaches 60 percent of the design capacity.**
- **Cessation Order # 31 issued 05/30/2024 for failure to abate NOV # 17.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.
m.taylor@wv.gov C = AD O = DEP
OU = DMR
Date: 2024.11.14 15:24:25 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Steve Sizemore, Regional Director
Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 14, 2024

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, KY 40223

Re: Permit No **S401301** Show Cause No. **2308**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **November 14, 2024**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2024.11.14 15:23:56 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box) _____

City: ROANOKE State: VA Zip: 24011 Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003 Current Permitted Acres: 579.62

County: McDowell Magisterial District: Barkers Ridge Nearest Post Office: Herndon

Surface Owner(s): Pocahontas Land Company- 800 Princeton avenue Bluefield, WV, 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024 Estimated Disturbed Acres at Last Inspection: 200

Has Mining Been Completed? Yes No X
Has Permit Been Phase I Released? Yes No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#17 issued on 2/15//2024. Failed to clean out sediment control structure when the sediment accumulation reaches 60 percent of the design capacity.

FTACO#31 on 5/30//2024. Failed to clean out sediment control structure when the sediment accumulation reaches 60 percent of the design capacity. No assessment conference was held or scheduled.

Inspector Signature: _____ Date: 10-29-24

Supervisor Signature: [Signature] Date: 10-29-24

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC # 2308

DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 29, 2024

Mining and Reclamation

Page 3 of 10

Violation History Details Report

For the period 1/1/2023 To 10/29/2024

For PERMIT: S401301

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Ent Std Desc.	Viol.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	02/14/2024 12:00	16	CO	Permit Conditions	02/14/2024 12:00	FTACO Issu	Description of Violation: Cease all mining activity reclamation only. NOV is being issued on this day for company failing to follow the PEP. In that the company failed to submit WET and BAS for outlets # 001 and 003.
		03/15/2024 12:00			Terminated			(REM) Remedial Measures: Submit WET and BAS testing data
		02/15/2024 01:30	21	CO	Permit Conditions	02/15/2024 01:30	FTACO Issu	(ATA) Action taken to abate: Company has submitted pebble count for endangered species monitoring report.. Description of Violation: Cease all mining activity maintenance only. Failure to apply for permit renewal 120 prior to expiration
		02/15/2024 11:30	17	NOV	Sediment Control	02/15/2024 11:30	NOV Issued	(REM) Remedial Measures: Activity gain approval of permit renewal. (DOV) Description of Violation: Failed to clean out sediment control structure when the sediment accumulation reaches 60 percent of the design capacity.
		02/26/2024 10:15			Extended			(REM) Remedial Measures: Clean pond to designed Capacity and recertify.
		03/15/2024 08:30			Extended			(ATA) Action taken to abate: Company is moving equipment on site to begin cleaning the pond.. (ATA) Action taken to abate: Company has hired a contractor to clean pond and equipment is being moved to job site.
		05/30/2024 00:00			Modified to C	05/30/2024 00:00	Modified to C	(ATA) Action taken to abate: Company cleaned 1/2 of pond and no longer working on it and no equipment on site.

VIOLATION HISTORY

PERMITTEE BLUESTONE COAL CORPORATION

PERMIT NO. S401301

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE BLUESTON COAL CORPORATION	PERMIT NO. S401301
--	---------------------------

VIOLATION #: 17	DATE OF VIOLATION: 2/15//2024
Description of Violation: Nov 17 Failed to clean out sediment control structure when the sediment accumulation reaches 60 percent of the design capacity.	
If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4.	

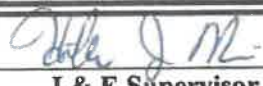
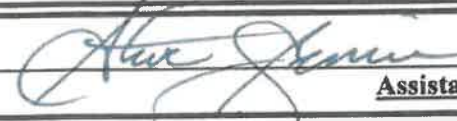
VIOLATION #: FTACO # 31	DATE OF VIOLATION: 5/30//2024
Description of Violation: FTACO #31 . Failed to clean out sediment control structure when the sediment accumulation reaches 60 percent of the design capacity. No assessment conference was held or scheduled.	
If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.	

VIOLATION #:	DATE OF VIOLATION:
Description of violation:	
If willful or unwarranted, describe:	

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
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VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation:	
Proceed w/ Show Cause	
 I & E Supervisor	10-29-24 Date
 Assistant Chief	10/30/24 Date

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	02/15/2024	09:00	RI	CS	A4	Yes	Yes	Yes

PERMITTEE NAME	BLUESTONE COAL CORPORATION			MSHA #	45-03404						
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....			MR-19 DATE	02/27/2004.....						
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE	08/08/2022						
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED	MR-8						
LAST INSP DATE	01/26/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS	06/15/2024	BLAST AD					
TIME USED (HRS)=>	PERMIT REVIEW	1.00	INSPECT	6.00	TRAVEL	1.50	REPORT	0.75			

INSPECTION COMMENTS

Complete with supervisor on this date. Several NOV's will be issued. The pit to the right when you first pull on to the job failed to have sediment control or in pit certification, so a NOV will be issued. Another NOV will be issued failed to follow the approved drainage plan which caused erosion down valley fill 8, so NOV will be issued. Also another NOV will be issued, failed to clean out sediment

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited	Full Compliance		0200 Exceeding Limits	Full Compliance	
0300 Signs and Markers	Full Compliance		0400 Sediment Control	NOV Issued	17
0500 Design Certification	NOV Issued	18	0600 Effluent Limits	Full Compliance	
0700 Surface Water	Full Compliance		0800 Ground Water	Full Compliance	
0900 Blasting Procedures	Comments		1000 Haul Roads	Full Compliance	
1100 Refuse Impoundments	Not Applicable		1200 Topsoil Handling	Full Compliance	
1300 Backfill / Grading	NOV Issued	19	1400 Reclamation Schedule	Full Compliance	
1500 Revegetation Requirements	Full Compliance		1600 Disposal of Excess Spoil	Full Compliance	
1700 Highwall Elimination	Full Compliance		1800 Downslope Spoil Disposal	Full Compliance	
1900 Postmining Land Use	Full Compliance		2000 Ceased Mining Temporarily	Full Compliance	
2100 Acid bearing /Toxic Material	Full Compliance		2200 Method of Operations	Full Compliance	
2300 Change of Operator	Full Compliance		2400 Permit Conditions	NOV Issued	20
2500 Diversions and Drainage Control	Full Compliance		2600 Fugitive Dust Control	Full Compliance	
2700 Subsidence Plan	Full Compliance		2800 Insurance Current	Full Compliance	
2900 Bonding Current	Full Compliance		3000 Other Conditions	Full Compliance	

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal	<i>[Signature]</i> 2/16/24
DELIVERY METHOD / DATE TIME	Hand 2/16/2024 00:00:00	
CERTIFIED MAIL NUMBER		
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011	
WV DEP REP.	Aaron J Barley	<i>[Signature]</i>

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		0400	17	02/28/2024	10:15

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted

Extended to 03/11/2024 at 12:00 NOV modified to CO # CO modified to NOV #

Action taken to abate:
Company is moving equipment on site to begin cleaning the pond..

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 2/26/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward
 [Secretary, Department of Environmental Protection]

 [WV DEP Representative]

2-26-2024
 Date

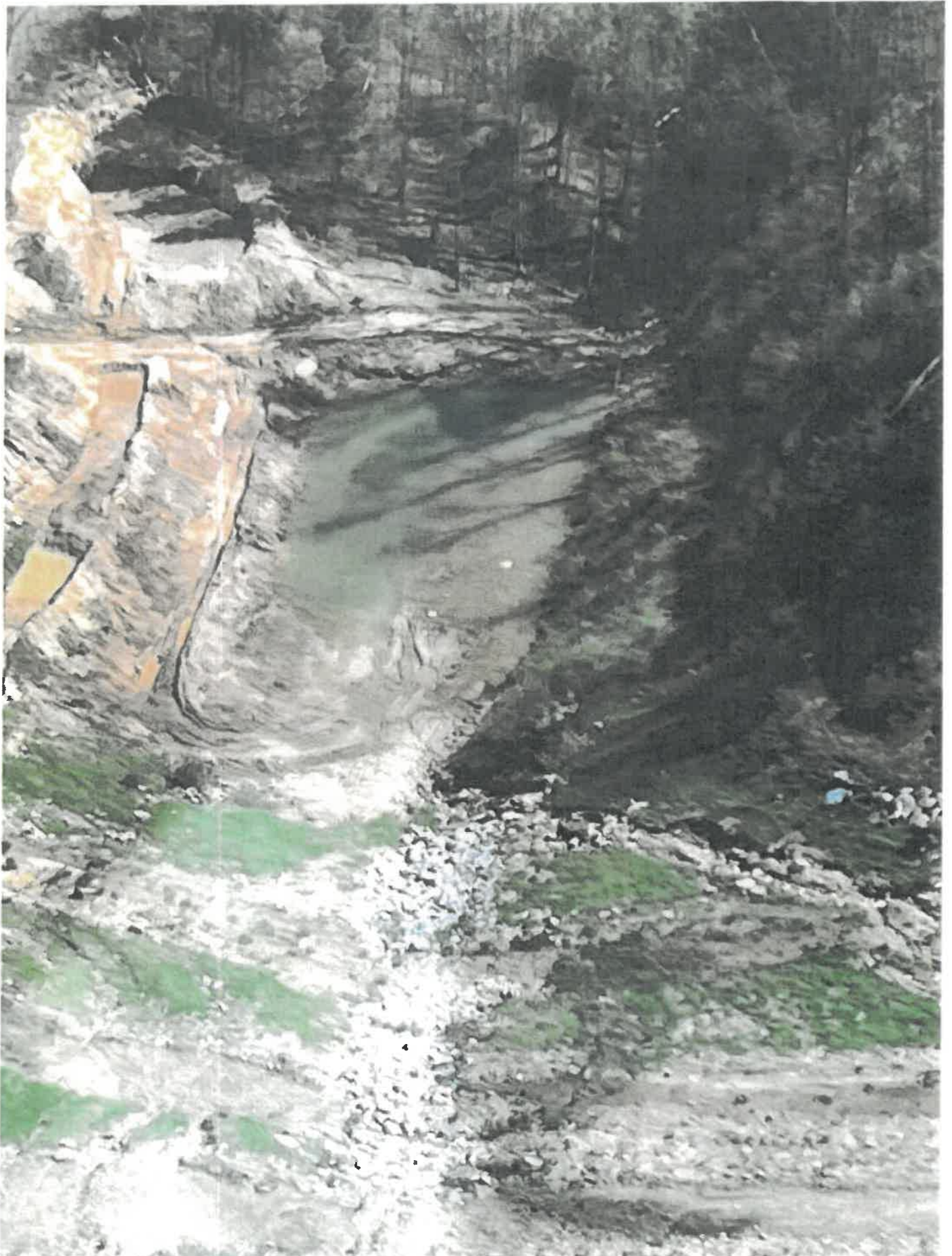
Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____









ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		0400	17	05/30/2024	00:00

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted

Extended to _____ at _____ NOV modified to CO # 31 CO modified to NOV # _____

Action taken to abate:

Company cleaned 1/2 of pond and no longer working on it and no equipment on site.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	02/15/2024	09:00	6 (rev 4/20)		0400	05/30/2024	12:30	31	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 15th day of February, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

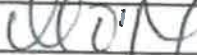
The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF The permittee or operator has failed to abate the violation included in Notice of Violation # 17 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:
Cease all mining activity maintenance only. Failed to clean out sediment control structure when the sediment accumulation reaches 60 percent of the design capacity.

[REM] Remedial Measures:
Clean pond to designed Compacity and recertify.

MUST BE CORRECTED BY DATE: 06/29/2024 12:00 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal 

DELIVERY METHOD / DATE TIME Hand 5/31/1200 00:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward  05/30/2024

[Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

WAIVER – The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____ DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Bluestone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson St.
Roanoke, VA, 24011

RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Bluestone Coal Corporation holding permit number **S401301**, with issued Cessation Order Number **FTACO 31** on **5/30/2024**.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director


Date

Cc:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BlueStone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011



2. Article Number (Transfer from service label)
9589 0710 5270 0890 5699 74
PS Form 3811, July 2020 PSN 7530-02-000-9063

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type
- Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Certified Mail™
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6628 8199 38**.


Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	November 20, 2024, 10:56 am
Location:	LOUISVILLE, KY 40223
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	7lb, 11.6oz
----------------	-------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	10002 SHELBYVILLE RD STE 100, LOUISVILLE, KY 40223

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

S401301
SC# 2308
SC packet
Surety letter



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6628 8199 45.

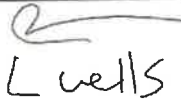
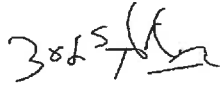
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	November 20, 2024, 11:32 am
Location:	ROANOKE, VA 24011
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	4lb, 4.5oz
----------------	------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

S401301
30 Day letters for:
SC #'s 2308
2309
2310
2311



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 13, 2024

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2309

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 18 issued 02/15/2024 for failure to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.**
- **Cessation Order # 30 issued 05/30/2024 for failure to abate NOV # 18.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor

Digitally signed by Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@ny.gov C = AD O
= DEP OU = DMR
Date: 2024.11.14 15:27:05 -0500

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Steve Sizemore, Regional Director
Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 14, 2024

CERTIFIED MAIL

Lexon Insurance Company
10002 Shelbyville Rd.
Ste 100
Louisville, KY 40223

Re: Permit No **S401301** Show Cause No. **2309**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **November 14, 2024**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.taylor@wv.gov C = AD O = DEP OU = DMR
Date: 2024.11.14 15:27:30 -0500

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box) _____

City: ROANOKE State: VA Zip: 24011 Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003 Current Permitted Acres: 579.62

County: McDowell Magisterial District: Barkers Ridge Nearest Post Office: Herndon

Surface Owner(s): Pocahontas Land Company- 800 Princeton avenue Bluefield, WV, 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024 Estimated Disturbed Acres 200
at Last Inspection: _____

Has Mining Been Completed? Yes No X
Has Permit Been Phase I Released? Yes No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#18 issued on 2/15/2024. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.

FTACO#30 on 5/30/2024. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.
An assessment conference was not requested for the violations.

Inspector Signature: _____ Date: 10-29-24

Supervisor Signature: [Signature] Date: 10-29-24

~~Distribution: Headquarters (original), Company, Supervisor, Inspector~~

SC # 2309

DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 29, 2024

Mining and Reclamation

Page 4 of 10

Violation History Details Report

For the period 1/1/2023 To 10/29/2024

For PERMIT: S401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Emf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR S401301	02/15/2024 11:45	18	NOV	Design Certification	02/15/2024 11:45	NOV Issued	(DOV) Description of Violation: Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.
					02/26/2024 10:25	Extended	(REM) Remedial Measures: Submit Certifications. (ATA) Action taken to abate: Company is working on erosion that has caused drainage area issues.
					03/15/2024 08:45	Extended	(ATA) Action taken to abate: Company is working on erosion that has caused drainage area issues..
					05/30/2024 12:00	Modified to C	(ATA) Action taken to abate: Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.
	02/15/2024 12:00	19	NOV	Backfill / Grading	02/15/2024 12:00	NOV Issued	(DOV) Description of Violation: Failer to maintain the diversion ditches are used to prevent spoil erosion and movement..
					02/26/2024 10:00	Extended	(REM) Remedial Measures: Fix erosion (ATA) Action taken to abate: Company is moving equipment on site to work on diversion ditches and erosion.
					03/15/2024 08:48	Extended	(ATA) Action taken to abate: Company is working on fixing diversion ditches and erosion.
					05/30/2024 12:15	Modified to C	(ATA) Action taken to abate: Failer to maintain the diversion ditches are used to prevent spoil erosion and movement..
	02/15/2024 12:30	20	NOV	Permit Conditions	02/15/2024 12:30	NOV Issued	(DOV) Description of Violation: Permittee failed to follow permit conditions by failing to submit GPP fees for 2022-2023
							(REM) Remedial Measures: Submit GPP fees.

VIOLATION HISTORY

PERMITTEE <u>BLUESTONE COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
---	---------------------------

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE <u>BLUESTON COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
---	----------------------------------

VIOLATION #: 18	DATE OF VIOLATION: 2/15//2024
Description of Violation: Nov 18. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.	
If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4.	

VIOLATION #: FTACO # 30	DATE OF VIOLATION: 5/30//2024
Description of Violation: FTACO #30 . Cease all mining activity maintenance only. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan..	
If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.	

VIOLATION #:	DATE OF VIOLATION:
Description of violation:	
If willful or unwarranted, describe:	

PERMITTEE <u>BLUESTONE COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
--	----------------------------------

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: <i>Proceed w/ show cause</i>	
<i>White J M</i> I & E Supervisor	<i>10-29-24</i> Date
<i>Steve Jimm</i> Assistant Chief	<i>10/30/24</i> Date

PERMIT NUMBER	INSPECTION				MINE STATUS	PHOTOS	BLASTING	
	DATE	TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	02/15/2024	09:00	RI	CS	A4	Yes	Yes	Yes

PERMITTEE NAME	BLUESTONE COAL CORPORATION			MSHA #	46-03404						
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....			MR-19 DATE	02/27/2004.....						
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE	29-06-2023						
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.18		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	01/28/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS	06/15/2024	BLAST AD					
TIME USED (HRS) ==>	PERMIT REVIEW	1.00	INSPECT	6.00	TRAVEL	1.50	REPORT	0.75			

INSPECTION COMMENTS

Complete with supervisor on this date. Several NOV's will be issued. The pit to the right when you first pull on to the job failed to have sediment control or in pit certification, so a NOV will be issued. Another NOV will be issued failed to follow the approved drainage plan which caused erosion down valley fill 8, so NOV will be issued. Also another NOV will be issued. failed to clean out sediment

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited..	Full Compliance		0200 Exceeding Limits.....	Full Compliance	
0300 Signs and Markers.....	Full Compliance		0400 Sediment Control.....	NOV Issued	17
0500 Design Certification.....	NOV Issued	18	0600 Effluent Limits.....	Full Compliance	
0700 Surface Water.....	Full Compliance		0800 Ground Water.....	Full Compliance	
0900 Blasting Procedures ..	Comments		1000 Haul Roads.....	Full Compliance	
1100 Refuse Impoundments.....	Not Applicable		1200 Topsoil Handling.....	Full Compliance	
1300 Backfill / Grading.....	NOV Issued	19	1400 Reclamation Schedule.....	Full Compliance	
1500 Revegetation Requirements.....	Full Compliance		1600 Disposal of Excess Spoil.....	Full Compliance	
1700 Highwall Elimination.....	Full Compliance		1800 Downslope Spoil Disposal.....	Full Compliance	
1900 Postmining Land Use.....	Full Compliance		2000 Ceased Mining Temporarily.....	Full Compliance	
2100 Acid bearing /Toxic Matenal.....	Full Compliance		2200 Method of Operations.....	Full Compliance	
2300 Change of Operator.....	Full Compliance		2400 Permit Conditions.....	NOV Issued	20
2500 Diversions and Drainage Control.....	Full Compliance		2600 Fugitive Dust Control.....	Full Compliance	
2700 Subsidence Plan.....	Full Compliance		2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....	Full Compliance		3000 Other Conditions.....	Full Compliance	

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal	<i>[Signature]</i> 2/16/24
DELIVERY METHOD / DATE TIME	Hand	2/16/2024 00:00:00
CERTIFIED MAIL NUMBER		
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011	
WV DEP REP.	Aaron J Barley	<i>[Signature]</i>

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	02/15/2024	11:45	18	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

CONTRACT BLASTING FIRM _____

BLASTER NAME _____
(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 15th day of February, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
5.4.d

Reg 38-2-
22-3-13(b)(10)(C)

[DOV] Description of Violation:

Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.

[REM] Remedial Measures:

Submit Certifications.

MUST BE CORRECTED BY DATE 02/23/2024 12:00

NOV Issued CO Modified to NOV
 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal *[Signature]* 2/16/24

DELIVERY METHOD / DATE TIME Hand 2/16/2024 12:00:00

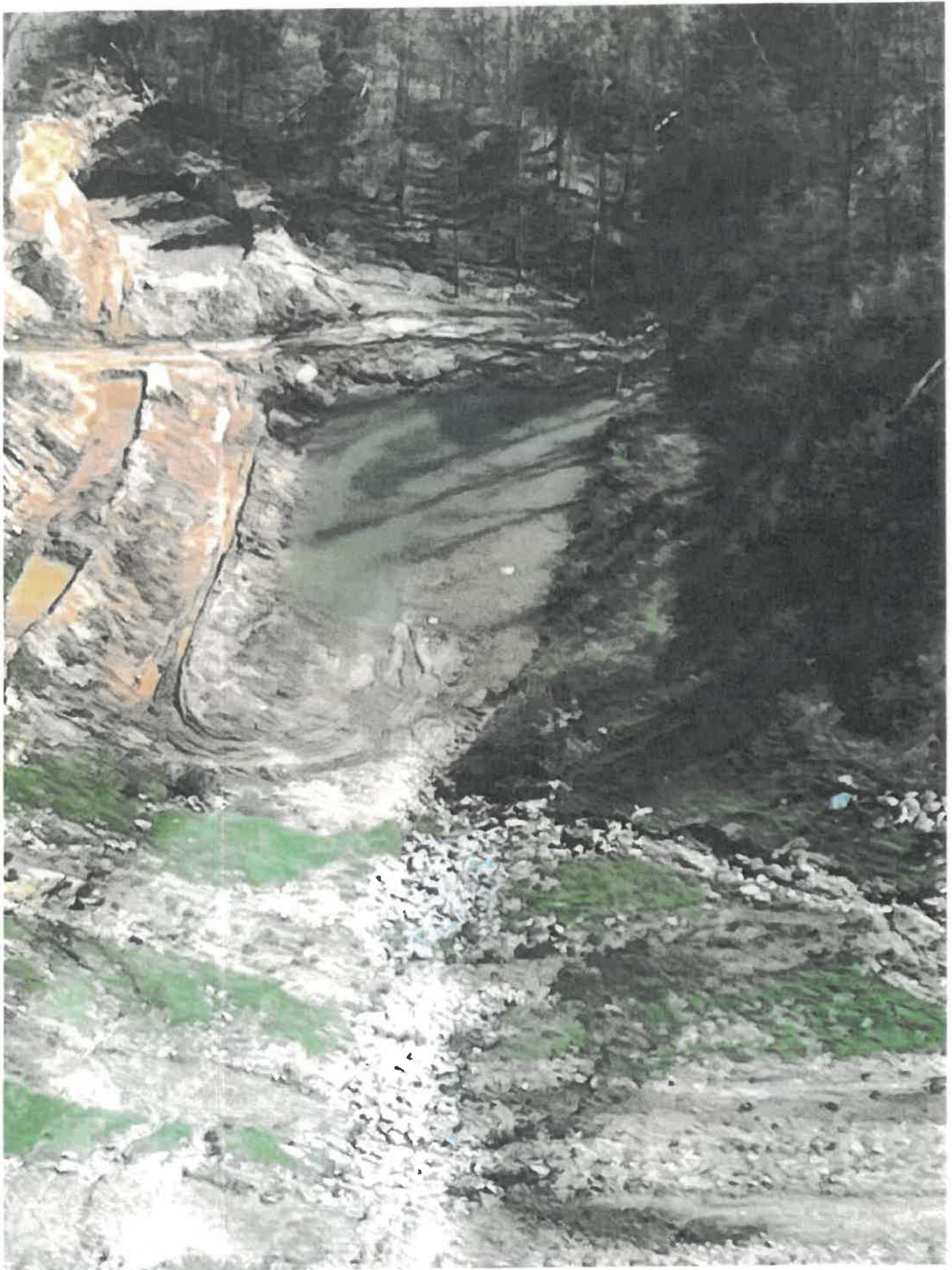
CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

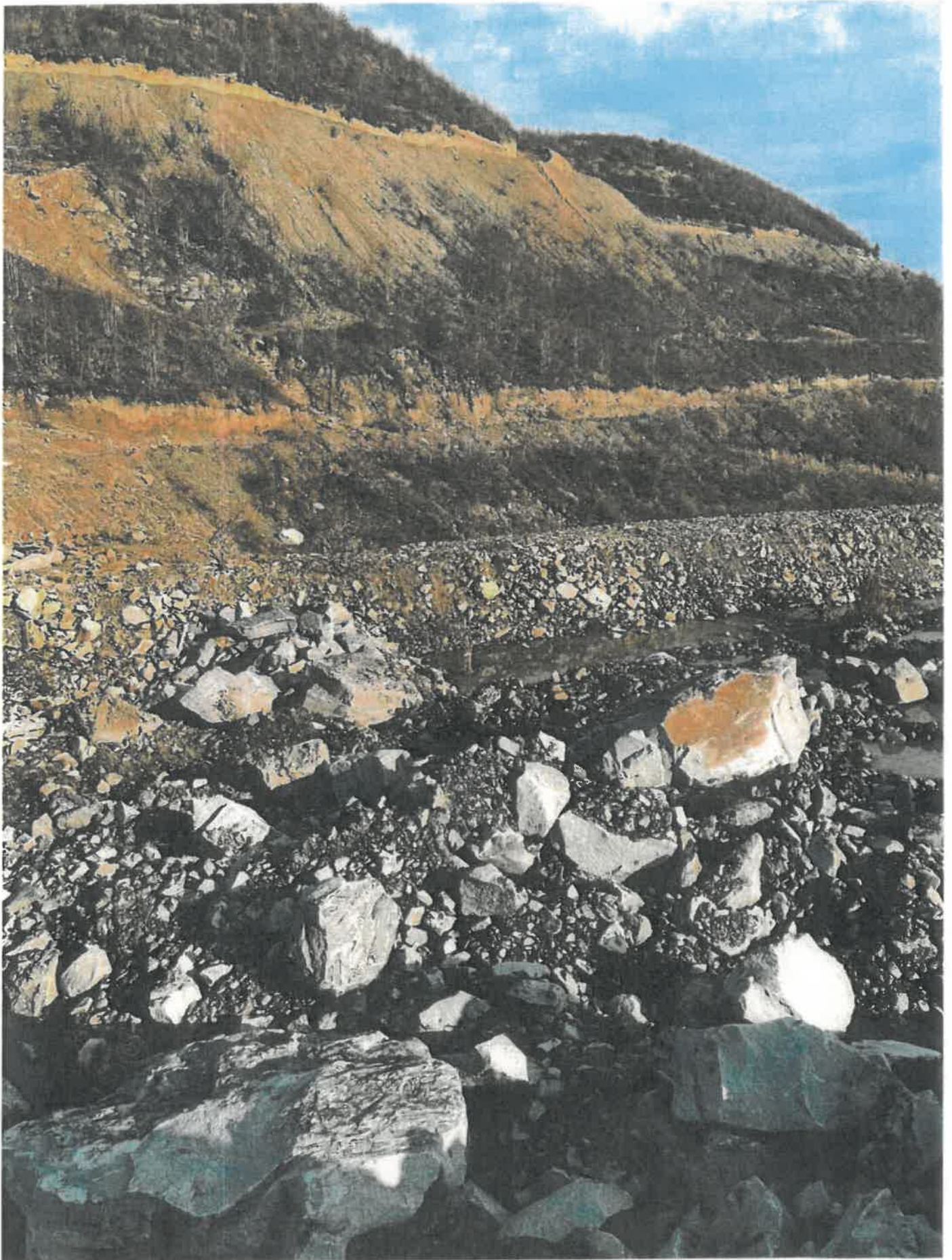
WV DEP REP. Aaron J Barley

Harold D. Ward *[Signature]* 02/15/2024
[Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.









ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	18	02/26/2024	10:25

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to 03/11/2024 at 12:00 NOV modified to CO # CO modified to NOV #

Action taken to abate:
Company is working on erosion that has caused drainage area issues.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
 Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
 Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal 

DELIVERY METHOD / DATE TIME Hand 2/26/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward
 [Secretary, Department of Environmental Protection]


 [WV DEP Representative]

2-26-2024
 Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	18	05/30/2024	12:00

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # 30 CO modified to NOV # _____

Action taken to abate:

Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	05/30/2024	12:00	30	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 15th day of February, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF The permittee or operator has failed to abate the violation included in Notice of Violation # 18 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

Cease all mining activity maintenance only. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.

[REM] Remedial Measures:

Submit Certifications.

MUST BE CORRECTED BY DATE: 06/29/2024 12:00

Resulted in Off-Site Impact


AUTH. COMPANY REPRESENTATIVE Derrick Oneal 

DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward  05/30/2024

[Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____ DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Bluestone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson St,
Roanoke, VA, 24011

RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Bluestone Coal Corporation holding permit number **S401301**, with issued Cessation Order Number **FTACO 30 on 5/30/2024**.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director


Date

Cc:

9589 0710 5270 0890 5699 81

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™

OFFICIAL USE

Postage and Fees	4.40
<input checked="" type="checkbox"/> Signature Required	
<input type="checkbox"/> Return Receipt (hard copy)	
<input type="checkbox"/> Return Receipt (electronic)	
<input type="checkbox"/> Adult Signature Required	
<input type="checkbox"/> Adult Signature Restricted	
<input type="checkbox"/> Adult Signature Restricted (over 18)	

Postage: .64
Total Postage and Fees: 8.64



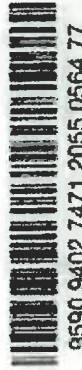
Sent To: **Bluestone Coal Corporation**
302 South Jefferson Street
Roanoke, VA 24011

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011



9590 9402 7471 2055 0564 77

2. Article Number (Transfer from service label)

9589 0710 5270 0890 5699 81

PS Form 3811, July 2020 PSN 7530-02-000-0053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 X Addressee

B. Received by (Printed Name) Date of Delivery

Is delivery address different from item 1? Yes No
 If YES, give delivery address below: Yes No



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6628 8199 21**.


Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	November 20, 2024, 10:57 am
Location:	LOUISVILLE, KY 40223
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	8lb, 0.4oz
----------------	------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	10002 SHELBYVILLE RD STE 100, LOUISVILLE, KY 40223

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

S401301
SC # 2309
SC packet
Surety letter



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6628 8199 45.


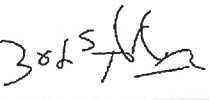
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	November 20, 2024, 11:32 am
Location:	ROANOKE, VA 24011
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	4lb, 4.5oz
----------------	------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	3065 

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

S401301
30 Day letters for:
SC #'s 2308
2309
2310
2311



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0495
Fax: (304) 926-0463

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

January 6, 2025

**RE: SHOW CAUSE PROCEEDING TERMINATION PERMIT S401301,
SHOW CAUSE 2309.**

Dear Operator:

Please be advised that the above referenced Show Cause Proceeding is hereby terminated. This action is based upon NOV 18 and CO 30 being abated and terminated.

If you have any questions, please contact me at the following number:
304-940-0274.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.
taylor@wv.gov C = AD O = DEP OU =
DMR
Date: 2025.01.07 09:27:57 -05'00'

Nicki Taylor, Assistant Director
Division of Mining and Reclamation

cc: Heather Rice, Inspector Supervisor
Aaron Barley, Inspector
Jamie Hopen, NPDES Enforcement
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MCSSS

Promoting a healthy environment.



west virginia department of environmental protection

Division of Mining & Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV 25840
Phone: 304-574-4465
Fax: 304-574-4480

Harold D. Ward, Cabinet Secretary
dep.wv.gov

To: [Nicki M Taylor](#)

From: [Heather J Rice](#)

Date: 01/03/2025

Re: Bluestone Coal Corporation S401301, NOV #18 FTACO #30 Show Cause #2309

Nicki, all violations associated with this show cause have been abated and terminated on 01/03/2025. I recommend termination of the show cause.

Heather J
Rice

Digitally signed by: Heather J Rice
DN: CN = Heather J Rice email =
heather.j.rice@wv.gov C = US O =
WVDEP OU = DMR
Date: 2025.01.06 09:01:15 -05'00'

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	01/03/2025	09:15	R1	P	A4	No	No	No

PERMITTEE NAME	BLUESTONE COAL CORPORATION		MSHA #	46-03404							
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....		MR-19 DATE	02/27/2004.....							
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE	09/08/2023						
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	12/10/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS	08/15/2025	BLAST AD					
TIME USED (HRS)=>	PERMIT REVIEW	0.25	INSPECT	1.00	TRAVEL	1.50	REPORT	0.25			

INSPECTION COMMENTS

CO# 30 was terminated. Company submitted certification. CO#32 was terminated. Company placed shot rock in erosion gulleys. I recommend Show cause #s 2309 and 2310 be terminated.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....	Comments	
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....			3000 Other Conditions.....	Comments	

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal
DELIVERY METHOD / DATE TIME	Hand 1/7/2024 09:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP.	Aaron J Barley

MR-16
ERIS

West Virginia Department Of Environmental Protection
MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	30	01/03/2025	09:00

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # _____ CO modified to NOV # _____

Action taken to abate:
Company submitted certs.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 1/7/2025 09:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward
[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]

1-7-24
Date

Names of individuals at informal Conference: _____

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 13, 2024

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2310

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 19 issued 02/15/2024 for failure to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.**
- **Cessation Order # 32 issued 05/30/2024 for failure to abate NOV # 19.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2024.11.14 15:40:58 -0500

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Steve Sizemore, Regional Director
Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 14, 2024

CERTIFIED MAIL

Lexon Insurance Company
10002 Shelbyville Rd.
Ste 100
Louisville, KY 40223

Re: Permit No **S401301** Show Cause No. **2310**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **November 14, 2024**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.taylor@wv.gov C = AD O = DEP OU = DMR
Date: 2024.11.14 15:40:30 -0500

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box) _____

City: ROANOKE State: VA Zip: 24011 Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003 Current Permitted Acres: 579.62

County: McDowell Magisterial District: Barkers Ridge Nearest Post Office: Herndon

Surface Owner(s): Pocahontas Land Company- 800 Princeton avenue Bluefield, WV. 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024 Estimated Disturbed Acres at Last Inspection: 200

Has Mining Been Completed? Yes No X
Has Permit Been Phase I Released? Yes No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#19 issued on 2/15/2024. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.

FTACO#32 on 5/30/2024. Failure to maintain the diversion ditches are used to prevent spoil erosion and movement. An assessment conference was not requested for the violations.

Inspector Signature: _____ Date: 10-29-24

Supervisor Signature: HA J 12- Date: 10-29-24

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC# 2310

DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 29, 2024

Page 4 of 10

Mining and Reclamation

Violation History Details Report

For the period 1/1/2023 To 10/29/2024

For PERMIT: S401301

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	02/15/2024 11:45	18	NOV	Design Certification	02/15/2024 11:45	NOV Issued	(DOV) Description of Violation: Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.
						02/26/2024 10:25	Extended	(REM) Remedial Measures: Submit Certifications. (ATA) Action taken to abate: Company is working on erosion that has caused drainage area issues.
						03/15/2024 08:45	Extended	(ATA) Action taken to abate: Company is working on erosion that has caused drainage area issues..
						05/30/2024 12:00	Modified to C	(ATA) Action taken to abate: Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.
		02/15/2024 12:00	19	NOV	Backfill / Grading	02/15/2024 12:00	NOV Issued	(DOV) Description of Violation: Failer to maintain the diversion ditches are used to prevent spoil erosion and movement..
						02/26/2024 10:00	Extended	(REM) Remedial Measures: Fix erosion (ATA) Action taken to abate: Company is moving equipment on site to work on diversion ditches and erosion.
						03/15/2024 08:48	Extended	(ATA) Action taken to abate: Company is working on fixing diversion ditches and erosion.
						05/30/2024 12:15	Modified to C	(ATA) Action taken to abate: Failer to maintain the diversion ditches are used to prevent spoil erosion and movement..
		02/15/2024 12:30	20	NOV	Permit Conditions	02/15/2024 12:30	NOV Issued	(DOV) Description of Violation: Permittee failed to follow permit conditions by failing to submit GPP fees for 2022-2023
								(REM) Remedial Measures: Submit GPP fees.

VIOLATION HISTORY

PERMITTEE <u>BLUESTONE COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
--	----------------------------------

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE <u>BLUESTON COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
---	----------------------------------

VIOLATION #: 19	DATE OF VIOLATION: 2/15//2024
<p>Description of Violation: Nov 19. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4.</p>	

VIOLATION #: FTACO # 32	DATE OF VIOLATION: 5/30//2024
<p>Description of Violation: FTACO #32. Cease all mining activity maintenance only. Failure to maintain the diversion ditches are used to prevent spoil erosion and movement..</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.</p>	

VIOLATION #:	DATE OF VIOLATION:
<p>Description of violation:</p>	
<p>If willful or unwarranted, describe:</p>	

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
---	---------------------------

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: Proceed w/ show cause	
<i>John J. M.</i> I & E Supervisor	10-29-24 Date
<i>Star Jones</i> Assistant Chief	10/30/24 Date

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	02/15/2024	09:00	RI	CS	A4	Yes	Yes	Yes

PERMITTEE NAME BLUESTONE COAL CORPORATION **MSHA #** 46-03404
OPERATOR NAME JUSTICE HIGHWALL MINING, INC..... **MR-19 DATE** 02/27/2004.....
NPDES # WV1021079 **NPDES EXPR DATE** 07/02/2022 **PERMIT EXPR DATE** 08/08/2018
PERMIT ACRES 579.62 **TOTAL DISTBD** 200.00 **RECLMD** 2.00 **ANCIL-LARY** 5.16 **UNRECLMD** 19.16
DATES: PH I _____ **PH II** _____ **LAST AUG SEED** _____ **MR-8** _____
LAST INSP DATE 01/26/2024 **TYPE** P **BOND INC** 4 **INC BONDED ACRES** 242.23 **CUR IBR#** 5 **CUR REV#** 4
EXPR DATES: INACT 08/08/2018 **EMER RESP PLAN** _____ **INS** 06/15/2024 **BLAST AD** _____
TIME USED (HRS)=> **PERMIT REVIEW** 1.00 **INSPECT** 6.00 **TRAVEL** 1.50 **REPORT** 0.75

INSPECTION COMMENTS

Complete with supervisor on this date. Several NOV's will be issued. The pit to the right when you first pull on to the job failed to have sediment control or in pit certification, so a NOV will be issued. Another NOV will be issued failed to follow the approved drainage plan which caused erosion down valley fill 8, so NOV will be issued. Also another NOV will be issued, failed to clean out sediment

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited	Full Compliance		0200 Exceeding Limits.....	Full Compliance	
0300 Signs and Markers....	Full Compliance		0400 Sediment Control.....	NOV Issued	17
0500 Design Certification..	NOV Issued	18	0600 Effluent Limits.....	Full Compliance	
0700 Surface Water.....	Full Compliance		0800 Ground Water.....	Full Compliance	
0900 Blasting Procedures	Comments		1000 Haul Roads.....	Full Compliance	
1100 Refuse Impoundments	Not Applicable		1200 Topsoil Handlng.....	Full Compliance	
1300 Backfill / Grading ..	NOV Issued	19	1400 Reclamation Schedule.....	Full Compliance	
1500 Revegetation Requirements	Full Compliance		1600 Disposal of Excess Spoil.....	Full Compliance	
1700 Highwall Elimination ..	Full Compliance		1800 Downslope Spoil Disposal.....	Full Compliance	
1900 Postmining Land Use ..	Full Compliance		2000 Ceased Mining Temporarily.....	Full Compliance	
2100 Acid bearing /Toxic Material.....	Full Compliance		2200 Method of Operations.....	Full Compliance	
2300 Change of Operator.....	Full Compliance		2400 Permit Conditions ..	NOV Issued	20
2500 Diversions and Drainage Control..	Full Compliance		2600 Fugitive Dust Control.....	Full Compliance	
2700 Subsidence Plan ..	Full Compliance		2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....	Full Compliance		3000 Other Conditions..	Full Compliance	

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE Derrick Oneal *[Signature]* 2/16/24
DELIVERY METHOD / DATE TIME Hand 2/16/2024 00 00.00
CERTIFIED MAIL NUMBER _____
ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP. Aaron J Barley *[Signature]*

MR-15
ERIS

West Virginia Department Of Environmental Protection
MR-15 NOTICE OF VIOLATION

Page 1 of 1

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	02/15/2024	09:00	6 (rev 4/20)		1300	02/15/2024	12:00	19	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC
MSHA ID# 46-03404 NPDES # _____
OWNER/CONTROLLER _____
CONTRACT BLASTING FIRM _____
BLASTER NAME _____
(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 15th day of February, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
14.14.a.b

Reg 38-2-
22-3-13(22)(C)

[DOV] Description of Violation:

Failer to maintain the diversion ditches are used to prevent spoil erosion and movement.

[REM] Remedial Measures:

Fix erosion

MUST BE CORRECTED BY DATE 02/23/2024 12:00

NOV Issued

CO Modified to NOV

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 2/16/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

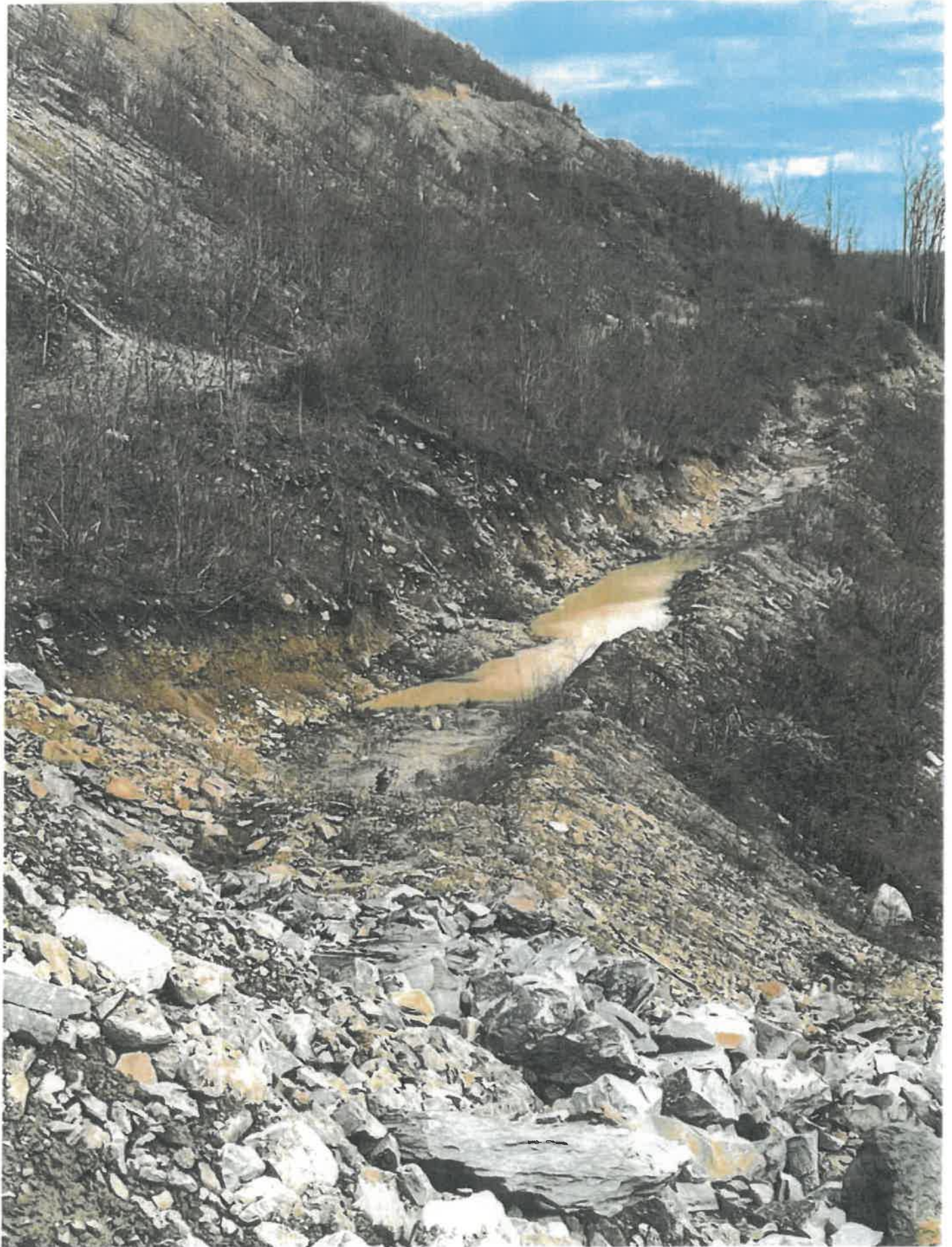
Harold D. Ward

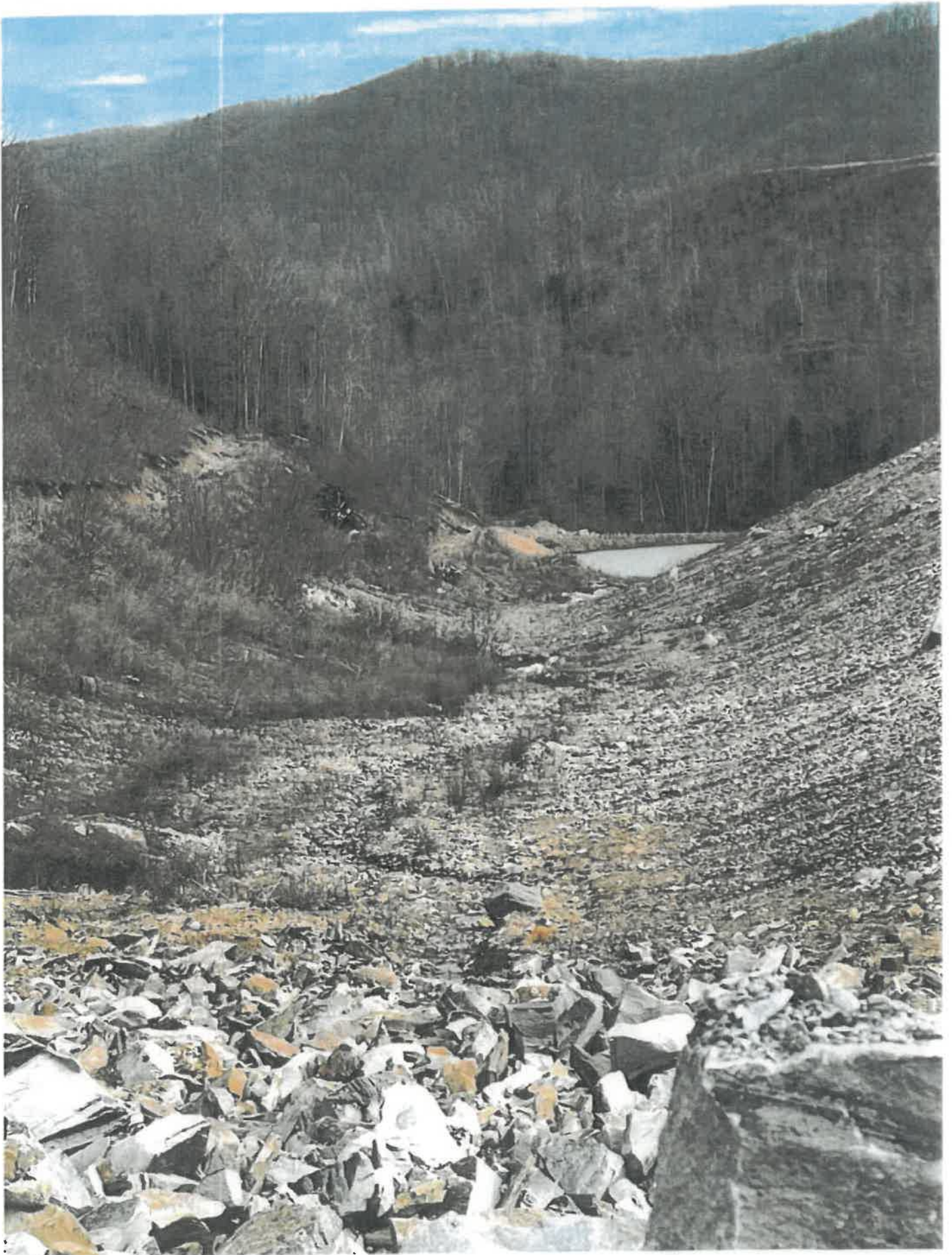
[Secretary, Department of Environmental Protection]

02/15/2024

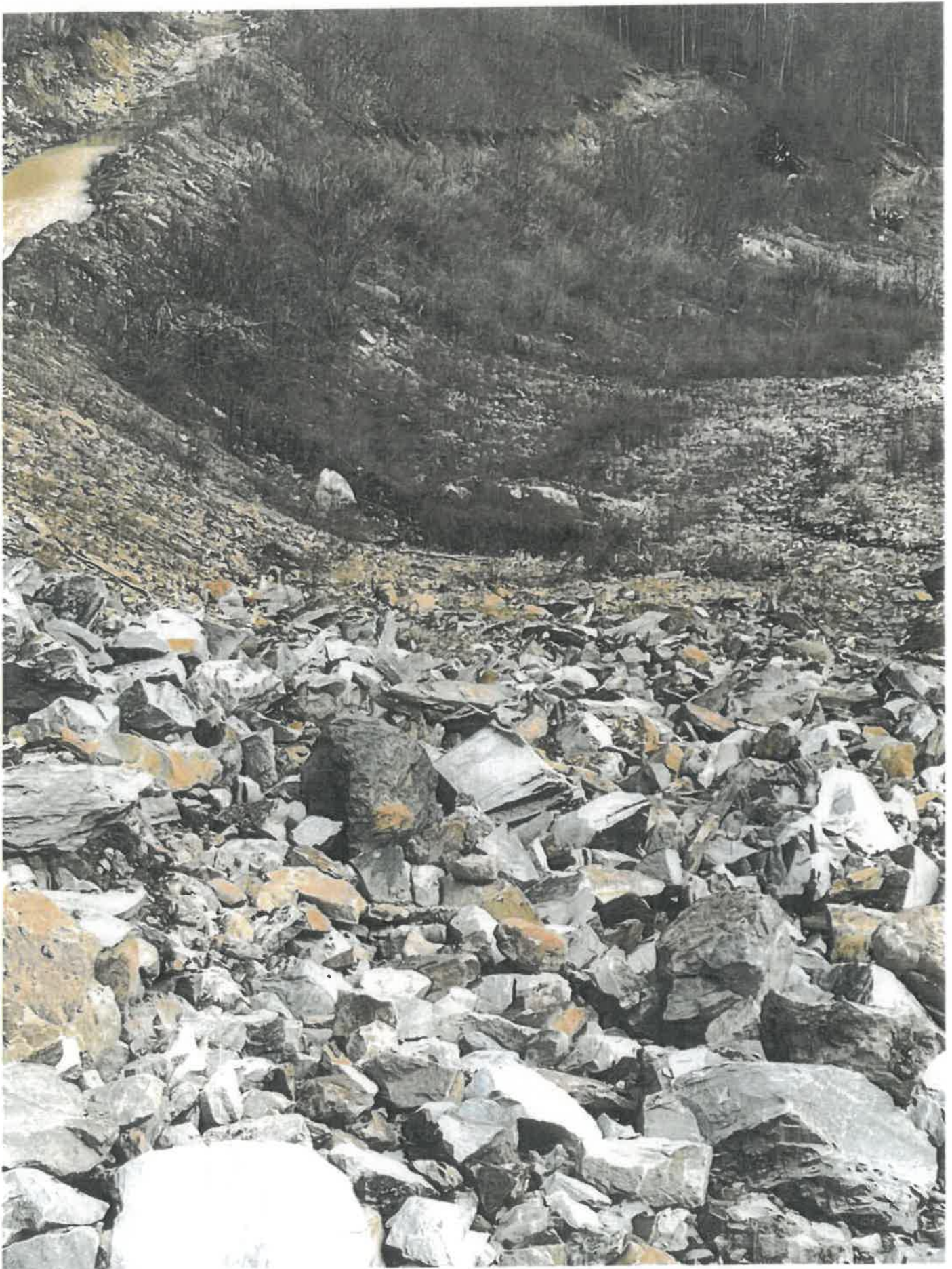
[WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.















PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA					NEW VIOLATION ACTIVITY		
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		1300	19	03/15/2024	08:48

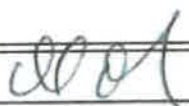
PERMITTEE NAME BLUESTONE COAL CORPORATION


Violation is hereby. Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to 03/11/2024 at 12:00 NOV modified to CO # CO modified to NOV #

Action taken to abate:
Company is working on fixing diversion ditches and erosion.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
 Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
 Comments:

AUTH. COMPANY REPRESENTATIVE 
 DELIVERY METHOD / DATE TIME _____
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Ward  3-15-24
 [Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference: _____

Results: CO was: Upheld Modified Terminated Withdrawn

Comments: _____

SUPERVISOR: _____ DATE: _____ TIME: _____
 COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		1300	19	05/30/2024	12:15

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted

Extended to _____ at _____ NOV modified to CO # 32 CO modified to NOV # _____

Action taken to abate:

Failer to maintain the diversion ditches are used to prevent spoil erosion and movement..

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-15A
ERIS

West Virginia Department Of Environmental Protection
MR-15A CESSATION ORDER

Page 1 of 1

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	02/15/2024	09:00	6 (rev 4/20)		1300	05/30/2024	12:15	32	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
OPERATOR NAME _____
MSHA ID# 46-03404 NPDES # _____
OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 15th day of February, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)
The permittee or operator has failed to abate the violation included in Notice of Violation # 19 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:
Cease all mining activity maintenance only. Failure to maintain the diversion ditches are used to prevent spoil erosion and movement.

[REM] Remedial Measures:
Fix erosion

MUST BE CORRECTED BY DATE: 06/29/2024 12:00

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

05/30/2024

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-18(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV. 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Bluestone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson St,
Roanoke, VA, 24011

RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Bluestone Coal Corporation holding permit number **S401301**, with issued Cessation Order Number **FTACO 32** on **5/30/2024**.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:

<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director


Date

Cc:

9589 0710 5270 0890 5699 67

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee: 4.40
 Return Receipt Fee: 2.65
 Total: 8.69

RECEIVED
 JUN 05 2024

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011

PS Form 3800, January 2021 See back for instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011



9590 9402 7471 2055 0564 91

2. Article Number (Transfer from service label)

9589 0720 5270 0690 5699 67

PS Form 3811, July 2020 PSN 7530-02-000-9033

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6628 8199 14.


Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	November 20, 2024, 10:56 am
Location:	LOUISVILLE, KY 40223
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	9lb, 7.9oz
----------------	------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	10002 SHELBYVILLE RD STE 100, LOUISVILLE, KY 40223

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

S401301
SC 23 10
SC packet
Surety letter



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6628 8199 45.


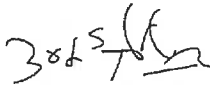
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	November 20, 2024, 11:32 am
Location:	ROANOKE, VA 24011
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	4lb, 4.5oz
----------------	------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

S401301
30 Day letters for:
SC#'s 2308
2309
2310
2311



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0495
Fax: (304) 926-0463

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

January 6, 2025

**RE: SHOW CAUSE PROCEEDING TERMINATION PERMIT S401301,
SHOW CAUSE 2310.**

Dear Operator:

Please be advised that the above referenced Show Cause Proceeding is hereby terminated. This action is based upon NOV 19 and CO 32 being abated and terminated.

If you have any questions, please contact me at the following number:
304-940-0274.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.
taylor@wv.gov C = AD O = DEP OU = DMR
Date: 2025.01.07 09:28:56 -05'00'

Nicki Taylor, Assistant Director
Division of Mining and Reclamation

cc: Heather Rice, Inspector Supervisor
Aaron Barley, Inspector
Jamie Hopen, NPDES Enforcement
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MCSSS

Promoting a healthy environment.



west virginia department of environmental protection

Division of Mining & Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV 25840
Phone: 304-574-4465
Fax: 304-574-4480

Harold D. Ward, Cabinet Secretary
dep.wv.gov

To: [Nicki M Taylor](#)

From: [Heather J Rice](#)

Date: 01/03/2025

Re: Bluestone Coal Corporation S401301, NOV #19 FTACO #32 Show Cause #2310

Nicki, all violations associated with this show cause have been abated and terminated on 01/03/2025. I recommend termination of the show cause.

Heather J
Rice

Digitally signed by: Heather J Rice
DN: CN = Heather J Rice email =
heather.j.rice@wv.gov C = US O =
WVDEP OU = DMR
Date: 2025.01.06 08:55:58 -05'00'

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	01/03/2025	09:15	RI	P	A4	No	No	No

PERMITTEE NAME	BLUESTONE COAL CORPORATION		MSHA #	46-03404							
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....		MR-19 DATE	02/27/2004.....							
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE	09/08/2023						
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	12/10/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS	06/15/2025	BLAST AD					
TIME USED (HRS)=>	PERMIT REVIEW	0.25	INSPECT	1.00	TRAVEL	1.50	REPORT	0.25			

INSPECTION COMMENTS

CO# 30 was terminated. Company submitted certification. CO#32 was terminated. Company placed shot rock in erosion gulleys. I recommend Show cause #s 2309 and 2310 be terminated.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....	Comments	
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....			3000 Other Conditions.....	Comments	

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 1/7/2024 09:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

MR-16
ERIS

West Virginia Department Of Environmental Protection
MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		1300	32	01/03/2025	09:15

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # _____ CO modified to NOV # _____

Action taken to abate:
Company placed shot rock in erosion gulleys.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 1/7/2025 09:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward
[Secretary, Department of Environmental Protection]

[Signature]
[WV DEP Representative]

1-7-24
Date

Names of individuals at informal Conference: _____

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 13, 2024

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2311

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 22 issued 05/01/2024 for failure to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water.**
- **Cessation Order # 24 issued 05/06/2024 for failure to abate NOV # 22.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O =
DEP OU = DMR
Date: 2024.11.14 15:42:47 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Steve Sizemore, Regional Director
Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

November 14, 2024

CERTIFIED MAIL

Lexon Insurance Company
10002 Shelbyville Rd.
Ste 100
Louisville, KY 40223

Re: Permit No **S401301** Show Cause No. **2311**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **November 14, 2024**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O =
DEP OU = DMR
Date: 2024.11.14 15:43:13 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box) _____

City: ROANOKE State: VA Zip: 24011 Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003 Current Permitted Acres: 579.62

County: McDowell Magisterial District: Barkers Ridge Nearest Post Office: Herndon

Surface Owner(s): Pocahontas Land Company- 800 Princeton avenue Bluefield, WV. 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024 Estimated Disturbed Acres at Last Inspection: 200

Has Mining Been Completed? Yes No X
Has Permit Been Phase I Released? Yes No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#22 issued on 5/1/2024. Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water.

FTACO#24 on 5/6/2024.. Permittee failed to remove all coal from stock pile area within 72 hours .Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water.

An assessment conference was not requested for the violations.

Inspector Signature: _____ Date: 10-29-24

Supervisor Signature: Hunter J R Date: 10-29-24

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC # 2311

DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 29, 2024

Mining and Reclamation

Page 5 of 10

Violation History Details Report

For the period 1/1/2023 To 10/29/2024

For PERMIT: S401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Viol.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR S401301	02/15/2024 12:30	20	NOV	Permit Conditions	02/23/2024 00:00	Terminated	(ATA) Action taken to abate: Company has paid fees as required.
	05/01/2024 14:46	22	NOV	Acid bearing /Toxic I	05/01/2024 14:46	NOV Issued	(DOV) Description of Violation: Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water. (REM) Remedial Measures: Remove all coal from areas, clean up, treat, or haul off affected areas to an approved area within 72 hours.
	05/06/2024 12:00	24	CO	Acid bearing /Toxic I	05/06/2024 12:00	FTACO Issu	(DOV) Description of Violation: Cease all mining activity maintenance only. Permittee failed to remove all coal from stock pile area within 72 hours. Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water (REM) Remedial Measures: Remove all coal from stock pile areas. Ensure that the whole stock pile area has the appropriate amount of drainage and sediment control structures before entering any streams.
	05/13/2024 08:11	23	NOV	Surface Water	05/13/2024 08:11	NOV Issued	(DOV) Description of Violation: Failed to remove all water accumulation in the pits at least once in a 24 hour period whenever water quality or spoil stability may be affected. (REM) Remedial Measures: Remove all water accumulation in both pits.
					07/24/2024 10:00	Extended	(ATA) Action taken to abate: Remove all water accumulation in both pits.
					10/01/2024 11:00	Modified to C	(ATA) Action taken to abate: NOV is being modified to a FTACO

DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 29, 2024

Mining and Reclamation

Page 6 of 10

Violation History Details Report

For the period 11/1/2023 To 10/29/2024

For PERMIT: S401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR S401301	05/30/2024 08:30	25	NOV	Sediment Control	05/30/2024 08:30	NOV Issued	(DOV) Description of Violation: Failed to properly maintain the approved drainage system in which road ditch 22 and road ditch 3 has break throughs in the berm causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.
					07/24/2024 10:00	Extended	(REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit. (ATA) Action taken to abate: Ensure all run off is going through a sediment control structure before leaving the permit.
					10/01/2024 11:15	Modified to C	(ATA) Action taken to abate:NOV 25 modified to co on this date.
	05/30/2024 08:45	26	NOV	Method of Operator	05/30/2024 08:45	NOV Issued	(DOV) Description of Violation: Expired NPDES permit.
					07/24/2024 10:00	Extended	(REM) Remedial Measures: Submit and pay filing fees and diligently pursue corrections. (ATA) Action taken to abate: Submit and pay filing fees and diligently pursue corrections.
					10/01/2024 12:00	Modified to C	(ATA) Action taken to abate:NOV will be modified to CO on this date.
	05/30/2024 09:00	27	CO	Permit Conditions	05/30/2024 09:00	IHCO Issued	(DOV) Description of Violation: Cease all mining activity. Company mined and disturbed of site south east of outlet #35 and the area around the doughnut.
					07/24/2024 10:00	Extended	(REM) Remedial Measures: Submit IBR adding accers and update bond. (ATA) Action taken to abate: Submit IBR adding accers and update bond.
	05/30/2024 09:30	28	NOV	Bonding Current	05/30/2024 09:30	NOV Issued	(DOV) Description of Violation: Company disturbed INC 3,4,9 prior to submitting bond. (REM) Remedial Measures: Submit revision.

VIOLATION HISTORY

PERMITTEE <u>BLUESTONE COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
--	----------------------------------

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE BLUESTON COAL CORPORATION	PERMIT NO. S401301
--	---------------------------

VIOLATION #: 22	DATE OF VIOLATION: 5/1/2024
<p>Description of Violation: Nov 22. Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water.</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4.</p>	

VIOLATION #: FTACO # 24	DATE OF VIOLATION: 5/6/2024
<p>Description of Violation: FTACO #24. Cease all mining activity maintenance only. Permittee failed to remove all coal from stock pile area within 72 hours .Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.</p>	

VIOLATION #:	DATE OF VIOLATION:
<p>Description of violation:</p>	
<p>If willful or unwarranted, describe:</p>	

PERMITTEE <u>BLUESTONE COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
--	----------------------------------

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: <i>Proceed w/ Show cause</i>	
<i>[Signature]</i> I & E Supervisor	<i>10 29 24</i> Date
<i>[Signature]</i> Assistant Chief	<i>10/30/24</i> Date

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	05/01/2024	14:45	RI	P	A4	No	No	Yes

PERMITTEE NAME	BLUESTONE COAL CORPORATION		MSHA #	46-03404							
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....		MR-19 DATE	02/27/2004.....							
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE	05/03/2023						
PERMIT ACRES	578.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	01/26/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR ICR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS	08/15/2024	BLAST AD					
TIME USED (HRS) =>	PERMIT REVIEW	0.25	INSPECT	0.25	TRAVEL	0.00	REPORT	0.25			

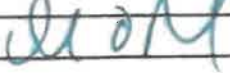

INSPECTION COMMENTS

Permittee failed to prevent the drainage from acid producing material from entering ground or surface water, so NOV will be issued. Remove all acid producing material from area within 72 hours.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....	NOV Issued	22	2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....	Comments	
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....	Full Compliance	
2900 Bonding Current.....			3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal	
DELIVERY METHOD / DATE TIME		
CERTIFIED MAIL NUMBER		
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011	
WV DEP REP.	Aaron J Barley	

MR-15
ERIS

West Virginia Department Of Environmental Protection
MR-15 NOTICE OF VIOLATION

Page 1 of 1

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	05/01/2024	14:45	6 (rev 4/20)		2100	05/01/2024	14:46	22	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
OPERATOR NAME JUSTICE HIGHWALL MINING, INC: JUSTICE HIGHWALL MINING, INC
MSHA ID# 46-03404 NPDES # _____
OWNER/CONTROLLER _____
CONTRACT BLASTING FIRM _____
BLASTER NAME _____
(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 01st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-13(f)

Reg 38-2-
14.6.a.

[DOV] Description of Violation:

Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water.

[REM] Remedial Measures:

Remove all coal from areas, clean up, treat, or haul off affected areas to an approved area within 72 hours.

MUST BE CORRECTED BY DATE 05/04/2024 14:45

NOV Issued

CO Modified to NOV

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME _____

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

05/01/2024

[WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

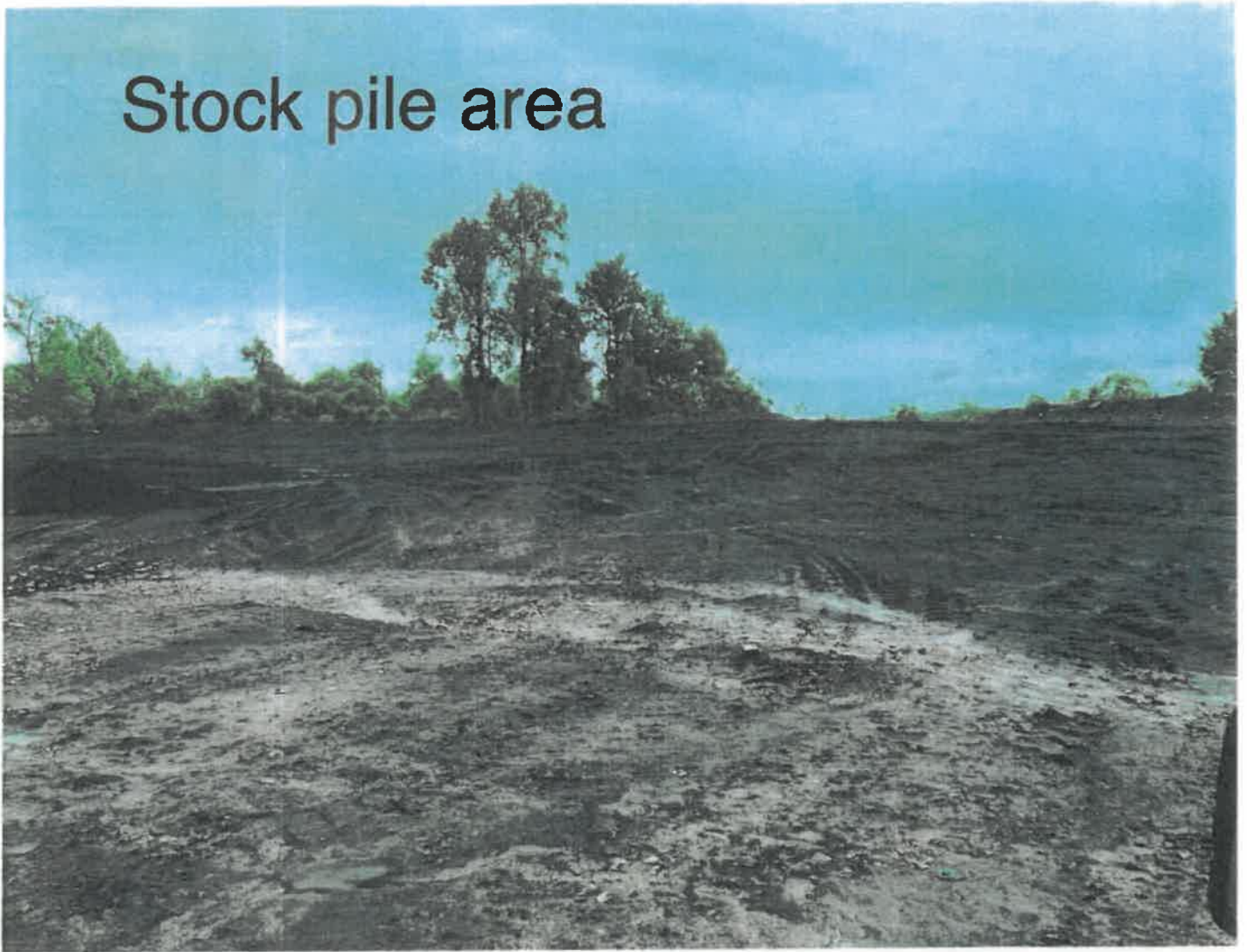




Stock pile area



Stock pile area



ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	05/01/2024	14:45	6 (rev 4/20)		2100	22	05/06/2024	12:00

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # 24 CO modified to NOV # _____

Action taken to abate:
Modified to CO

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
 Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
 Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
 DELIVERY METHOD / DATE TIME _____
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Ward _____
 [Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____
 COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	05/01/2024	14:45	6 (rev 4/20)		2100	05/06/2024	12:00	24	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 01st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF

The permittee or operator has failed to abate the violation included in Notice of Violation # 22 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

Cease all mining activity maintenance only. Permittee failed to remove all coal from stock pile area within 72 hours. Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water.

[REM] Remedial Measures:

Remove all coal from stock pile areas. Ensure that the whole stock pile area has the appropriate amount of drainage and sediment control structures before entering any streams.

MUST BE CORRECTED BY DATE: 06/06/2024 12:00

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

[Signature] 5/23/24

DELIVERY METHOD / DATE TIME _____

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Signature]

05/22/2024

[Secretary, Department of Environmental Protection]

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____ DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Bluestone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson St,
Roanoke, VA, 24011

RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Bluestone Coal Corporation holding permit number **S401301**, with issued Cessation Order Number **FTACO 24** on **5/6/2024**.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director


Date

Cc:

9589 0710 5270 0890 0690 5699 50

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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$ 4.40

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$



Postage

\$.64

Total Postage and Fees

\$ 8.69

Sent To

Street address

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

City, State

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011



9590 9402 7471 2055 0564 60

2. Article Number (transfer from service label)

9569 0710 5270 0690 5699 50

PS Form 3811, July 2020 PSN 7530-02-000-6033

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) C. Date of Delivery
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:



3. Service Type Priority Mail Express®
 Registered Mail™
 Signature Confirmation™
 Restricted Delivery
- Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery

Domestic Return Receipt



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6628 8198 91.


Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	November 20, 2024, 10:56 am
Location:	LOUISVILLE, KY 40223
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	8lb, 6.3oz
----------------	------------

Recipient Signature

Signature of Recipient:	
Address of Recipient:	10002 SHELBYVILLE RD STE 100, LOUISVILLE, KY 40223

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

5401301
SC# 2311
SC packet
Surety letter



November 22, 2024

Dear Brittany Simons:

The following is in response to your request for proof of delivery on your item with the tracking number:
9489 0090 0027 6628 8199 45.


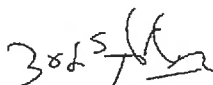
Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	November 20, 2024, 11:32 am
Location:	ROANOKE, VA 24011
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight: 4lb, 4.5oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

S401301
30 Day letters for:
SC #'s 2308
2309
2310
2311



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

December 30, 2024

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2336

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon in McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 35 issued 06/17/2024 for failure to construct valley fill 8 per plan and design. The center drain has sediment deposited in the ditch preventing the ditch from functioning as designed. The benches are not draining correctly, contributing to sediment in pond 8.**
- **Cessation Order # 42 issued 10/01/2024 for failure to abate NOV # 35.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at brittany.simons@wv.gov. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

**Nicki
Taylor**

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2024.12.30 15:21:17 -0500'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

December 30, 2024

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2336**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **December 30, 2024**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O =
DEP OU = DMR
Date: 2024.12.30 15:21:44 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box)

City: ROANOKE

State: VA

Zip: 24011

Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003

Current Permitted Acres: 579.62

County: McDowell

Magisterial

District: Barkers Ridge

Nearest

Post Office: Herndon

Surface Owner(s): Pocahontas Land Company- 800 Princeton avenue Bluefield, WV, 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024

Estimated Disturbed Acres 200
at Last Inspection:

Has Mining Been Completed?

Yes

No X

Has Permit Been Phase I Released?

Yes

No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#35 issued on 6/17/2024. Permittee failed to construct valley fill 8 per plan and design. The center drain has sediment deposited in the ditch preventing the ditch from functioning as designed. The benches are not draining correctly, contributing to sediment in pond 8.

FTACO#42 on 10/1/2024. Pursue corrections submit bond of IBR6.

An assessment conference was not requested for violations.

Inspector Signature: _____

11-4-24

Supervisor Signature: _____

Date: 11-05-24

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC# 2336

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

November 6, 2024

Page 5 of 6

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP	S401301	06/17/2024 12:30	34	NOV	Bonding Current	06/17/2024 12:30	NOV Issued	(DOV) Description of Violation: The company disturbed the doughnut hole, area west of outlet 35, and the area below sediment ditch 24 prior to submitting bond.
								(REM) Remedial Measures: Pursue corrections submit bond of IBR6.
						07/24/2024 10:00	Extended	(ATA) Action taken to abate: Pursue corrections submit bond of IBR6.
						10/01/2024 12:15	Modified to C	(ATA) Action taken to abate: NOV is being modified to CO in this date.
						06/17/2024 12:45	NOV Issued	(DOV) Description of Violation: Permittee failed to construct valley fill 8 per plan and design. The center drain has sediment deposited in the ditch preventing the ditch from functioning as designed. The benches are not draining correctly, contributing to sediment in pond 8.
								(REM) Remedial Measures: Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.
						07/24/2024 10:00	Extended	(ATA) Action taken to abate: Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.
						10/01/2024 12:20	Modified to C	(ATA) Action taken to abate: NOV will be modified to CO on this date.
						07/24/2024 11:00	NOV Issued	(DOV) Description of Violation: Permittee has failed to follow permit conditions by failing to submit required quarterly water monitoring reports, in that both ground water and surface water monitoring data has not been submitted.
								(REM) Remedial Measures: Submit all required QWMMRs, or restart sampling operations and submit subsequent results.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

November 6, 2024

Page 6 of 6

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP S401301	07/24/2024 11:00	36	NOV	Permit Conditions	10/01/2024 12:25	Modified to C (ATA) Action taken to abate: NOV is being modified to CO on this date.	
	10/01/2024 11:00	37	CO	Surface Water	10/01/2024 11:00	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Remove all water accumulation in both pills.
	10/01/2024 11:30	38	CO	Sediment Control	10/01/2024 11:30	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Ensure all runoff is going through a sediment control structure before leaving the permit.
	10/01/2024 12:00	39	CO	Method of Operator	10/01/2024 12:00	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit and pay filing fees and diligently pursue corrections.
	10/01/2024 12:01	40	CO	Other Conditions	10/01/2024 12:01	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit bond revision and request for \$5,000/acre for variance.
	10/01/2024 12:15	41	CO	Bonding Current	10/01/2024 12:15	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures:Pursue corrections submit bond of IBR6.
	10/01/2024 12:20	42	CO	Other Conditions	10/01/2024 12:20	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.
	10/01/2024 12:25	43	CO	Permit Conditions	10/01/2024 12:25	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit all required QWMRs, or restart sampling operations and submit subsequent results.

VIOLATION HISTORY FOR SHOW CAUSE

Describe below **ONLY** the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE BLUESTON COAL CORPORATION	PERMIT NO. S401301
--	---------------------------

VIOLATION #: 35	DATE OF VIOLATION: 6/17/2024
<p>Description of Violation: Nov 35. Permittee failed to construct valley fill 8 per plan and design. The center drain has sediment deposited in the ditch preventing the ditch from functioning as designed. The benches are not draining correctly, contributing to sediment in pond 8.</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 2, Negligence 4, Good Faith 1.</p>	

VIOLATION #: FTACO # 42	DATE OF VIOLATION: 10/1/2024
<p>Description of Violation: FTACO #42. Pursue corrections submit bond of IBR6.</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.</p>	

VIOLATION #:	DATE OF VIOLATION:
<p>Description of Violation:</p>	
<p>If willful or unwarranted, describe:</p>	

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
---	---------------------------

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: Proceed w/ show cause	
<i>[Signature]</i> I & E Supervisor	11-5-24 Date
<i>[Signature]</i> Assistant Chief	12-20-24 Date

PERMIT NUMBER	INSPECTION				MINE STATUS	PHOTOS	BLASTING	
	DATE	TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	06/17/2024	02:00	RI	P	A4	No	No	No

PERMITTEE NAME	BLUESTONE COAL CORPORATION			MSHA #	46-03404						
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....			MR-19 DATE	02/27/2004.....						
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE							
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	05/21/2024	TYPE	CS	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS		BLAST AD					
TIME USED (HRS)→	PERMIT REVIEW	0.25	INSPECT	1.50	TRAVEL	0.25	REPORT	0.25			

INSPECTION COMMENTS

On this date there will be an IHCO issued for sediment control. Also, a NOV will be issued for failing to construct valley fill 8 per plan and design. Another NOV will be issued for Company disturbing the doughnut hole area.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....	IHCO Issued	33
0500 Design Certification.....	Comments		0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....	NOV Issued		3000 Other Conditions.....	NOV Issued	

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal
DELIVERY METHOD / DATE TIME	Hand 6/18/2024 12:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24012
WV DEP REP.	Aaron J Barley

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	06/17/2024	02:00	6 (rev 4/20)		3000	06/17/2024	12:45	35	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
 OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC
 MSHA ID# 46-03404 NPDES # _____
 OWNER/CONTROLLER _____
 CONTRACT BLASTING FIRM _____
 BLASTER NAME _____
 (CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 17th day of June, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-13(a)

Reg 38-2-
5.4.b

[DOV] Description of Violation:

Permittee failed to construct valley fill 8 per plan and design. The center drain has sediment deposited in the ditch preventing the ditch from functioning as designed. The benches are not draining correctly, contributing to sediment in pond 8.

[REM] Remedial Measures:

Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.

MUST BE CORRECTED BY DATE 07/01/2024 12:00

NOV Issued CO Modified to NOV
 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
 DELIVERY METHOD / DATE TIME Hand 6/18/2024 12:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Ward
 [Secretary, Department of Environmental Protection]

[Signature] 06/17/2024
 [WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	08/17/2024	02:00	6 (rev 4/20)		3000	35	07/24/2024	10:00

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to 08/07/2024 at 12:00 NOV modified to CO # CO modified to NOV #

Action taken to abate:

Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal Oneal 

DELIVERY METHOD / DATE TIME Hand 7/25/2024 12:00:00

CERTIFIED MAIL NUMBER

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]


[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	06/17/2024	02:00	6 (rev 4/20)		3000	35	10/01/2024	12:20

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # 42 CO modified to NOV # _____

Action taken to abate:
NOV will be modified to CO on this date.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
 Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
 Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
 DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Ward _____ [WV DEP Representative] _____ Date
 [Secretary, Department of Environmental Protection]

Names of individuals at informal Conference: _____

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

MR-15A
ERIS

West Virginia Department Of Environmental Protection
MR-15A CESSATION ORDER

Page 1 of 1

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	06/17/2024	02:00	6 (rev 4/20)		3000	10/01/2024	12:20	42	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
OPERATOR NAME _____
MSHA ID# 45-03404 NPDES # _____
OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 17th day of June, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. 22-3-17(a) Reg 38-2-20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)
NF The permittee or operator has failed to abate the violation included in Notice of Violation # 35 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:
Entire.

[REM] Remedial Measures:
Construct valley fill & per plan and design. Once the work is complete, seed and certify construction.

MUST BE CORRECTED BY DATE: 11/01/2024 12:00 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00
CERTIFIED MAIL NUMBER _____
ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP. Aaron J Barley

Harold D. Ward 10/01/2024
[Secretary, Department of Environmental Protection] [WV DEP Resp/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.
AUTHORIZED AGENT SIGNATURE: _____ DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Blue Stone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson Street
Roanoke, VA 24011

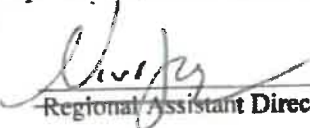
RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number S401301, with issued Cessation Order Number FTACO 37,38,39,40,41,42,43 on 10/01/2024.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director

10-1-24
Date

Cc:

Promoting a healthy environment.

7022 2470 0003 2267 0275

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4.95	4.10	T	U	S
97				
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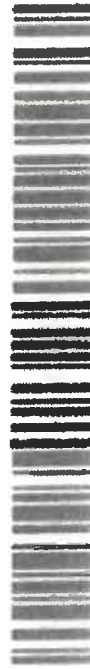
Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011



9590 9402 7230 1284 5354 99

2. Article Number (Transfer from service label)

7022 2410 0003 2261 0275

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

L. NEZOS 7/10/20

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

December 30, 2024

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2337

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 34 issued 06/17/2024 due to the company disturbed the doughnut hole, area west of outlet 35, and the area below sediment ditch 24 prior to submitting bond.**
- **Cessation Order # 41 issued 10/01/2024 for failure to abate NOV # 34.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at brittany.simons@wv.gov. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2025.01.02 07:53:07 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

December 30, 2024

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2337**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **December 30, 2024**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.taylor@wv.gov C = AD O = DEP
OU = DMR
Date: 2025.01 02 07:53:38 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box) _____

City: ROANOKE State: VA Zip: 24011 Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003 Current Permitted Acres: 579.62

County: McDowell Magisterial District: Barkers Ridge Nearest Post Office: Herndon

Surface Owner(s): Pocahontas Land Company - 800 Princeton avenue Bluefield. WV. 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024 Estimated Disturbed Acres 200
at Last Inspection: _____

Has Mining Been Completed? Yes No X
Has Permit Been Phase I Released? Yes No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#34 issued on 6/17/2024. The company disturbed the doughnut hole, area west of outlet 35, and the area below sediment ditch 24 prior to submitting bond.

FTACO#41 on 10/1/2024. Pursue corrections submit bond of IBR6.

An assessment conference was not requested for violations.

Inspector Signature: [Signature] Date: 11-4-24

Supervisor Signature: [Signature] Date: 11-5-24

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC # 233'

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

November 6, 2024

Page 5 of 6

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP	S401301	06/17/2024 12:30	34	NOV	Bonding Current	06/17/2024 12:30	NOV Issued	(DOV) Description of Violation: The company disturbed the doughnut hole, area west of outlet 35, and the area below sediment ditch 24 prior to submitting bond.
						07/24/2024 10:00	Extended	(REM) Remedial Measures: Pursue corrections submit bond of IBR6. (ATA) Action taken to abate: Pursue corrections submit bond of IBR6.
						10/01/2024 12:15	Modified to C	(ATA) Action taken to abate: NOV is being modified to CO in this date.
		06/17/2024 12:45	35	NOV	Other Conditions	06/17/2024 12:45	NOV Issued	(DOV) Description of Violation: Permittee failed to construct valley fill 8 per plan and design. The center drain has sediment deposited in the ditch preventing the ditch from functioning as designed. The benches are not draining correctly, contributing to sediment in pond 8.
						07/24/2024 10:00	Extended	(REM) Remedial Measures: Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction. (ATA) Action taken to abate: Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.
						10/01/2024 12:20	Modified to C	(ATA) Action taken to abate: NOV will be modified to CO on this date.
		07/24/2024 11:00	36	NOV	Permit Conditions	07/24/2024 11:00	NOV Issued	(DOV) Description of Violation: Permittee has failed to follow permit conditions by failing to submit required quarterly water monitoring reports, in that both ground water and surface water monitoring data has not been submitted. (REM) Remedial Measures: Submit all required QWMPs, or restart sampling operations and submit subsequent results.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

November 6, 2024

Page 6 of 6

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Ent Std Desc.	Viol. Act. Date	Eval. Desc.	Violation Activity Text
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		10/01/2024 11:00	37	CO	Surface Water	10/01/2024 11:00	FTACO Issur (DOV)	Description of Violation: Entire. (REM) Remedial Measures: Remove all water accumulation in both pits.
		10/01/2024 11:30	38	CO	Sediment Control	10/01/2024 11:30	FTACO Issur (DOV)	Description of Violation: Entire. (REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit.
		10/01/2024 12:00	39	CO	Method of Operator	10/01/2024 12:00	FTACO Issur (DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit and pay filing fees and diligently pursue corrections.
		10/01/2024 12:01	40	CO	Other Conditions	10/01/2024 12:01	FTACO Issur (DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit bond revision and request for \$5,000/acre for variance.
		10/01/2024 12:15	41	CO	Bonding Current	10/01/2024 12:15	FTACO Issur (DOV)	Description of Violation: Entire. (REM) Remedial Measures: Pursue corrections submit bond of IBR6.
		10/01/2024 12:20	42	CO	Other Conditions	10/01/2024 12:20	FTACO Issur (DOV)	Description of Violation: Entire. (REM) Remedial Measures: Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.
		10/01/2024 12:25	43	CO	Permit Conditions	10/01/2024 12:25	FTACO Issur (DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit all required QWMRs, or restart sampling operations and submit subsequent results.

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order".

PERMITTEE BLUESTON COAL CORPORATION	PERMIT NO. S401301
--	---------------------------

VIOLATION #: 34	DATE OF VIOLATION: 6/17/2024
Description of Violation: Nov 34. The company disturbed the doughnut hole, area west of outlet 35, and the area below sediment ditch 24 prior to submitting bond.	
If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 2, Negligence 2, Good Faith 1.	

VIOLATION #: FTACO # 41	DATE OF VIOLATION: 10/1/2024
Description of Violation: FTACO #41. Pursue corrections submit bond of IBR6.	
If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.	

VIOLATION #:	DATE OF VIOLATION:
Description of violation:	
If willful or unwarranted, describe:	

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
---	---------------------------

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: <i>Proceed with show cause</i>	
<i>[Signature]</i> I & E Supervisor	<i>11-5-24</i> Date
<i>[Signature]</i> Assistant Chief	<i>12-20-24</i> Date

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	06/17/2024	02:00	RI	P	A4	No	No	No

PERMITTEE NAME	BLUESTONE COAL CORPORATION			MSHA #	46-03404						
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....			MR-19 DATE	02/27/2004.....						
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE							
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	05/21/2024	TYPE	CS	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS		BLAST AD					
TIME USED (HRS) =>	PERMIT REVIEW	0.25	INSPECT	1.50	TRAVEL	0.25	REPORT	0.25			

INSPECTION COMMENTS

On this date there will be an IHCO issued for sediment control. Also, a NOV will be issued for failing to construct valley fill 8 per plan and design. Another NOV will be issued for Company disturbing the doughnut hole area.

ENFORCEMENT STANDARD	EVALUATION	VIOL#	ENFORCEMENT STANDARD	EVALUATION	VIOL#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....	IHCO issued	33
0500 Design Certification.....	Comments		0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....	NOV Issued		3000 Other Conditions.....	NOV Issued	

WATER QUALITY TESTS

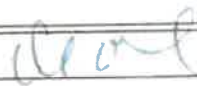

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal
DELIVERY METHOD / DATE TIME	Hand 6/18/2024 12:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP.	Aaron J Barley

MR-16
ERIS

West Virginia Department Of Environmental Protection
MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

Page 1 of 1

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	06/17/2024	02:00	8 (rev 4/20)		2900	34	07/24/2024	10:00
PERMITTEE NAME <u>BLUESTONE COAL CORPORATION</u>								
Violation is hereby: <input type="checkbox"/> Terminated <input type="checkbox"/> Withdrawn <input type="checkbox"/> Remains in force as written <input type="checkbox"/> Show Cause submitted								
<input checked="" type="checkbox"/> Extended to <u>08/07/2024</u> at <u>12:00</u> <input type="checkbox"/> NOV modified to CO # _____ <input type="checkbox"/> CO modified to NOV # _____								
Action taken to abate: <u>Pursue corrections submit bond of IBR6.</u>								
INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)								
Seriousness: 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> Negligence: 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/>								
Good Faith: 0 <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> Consent Agreement in effect? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
Comments:								
AUTH. COMPANY REPRESENTATIVE <u>Derrick Oneal</u> 								
DELIVERY METHOD / DATE TIME <u>Hand 7/25/2024 12:00:00</u>								
CERTIFIED MAIL NUMBER _____								
ADDRESS <u>302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011</u>								
WV DEP REP. <u>Aaron J Barley</u>								
<u>Harold D. Ward</u> [Secretary, Department of Environmental Protection]			 [WV DEP Representative]				Date _____	
Names of individuals at informal Conference: _____								
Results: CO was: <input type="checkbox"/> Upheld <input type="checkbox"/> Modified <input type="checkbox"/> Terminated <input type="checkbox"/> Withdrawn								
Comments:								
SUPERVISOR: _____			DATE: _____			TIME: _____		
COMPANY REPRESENTATIVE: _____			DATE: _____			TIME: _____		

MR-16
ERIS

West Virginia Department Of Environmental Protection
MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	06/17/2024	02:00	6 (rev 4/20)		2900	34	10/01/2024	12:15

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # 41 CO modified to NOV # _____

Action taken to abate:
NOV is being modified to CO in this date.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward _____
[Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

ERIS

MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	06/17/2024	02:00	6 (rev 4/20)		2800	10/01/2024	12:15	41	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
 OPERATOR NAME _____
 MSHA ID# 46-03404 NPDES # _____
 OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 17th day of June, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)
NF The permittee or operator has failed to abate the violation included in Notice of Violation # 34 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:
Entire.

[REM] Remedial Measures:
Pursue corrections submit bond of IOR6.

MUST BE CORRECTED BY DATE: 11/01/2024 12:00 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derick Oneal
 DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Ward
 [Secretary, Department of Environmental Protection]

10/01/2024
 [WV DEP Rep/Date]

WAIVER – The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____ DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Blue Stone Coal Corporation
Derrick Oncal
Company Representative
302 South Jefferson Street
Roanoke, VA 24011

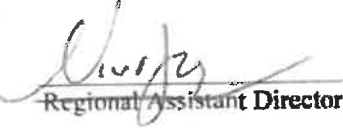
RE--NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number **S401301**, with issued Cessation Order Number **ETACO 37,38,39,40,41,42,43** on **10/01/2024**.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director

10-1-24

Date

Cc:

7022 2410 0003 2261 0275

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

OFFICIAL USE

4.95

97

9.92

03

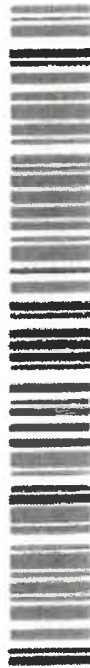
Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011



9590 9402 7230 1284 5354 99

2. Article Number (Transfer from service label)

7022 2410 0003 2261 0275

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

L. NELLS

C. Date of Delivery

10/7

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

all Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt :



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2338

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 29 issued 05/30/2024 for failure to follow contemporaneous reclamation standard by not following the guidelines set forth in the permit that deal with the timing and sequence of back filing and regrading operations which will minimize the ratio of disturbed and un-reclaimed area versus undisturbed and reclaimed area.**
- **Cessation Order # 40 issued 10/01/2024 for failure to abate NOV # 29.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at brittany.simons@wv.gov. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki

Taylor

Nicki Taylor, M.S.

Assistant Director of Operations

DMR - Inspection and Enforcement

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD
O = DEP OU = DMR
Date: 2025.01.02 11:08:46 -
05'00'

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2338**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **January 2, 2025**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.
m.taylor@wv.gov C = AD O = DEP
OU = DMR
Date: 2025.01.02 13:20:05 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box)

City: ROANOKE

State: VA

Zip: 24011

Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003

Current Permitted Acres: 579.62

County: McDowell

Magisterial

Nearest

District: Barkers Ridge

Post Office: Herndon

Surface Owner(s): Pocahontas Land Company - 800 Princeton avenue Bluefield, WV, 24701

National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection:

10/8/2024

Estimated Disturbed Acres
at Last Inspection: 200

Has Mining Been Completed?

Yes

No X

Has Permit Been Phase I Released?

Yes

No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#29 issued on 5/30/2024. Permittee failed to follow contemporaneous reclamation standard. By not following the guidelines set for in the permit that deal with the timing and sequence of back filling and regrading operations. Which will minimize the ratio of disturbed and un-reclaimed area versus undisturbed and reclaimed area..

FTACO#40 on 10/1/2024. Submit bond revision and request for \$5,000/acre for variance. An assessment conference was not requested for violations.

Inspector Signature: _____ Date: _____

[Signature]

12/1/2024

Supervisor Signature: _____ Date: _____

[Signature]

01/02/25

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC # 2338

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

November 6, 2024
Page 3 of 6

Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Mo.Act.Date	Eval. Desc.	Violation Activity Text
COAL COR: S401301	05/30/2024 10:15	29	NOV	Other Conditions	05/30/2024 10:15	NOV Issued	(DOV) Description of Violation: Permittee failed to follow contemporaneous reclamation standard. By not following the guidelines set for in the permit that deal with the timing and sequence of back filling and regrading operations. Which will minimize the ratio of disturbed and un-reclaimed area versus undisturbed and reclaimed area.
							(REM) Remedial Measures: Submit bond revision and request for \$5,000/acre for variance.
							10/01/2024 12:00 Modified to C (ATA) Action taken to abate: NOV will be modified to CO on its date.
	05/30/2024 12:00	30	CO	Design Certification	05/30/2024 12:00	FTACO Issur	(DOV) Description of Violation: Cease all mining activity maintenance only. Failed to certify that the drainage system was constructed and installed in accordance with the approved pre-plan.
							(REM) Remedial Measures: Submit Certifications.
							10/29/2024 12:00 Remains in F (ATA) Action taken to abate: Show Cause submitted. Remains in force.
	05/30/2024 12:15	32	CO	Backfill / Grading	05/30/2024 12:15	FTACO Issur	(DOV) Description of Violation: Cease all mining activity maintenance only. Failure to maintain the diversion ditches are used to prevent spoil erosion and movement.
							(REM) Remedial Measures: Fix erosion
							10/29/2024 12:00 Remains in F (ATA) Action taken to abate: Show Cause submitted. Remains in force.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 6, 2024
Page 6 of 6

Mining and Reclamation
Violation History Details Report

For the period 5/6/2024 To 11/6/2024
For PERMIT: S401301

Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act Date	Eval. Desc.	Violation Activity Text
COAL CORI S401301	07/24/2024 11:00	36	NOV	Permit Conditions	10/01/2024 12:25	Modified to C (ATA) Action taken to abate. NOV is being modified to CO on this date.	
	10/01/2024 11:00	37	CO	Surface Water	10/01/2024 11:00	FTACO Issu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Remove all water accumulation in both pits.
	10/01/2024 11:30	38	CO	Sediment Control	10/01/2024 11:30	FTACO Issu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit.
	10/01/2024 12:00	39	CO	Method of Operator	10/01/2024 12:00	FTACO Issu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Submit and pay filing fees and diligently pursue corrections.
	10/01/2024 12:01	40	CO	Other Conditions	10/01/2024 12:01	FTACO Issu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Submit bond revision and request for \$5,000/acre for variance.
	10/01/2024 12:15	41	CO	Bonding Current	10/01/2024 12:15	FTACO Issu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Pursue corrections submit bond of 1BR6.
	10/01/2024 12:20	42	CO	Other Conditions	10/01/2024 12:20	FTACO Issu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Construct valley fill & per plan and design. Once the work is complete, seed and certify construction.
	10/01/2024 12:25	43	CO	Permit Conditions	10/01/2024 12:25	FTACO Issu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Submit all required QWMRS, or restart sampling operations and submit subsequent results.

PERMITTEE BLUESTON COAL CORPORATION

PERMIT NO. S401301

VIOLATION #: 29

DATE OF VIOLATION: 5/30/2024

Description of Violation Nov#29 issued on 5/30/2024. Permittee failed to follow contemporaneous reclamation standard. By not following the guidelines set for in the permit that deal with the timing and sequence of back filling and egrading operations. Which will minimize the ratio of disturbed and un-reclaimed area versus undisturbed and reclaimed area..

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4

VIOLATION #: FTACO # 40

DATE OF VIOLATION: 10/1/2024

Description of Violation: FTACO#40 on 10/1/2024. Submit bond revision and request for \$5,000/acre for variance. An assessment conference was not requested for violations.

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.

VIOLATION #:

DATE OF VIOLATION:

Description of violation:

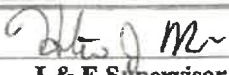
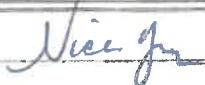
If willful or unwarranted, describe:

PERMITTEE BLUESTONE COAL CORPORATION

PERMIT NO. S401301

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: Proceed with show cause	
 I & E Supervisor	01/02/25 Date
 Assistant Chief	1-2-25 Date

NUMBER	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 30 Days?	Ins. Req'd?
S401301	05/21/2024	09:30	OS	CS	A4	Yes	No	No

PERMITTEE NAME		BLUESTONE COAL CORPORATION				MSHA #		46-03404			
OPERATOR NAME		JUSTICE HIGHWALL MINING, INC.....				MR-19 DATE		02/27/2004.....			
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022		PERMIT EXPR DATE						
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	05/13/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT		08/08/2018	EMER RESP PLAN		INS		06/15/2024	BLAST AD			
TIME USED (HRS) => PERMIT REVIEW		1.00	INSPECT	10.00	TRAVEL	1.50	REPORT	1.00			

INSPECTION COMMENTS

Orsm oversite was done on 5/21/2024. Nov #17, 18, 19 will all be going to a FTACO. The company will also be receiving a NOV for mining without bond on INC 3.4 9. Another Nov will be issued for Sediment Control by road ditch 2 and road ditch 3 there is break throughs in berms causing runoff off the bonded area. Also sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.

ENFORCEMENT STANDARD	EVALUATION	VIOL#	ENFORCEMENT STANDARD	EVALUATION	VIOL#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....	NOV Issued	25
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....	Comments		1000 Haul Roads.....		
1100 Refuse Impoundments.....	Not Applicable		1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	28
2300 Change of Operator.....			2400 Permit Conditions.....	IHCO Issued	27
2500 Diversions and Drainage Control..			2500 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....	NOV Issued	28	3000 Other Conditions.....	NOV Issued	29

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units
-------------------	----	----	----	----	----	------	-------	------	-------	---------	-------

AUTH. COMPANY REPRESENTATIVE	Derick Oneal
DELIVERY METHOD / DATE TIME	Hand 5/31/2024 12:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP.	Aaron J Berley

NUMBER	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 30 Days?	Ins. Req'd?
S401301	05/21/2024	09:30	OS	CS	A4	Yes	No	No

COMMENT(cont.)

Another NOV will be issued for expired NPDES permit. Another NOV will be issued for contemporaneous reclamation. A SEV will be issued for Failure to submit weekly monitoring reports as required by M-19-297 for monitoring point A. Another SEV will be issued for expired NPDES permit. A IHCO will be issued for mining off permit South East of outlet #35 and the area around the doughnut. Company also needs to stop access to BMP sumps from the public and ensure all drainage is directed to the BMP sumps. Company also needs to make sure blast logs are on site within 24 hours of blast. Also at pond by valley fill 1 has wood starting to build up at spill way and will need to be cleaned up.

NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	NUMBER
S401301	05/21/2024	09:30	8 (rev 4/20)		3000	05/30/2024	10:15	29	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
 OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC
 MSHA ID# 46-03404 NPDES # _____
 OWNER/CONTROLLER _____
 CONTRACT BLASTING FIRM _____
 BLASTER NAME _____
 (CERT #) _____


Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. Reg 38-2-
 22-3-13(16) 14.15

[DOV] Description of Violation:
Permittee failed to follow contemporaneous reclamation standard. By not following the guidelines set for in the permit that deal with the timing and sequence of back filling and regrading operations. Which will minimize the ratio of disturbed and un-reclaimed area versus undisturbed and reclaimed area.

[REM] Remedial Measures:
Submit bond revision and request for \$5,000/acre for variance.

MUST BE CORRECTED BY DATE 06/13/2024 12:00 NOV Issued CO Modified to NOV
 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal 
 DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barlev

Harold D. Ward  05/30/2024
 [Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

Contact Aaron J Barlev at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # 40 CO modified to NOV # _____

Action taken to abate:

NOV will be modified to CO on tis date.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	NUMBER
S401301	05/21/2024	09:30	6 (rev 4/20)		3000	10/01/2024	12:01	40	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
23-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF The permittee or operator has failed to abate the violation included in Notice of Violation # 29 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

Entire

[REM] Remedial Measures:

Submit bond revision and request for \$5,000/acre for variance

MUST BE CORRECTED BY DATE: 11/01/2024 12:00

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Demick Onsal

DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

10/01/2024

[Secretary, Department of Environmental Protection]

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Ruffell Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Blue Stone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson Street
Roanoke, VA 24011

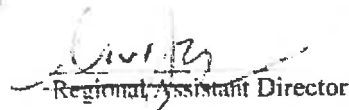
RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number **S401301**, with issued Cessation Order Number **FTACO 37.38.39.40.41.42.43** on **10/01/2024**.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link: <https://dep.wv.gov/eSS/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director

10-2-24
Date

Cc:

Promoting a healthy environment.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011



9590 9400 7 30 1 84 5354 9

2. Article Number (Transfer from service label)

7022 2410 0003 2261 0275

PS Form 3817, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

WELLS

C. Date

1/27

D. Is delivery address different from item 1?
If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail®
- Registered Mail®
- Registered Mail Restricted Delivery
- Signature Confirmation®
- Signature Confirmation Restricted Delivery

Restricted Delivery

Domestic Return



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2339

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 25 issued 05/30/2024 for failure to properly maintain the approved drainage system in which road ditch 22 and road ditch 3 has break throughs in the berm causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.**
- **Cessation Order # 41 issued 10/01/2024 for failure to abate NOV # 25.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at brittany.simons@wv.gov. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,
**Nicki
Taylor**

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2025.01.02 14:10:29 -
05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2339**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **January 2, 2025**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.taylor@wv.gov C = AD O = DEP OU = DMR
Date: 2025.01.02 13:21:14 -0500

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

STATE OF WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF MINING AND RECLAMATION

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box)

City: ROANOKE State: VA Zip: 24011 Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003 Current Permitted Acres: 579.62

County: McDowell Magisterial District: Barkers Ridge Nearest Post Office: Herndon

Surface Owner(s): Pocahontas Land Company- 800 Princeton avenue Bluefield, WV, 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024 Estimated Disturbed Acres 200
at Last Inspection:

Has Mining Been Completed? Yes No X
Has Permit Been Phase I Released? Yes No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#25 issued on 5/30/2024. Failed to properly maintain the approved drainage system in which road ditch 22 and road ditch 3 has break throughs in the berm causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.

FTACO#38 on 10/1/2024. Ensure all run off is going through a sediment control structure before leaving the permit.

An assessment conference was not requested for violations.

Inspector Signature: _____ Date: _____

Supervisor Signature: [Signature] Date: October

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC# 2339

VIOLATION HISTORY

PERMITTEE <u>BLUESTONE COAL CORPORATION</u>	PERMIT NO. <u>S401301</u>
---	---------------------------

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mining and Reclamation
Violation History Details Report
For the period 5/6/2024 To 11/6/2024
For PERMIT: S401301

November 6, 2024
Page 1 of 6

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Viol. Act Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP	S401301	05/06/2024 12:00	24	CO	Acid bearing Toxic	05/06/2024 12:00	FTACO Issur	(DOV) Description of Violation: Cease all mining activity maintenance only. Permittee failed to remove all coal from stock pile area within 72 hours. Permittee failed to prevent the drainage from acid producing or toxic producing materials from entering ground or surface water
		05/13/2024 08:11	23	NOV	Surface Water	05/13/2024 08:11	NOV Issued	(REM) Remedial Measures: Remove all coal from stock pile areas. Ensure that the whole stock pile area has the appropriate amount of drainage and sediment control structures before entering any streams. (DOV) Description of Violation: Failed to remove all water accumulation in the pits at least once in a 24 hour period whenever water quality or spoil stability may be affected.
		07/24/2024 10:00	Extended			07/24/2024 10:00	Extended	(REM) Remedial Measures: Remove all water accumulation in both pits. (ATA) Action taken to abate: Remove all water accumulation in both pits.
		10/01/2024 11:00	Modified to C			10/01/2024 11:00	Modified to C	(ATA) Action taken to abate: NOV is being modified to a FTACO
		05/30/2024 08:30	25	NOV	Sediment Control	05/30/2024 08:30	NOV Issued	(DOV) Description of Violation: Failed to properly maintain the approved drainage system in which road ditch 22 and road ditch 3 has break throughs in the berm causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.
								(REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mining and Reclamation
Violation History Details Report
For the period 5/6/2024 To 11/6/2024
For PERMIT: S401301

November 6, 2024
Page 2 of 6

Responsible Party Name Permit Id	Violation Date	V.No. Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP S401301	05/30/2024 08:30	25...	NOV Sediment Control	07/24/2024 10:00	Extended	(ATA) Action taken to abate: Ensure all run off is going through a sediment control structure before leaving the permit.
	10/01/2024 11:15		Modified to C(ATA) Action taken to abate: NOV 25 modified to co on this date.			
	05/30/2024 08:45	26	NOV Method of Operator	05/30/2024 08:45	NOV Issued	(DOV) Description of Violation: Expired NPDES permit.
						(REM) Remedial Measures: Submit and pay filing fees and diligently pursue corrections.
						(ATA) Action taken to abate: Submit and pay filing fees and diligently pursue corrections.
						(ATA) Action taken to abate: Submit and pay filing fees and diligently pursue corrections.
						(ATA) Action taken to abate: NOV will be modified to CO on this date.
	05/30/2024 09:00	27	CO Permit Conditions	05/30/2024 09:00	IHCO Issued	(DOV) Description of Violation: Cease all mining activity. Company mined and disturbed of site south east of outlet #35 and the area around the doughnut.
						(REM) Remedial Measures: Submit IBR adding acres and update bond.
						(ATA) Action taken to abate: Submit IBR adding acres and update bond.
	05/30/2024 09:30	28	NOV Bonding Current	05/30/2024 09:30	NOV Issued	(DOV) Description of Violation: Company disturbed INC 3,4,9 prior to submitting bond.
						(REM) Remedial Measures: Submit revision.
						(ATA) Action taken to abate: Wrote in era.
	06/17/2024 12:00		Withdrawn			

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mining and Reclamation
Violation History Details Report
For the period 5/6/2024 To 11/6/2024
For PERMIT: S401301

November 6, 2024
Page 6 of 6

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Viol. Act Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR' S401301	07/24/2024 11:00	36	NOV	Permit Conditions	10/01/2024 12:25	Modified to C(ATA) Action taken to abate: NOV is being modified to CO on this date.	
	10/01/2024 11:00	37	CO	Surface Water	10/01/2024 11:00	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Remove all water accumulation in both pits.
	10/01/2024 11:30	38	CO	Sediment Control	10/01/2024 11:30	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit.
	10/01/2024 12:00	39	CO	Method of Operator	10/01/2024 12:00	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit and pay filing fees and diligently pursue corrections.
	10/01/2024 12:01	40	CO	Other Conditions	10/01/2024 12:01	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit bond revision and request for \$6,000/acre for variance.
	10/01/2024 12:15	41	CO	Bonding Current	10/01/2024 12:15	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures:Pursue corrections submit bond of IBR6.
	10/01/2024 12:20	42	CO	Other Conditions	10/01/2024 12:20	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.
	10/01/2024 12:25	43	CO	Permit Conditions	10/01/2024 12:25	FTACO Issur(DOV)	Description of Violation: Entire. (REM) Remedial Measures: Submit all required QWMRs, or restart sampling operations and submit subsequent results.

VIOLATION HISTORY FOR SHOW CAUSE

Describe below ONLY the history of violations which resulted in the attached "Request for Show Cause Order"

PERMITTEE BLUESTON COAL CORPORATION	PERMIT NO. S401301
--	---------------------------

VIOLATION #: 25	DATE OF VIOLATION: 5/30/2024
<p>Description of Violation: Nov#25 issued on 5/30/2024. Failed to properly maintain the approved drainage system in which road ditch 22 and road ditch 3 has break throughs in the berm causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4.</p>	

VIOLATION #: FTACO # 41	DATE OF VIOLATION: 10/1/2024
<p>Description of Violation: FTACO#38 on 10/1/2024. Ensure all run off is going through a sediment control structure before leaving the permit.</p>	
<p>If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.</p>	

VIOLATION #:	DATE OF VIOLATION:
<p><i>Description of Violation:</i></p>	
<p>If willful or unwarranted, describe:</p>	

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
---	---------------------------

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: Proceed with show cause								
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; text-align: center;"><i>[Signature]</i></td> <td style="width: 50%; border: none; text-align: center;">01/02/25</td> </tr> <tr> <td style="border: none; text-align: center;">I & E Supervisor</td> <td style="border: none; text-align: center;">Date</td> </tr> <tr> <td style="border: none; text-align: center;"><i>[Signature]</i></td> <td style="border: none; text-align: center;">1-2-25</td> </tr> <tr> <td style="border: none; text-align: center;">Assistant Chief</td> <td style="border: none; text-align: center;">Date</td> </tr> </table>	<i>[Signature]</i>	01/02/25	I & E Supervisor	Date	<i>[Signature]</i>	1-2-25	Assistant Chief	Date
<i>[Signature]</i>	01/02/25							
I & E Supervisor	Date							
<i>[Signature]</i>	1-2-25							
Assistant Chief	Date							

ERIS

MR-15 NOTICE OF VIOLATION

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	05/21/2024	08:30	8 (rev 4/20)		0400	05/30/2024	08:30	25	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
 OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC
 MSHA ID# 46-03404 NPDES # _____
 OWNER/CONTROLLER _____
 CONTRACT BLASTING FIRM _____
 BLASTER NAME _____
 (CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. Reg 38-2-
 22-3-13(a) 5.4.a

[DOV] Description of Violation:

Failed to properly maintain the approved drainage system in which road ditch 22 and road ditch 3 has break throughs in the berm causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.

[REM] Remedial Measures:

Ensure all run off is going through a sediment control structure before leaving the permit.

MUST BE CORRECTED BY DATE 05/06/2024 12:00

NOV Issued CO Modified to NOV
 Resulted In Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME _____

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

05/30/2024

[WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	05/21/2024	09:30	OS	CS	A4	Yes	No	No

COMMENT (cont.)

Another Nov will be issued for expired NPDES permit. Another NOV will be issued for contemporaneous reclamation. A SEV will be issued for Failure to submit weekly monitoring reports as required by M-19-297 for monitoring point A. Another SEV will be issued for expired NPDES permit. A INCO will be issued for mining off permit South East of outlet #15 and the area around the doughnut. Company also needs to stop access to BMP sumps from the public and ensure all drainage is directed to the BMP sumps. Company also needs to make sure blast logs are on site within 24 hours of blast. Also at pond by valley fill 1 has wood starting to build up at spill way and will need to be cleaned up.

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
S401301	05/21/2024	09:30	OS	CS	A4	Yes	No	No
PERMITTEE NAME		BLUESTONE COAL CORPORATION				MSHA #	46-03404	
OPERATOR NAME		JUSTICE HIGHWALL MINING, INC.....				MR-18 DATE	02/27/2004.....	
NPDES #	WV1021575	NPDES EXPR DATE	07/02/2022		PERMIT EXPR DATE			
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCL-LARY	5.16	UNRECLMD 19.16
DATES: PH I		PH II		LAST AUG SEED		MR-8		
LAST INSP DATE	05/13/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR 1BR# 5 CUR REV# 4
EXPR DATES: INACT		09/08/2018	EMER RESP PLAN		INS	06/15/2024	BLAST AD	
TIME USED (HRS) => PERMIT REVIEW		1.00	INSPECT	10.00	TRAVEL	1.50	REPORT 1.00	

INSPECTION COMMENTS

Osm overite was done on 5/21/2024. Nov #17 18 19 will all be going to a FTACO. The company will also be receiving a NOV for mining without bond on INC 3 4 9. Another Nov will be issued for Sediment Control by road ditch 2 and road ditch 3 there is break throughs in berms causing runoff off the bonded area. Also sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.

ENFORCEMENT STANDARD	EVALUATION	VIOL#	ENFORCEMENT STANDARD	EVALUATION	VIOL#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....	NOV Issued	25
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....	Comments		1000 Haul Roads.....		
1100 Refuse Impoundments.....	Not Applicable		1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1800 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	26
2300 Change of Operator.....			2400 Permit Conditions.....	INCO Issued	27
2500 Diversions and Drainage Control.....			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....	NOV Issued	28	3000 Other Conditions.....	NOV Issued	28

WATER QUALITY TESTS

In-Stream Station pH Fa Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal
DELIVERY METHOD / DATE TIME	Hand 5/31/2024 12:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP.	Aaron J Barley

11/4/24, 10:52 AM

IMG_0133.jpg



<https://mail.google.com/mail/u/0/?ui=2&ui=2#inbox/0acc:1HsNICMHNvthXhGatSdpP6BkntkPRI?project=1>

11/4/24, 10:52 AM

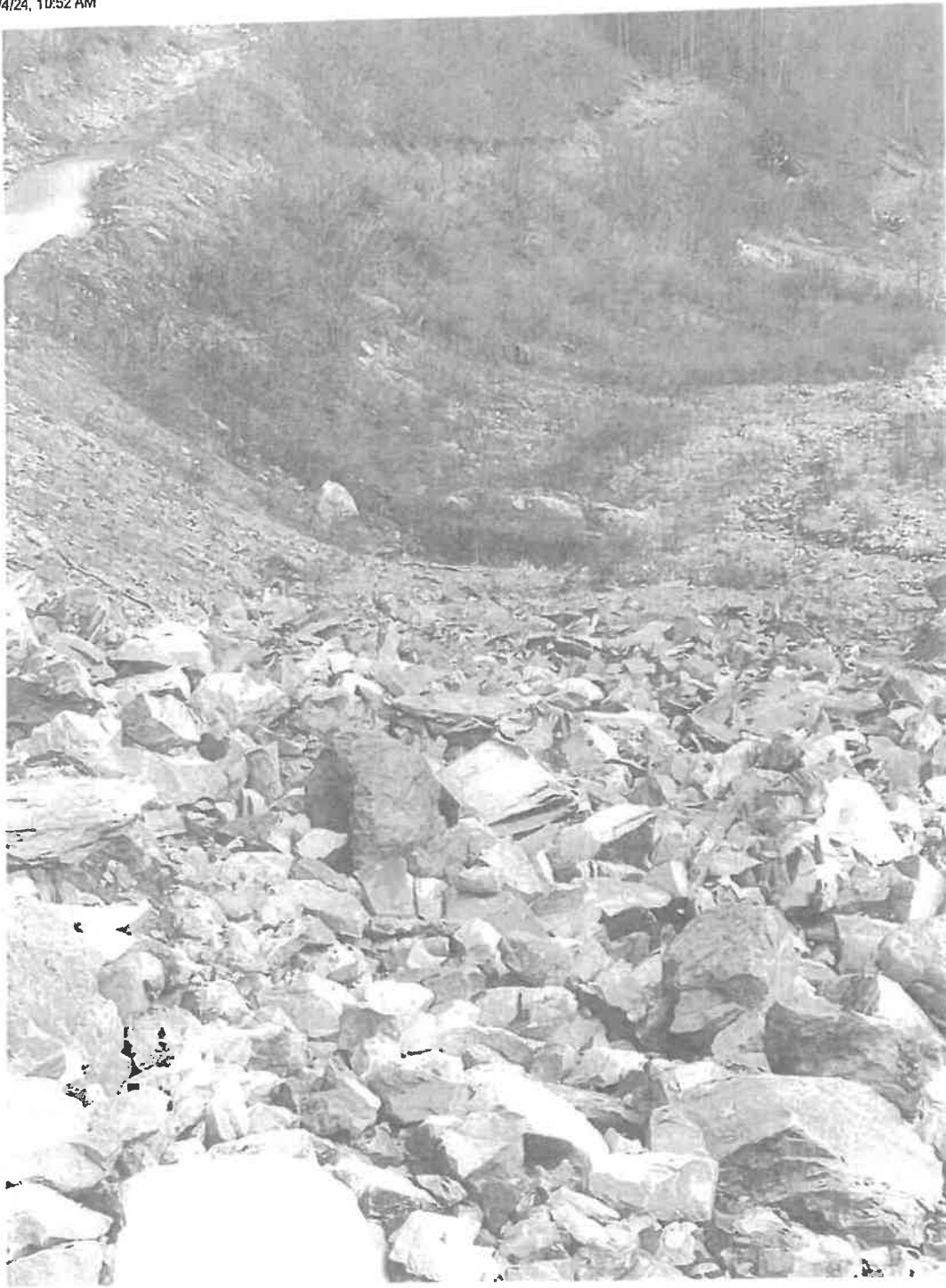
IMG_0109.jpg



<https://mail.google.com/mail/u/0/?ocbi#inbox/KtbxLvHLalbkHmcvMnHrahXiRoTMzlkfL?projector=1>

11/4/24, 10:52 AM

IMG_0112.jpg



<https://mail.google.com/mail/u/0/?ogbi#inbox/FFNDWNNstCZChDvdmGrfLgvLLhVLtsz?projector=1>

MR-16
ERIS

West Virginia Department Of Environmental Protection
MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER	ORIGINAL INSPECTION AND VIOLATION DATA						NEW VIOLATION ACTIVITY	
	DATE	TIME	FORM #	FAC #	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	05/21/2024	09:30	6 (rev 4/20)		0400	25	10/01/2024	11:15

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # 38 CO modified to NOV # _____

Action taken to abate:
NOV 25 modified to co on this date.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)
Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward _____
[Secretary, Department of Environmental Protection] [WV DEP Representative] Date _____

Names of individuals at informal Conference: _____

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____
COMPANY REPRESENTATIVE: _____ DATE: _____

No signed notes

ERIS MR-15A CESSATION ORDER

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FACE	ENF STD	DATE	TIME	VIOLATION#	
S401301	05/21/2024	09:30	6 (rev 4/20)		0400	10/01/2024	11:30	38	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF The permittee or operator has failed to abate the violation included in Notice of Violation # 25 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[AC] Area of operations to be ceased immediately:

Entire.

[REM] Remedial Measures:

Ensure all run off is going through a sediment control structure before leaving the permit.MUST BE CORRECTED BY DATE: 11/01/2024 12:00Resulted In Off-Site Impact 7AUTH. COMPANY REPRESENTATIVE Derrick OnealDELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011WV DEP REP. Aaron J BarleyHarold D. Ward

[Secretary, Department of Environmental Protection]

10/01/2024

[WV DEP Resp/Date]

WAIVER - The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Aaron J Barley at (304) 574-4455 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Blue Stone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson Street
Roanoke, VA 24011

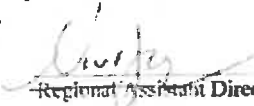
RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number S401301, with issued Cessation Order Number FTACO 37.38.39.40.41.42.43 on 10/01/2024.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director

10-1-24
Date

Cc:

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit www.usps.com

4.95
4.97
4.92

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00
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Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

7022 2410 0003 2261 0275

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011



9590 9402 7230 1284 5354 90

2. Article Number (Transfer from service label)

7022 2410 0003 2261 0275

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 L. WELLS 10/7

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery ^{ill}	<input type="checkbox"/> Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2340

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 26 issued 05/30/2024 for Expired NPDES permit.**
- **Cessation Order # 39 issued 10/01/2024 for failure to abate NOV # 26.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at brittany.simons@wv.gov. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.
taylor@wv.gov C = AD O = DEP OU =
DMR
Date: 2025.01.02 11:36:13 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2340**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **January 2, 2025**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki
Taylor

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2025.01.02 13:21:38 -
05'00'

NT:bs

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION

Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box)

City: ROANOKE

State: VA

Zip: 24011

Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003

Current Permitted Acres: 579.62

County: McDowell

Magisterial

Nearest

District: Barkers Ridge

Post Office: Herndon

Surface Owner(s): Pocahontas Land Company- 800 Princeton avenue Bluefield, WV, 24701

National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection:

10/8/2024

Estimated Disturbed Acres
at Last Inspection: 200

Has Mining Been Completed?

Yes

No

Has Permit Been Phase I Released?

Yes

No

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#26 issued on 5/30/2024. Expired NPDES permit.

FTACO#39 on 10/1/2024. Submit and pay filing fees and diligently pursue corrections.

An assessment conference was not requested for violations.

Inspector Signature: _____

Date: _____

10/30/24

Supervisor Signature: _____

Date: _____

01/02/25

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC # 2340

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Viol.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP S401301	05/30/2024 08:30	25	NOV	Sediment Control	07/24/2024 10:00	Extended	(ATA) Action taken to abate: Ensure e off is going through a sediment contric structure before leaving the permit.
					10/01/2024 11:15	Modified to C	(ATA) Action taken to abate:NOV 25 modified to co on this date.
	05/30/2024 08:45	26	NOV	Method of Operator	05/30/2024 08:45	NOV Issued	(DOV) Description of Violation: Expire NPDES permit.
							(REM) Remedial Measures: Submit a filling fees and diligently pursue corre
					07/24/2024 10:00	Extended	(ATA) Action taken to abate: Submit : filling fees and diligently pursue corre
					10/01/2024 12:00	Modified to C	(ATA) Action taken to abate:NOV will modified to CO on this date.
	05/30/2024 09:00	27	CO	Permit Conditions	05/30/2024 09:00	IHCO Issued	(DOV) Description of Violation: Ceas mining activity. Company mined and disturbed of site south east of outlet: the area around the doughnut.
							(REM) Remedial Measures: Submit I adding acers and update bond.
					07/24/2024 10:00	Extended	(ATA) Action taken to abate: Submit adding acers and update bond.
	05/30/2024 09:30	28	NOV	Bonding Current	05/30/2024 09:30	NOV Issued	(DOV) Description of Violation: Com disturbed INC 3,4,9 prior to submitti
							(REM) Remedial Measures: Submit (ATA) Action taken to abate: Wrote
					06/17/2024 12:00	Withdrawn	

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mining and Reclamation
Violation History Details Report

For the period 5/6/2024 To 11/6/2024
For PERMIT: S401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vi.-Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP S401301	07/24/2024 11:00	36	NOV	Permit Conditions	10/01/2024 12:25	Modified to C (ATA) Action taken to abate: NOV is b modified to CO on this date.	
	10/01/2024 11:00	37	CO	Surface Water	10/01/2024 11:00	FTACO Issur (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Remove water accumulation in both pits.
	10/01/2024 11:30	38	CO	Sediment Control	10/01/2024 11:30	FTACO Issur (DOV) Description of Violation: Entire	(REM) Remedial Measures: Ensure e off is going through a sediment contri structure before leaving the permit.
	10/01/2024 12:00	39	CO	Method of Operator	10/01/2024 12:00	FTACO Issur (DOV) Description of Violation: Entire	(REM) Remedial Measures: Submit a filing fees and diligently pursue corre
	10/01/2024 12:01	40	CO	Other Conditions	10/01/2024 12:01	FTACO Issur (DOV) Description of Violation: Entire	(REM) Remedial Measures: Submit l revision and request for \$5,000/acre variance.
	10/01/2024 12:15	41	CO	Bonding Current	10/01/2024 12:15	FTACO Issur (DOV) Description of Violation: Entire	(REM) Remedial Measures:Pursue corrections submit bond of IBR6.
	10/01/2024 12:20	42	CO	Other Conditions	10/01/2024 12:20	FTACO Issur (DOV) Description of Violation: Entire	(REM) Remedial Measures: Constr. fill 8 per plan and design. Once the complete, seed and certify construc
	10/01/2024 12:25	43	CO	Permit Conditions	10/01/2024 12:25	FTACO Issur (DOV) Description of Violation: Entire	(REM) Remedial Measures: Submit required QW/MRs, or restart sampli operations and submit subsequent

VIOLATION #: 26

DATE OF VIOLATION: 5/30/2024

Description of Violation Nov#26 issued on 5/30/2024. Expired NPDES permit.

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4.

VIOLATION #: FTACO # 39

DATE OF VIOLATION: 10/1/2024

Description of Violation: FTACO#39 on 10/1/2024. Submit and pay filing fees and diligently pursue corrections.

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

PERMITTEE BLUESTONE COAL CORPORATION

PERMIT NO. S401301

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

Supervisor Recommendation:

Proceed with show cause

Halter J M
I & E Supervisor

01/02/25
Date

Mary
Assistant Chief

1-2-25
Date

PERMIT NUMBER	DATE	INSPECTION			TYPE	MINE STATUS	PHOTOS	Last 30 Days? Ins. Req'd?			
		TIME	REASON	RECLMD				No	No		
S401301	05/21/2024	09:30	OS	CS	A4	Yes					
PERMITTEE NAME: BLUESTONE COAL CORPORATION							MSHA #	48-03404			
OPERATOR NAME: JUSTICE HIGHWALL MINING, INC.							MR-19 DATE	02/27/2024			
NPDES #	WV1021079		NPDES EXPR DATE	07/02/2022		PERMIT EXPR DATE					
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.18	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED			MR-9				
LAST INSP DATE	05/13/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT		08/08/2016	EMER RESP PLAN		INS		06/15/2024	BLAST AD			
TIME USED (HRS) => PERMIT REVIEW			1.00	INSPECT	10.00	TRAVEL	1.50	REPORT	1.00		

INSPECTION COMMENTS

Osm oversight was done on 5/21/2024. Nov #17 18.19 will all be going to a FTACO. The company will also be receiving a NOV for mining without bond on INC 3.4.9. Another Nov will be issued for Sediment Control. by road ditch 2 and road ditch 3 there is break throughs in berms causing runoff off the bonded area. Also sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.

ENFORCEMENT STANDARD	EVALUATION	VIOL#	ENFORCEMENT STANDARD	EVALUATION	VIOL#
0100 Distance Prohibited.....			0200 Exceeding Limits		
0300 Signs and Markers.....			0400 Sediment Control.....	NOV Issued	25
0500 Design Certification			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....	Comments		1000 Haul Roads.....		
1100 Refuse Impoundments	Not Applicable		1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule		
1500 Revegetation Requirements			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	26
2300 Change of Operator.....			2400 Permit Conditions.....	IHCO Issued	27
2500 Diversions and Drainage Control.....			2600 Fugitive Dust Control.....		
2700 Subaldence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....	NOV Issued	28	3000 Other Conditions.....	NOV Issued	29

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal
DELIVERY METHOD / DATE TIME	Hand 5/31/2024 12:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP.	Aaron J Barley

PERMIT NUMBER	DATE	TIME	REASON	TYPE	MINE STATUS	PHOTOS	Last 30 Days?	Ins. Req'd?
S401301	05/21/2024	09:30	OS	CS	A4	Yes	No	No

COMMENT (cont.)

Another Nov will be issued for expired NPDES permit. Another NOV will be issued for contemporaneous reclamation. A SEV will be issued for Failure to submit weekly monitoring reports as required by M-19-297 for monitoring point A. Another SEV will be issued for expired NPDES permit. A INCO will be issued for mining off permit South East of outlet #35 and the area around the doughnut. Company also needs to stop access to BMP sumps from the public and ensure all drainage is directed to the BMP sumps. Company also needs to make sure blast logs are on site within 24 hours of blast. Also at pond by valley fill 1 has wood starting to build up at spill way and will need to be cleaned up.

PERMIT NUMBER	ORIGINAL INSPECTION			FAC#	ENF STD	DATE	TIME	VIOLATION#	NUMBER
	DATE	TIME	FORM#						
S401301	05/21/2024	09:30	6 (rev 4/20)		2200	05/30/2024	08:45	28	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC
MSHA ID# 46-03404 **NPDES #** _____
OWNER/CONTROLLER _____
CONTRACT BLASTING FIRM _____
BLASTER NAME (CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. 22-3-19(a)(3) **Reg 38-2-** 3.27

[DOV] Description of Violation:
Expired NPDES permit.

[REM] Remedial Measures:
Submit and pay filing fees and diligently pursue corrections.

MUST BE CORRECTED BY DATE 06/13/2024 12:00
 NOV Issued **CO Modified to NOV**
 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00
CERTIFIED MAIL NUMBER _____
ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP. Aaron J Barley

Harold D. Ward 05/30/2024
[Secretary, Department of Environmental Protection] **[WV DEP Rep/Data]**

Contact Aaron J Barley at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

NUMBER	DATE	TIME	FORM	NOV #	NOV #	DATE	TIME
S401301	05/21/2024	09:30	6 (rev 4/20)	2200	26	07/24/2024	10:00

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to 08/07/2024 at 12:00 NOV modified to CO # _____ CO modified to NOV # _____

Action taken to abate:
Submit and pay filing fees and diligently pursue corrections.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
 Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal Oneal

DELIVERY METHOD / DATE TIME Hand 7/25/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward _____
 [Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

PERMITTEE	DATE	TIME	VIOLATION	NOV #	NOV #	DATE	TIME
S401301	05/21/2024	09:30	6 (rev 4/20)	2200	26	10/01/2024	12:00

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # 39 CO modified to NOV # _____

Action taken to abate:
NOV will be modified to CO on this date.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00
CERTIFIED MAIL NUMBER _____
ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP. Aaron J Barley

Harold D. Ward
[Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference: _____

Results: CO was: Upheld Modified Terminated Withdrawn

Comments: _____

SUPERVISOR: _____ DATE: _____ TIME: _____
COMPANY REPRESENTATIVE: _____ DATE: _____

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			DATE	TIME	VIOLATION#	NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD				
S401301	05/21/2024	09:30	8 (rev 4/20)		2200	10/01/2024	12:00	39	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 48-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22.3.17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NE The permittee or operator has failed to abate the violation included in Notice of Violation # 26 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

Entire.

[REM] Remedial Measures:

Submit and pay filing fees and diligently pursue corrections.

MUST BE CORRECTED BY DATE: 11/01/2024 12:00

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

10/01/2024

[WV DEP Rep/Date]

WAIVER - The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Aaron J Barley at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Martinsburg, WV 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Blue Stone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson Street
Roanoke, VA 24011

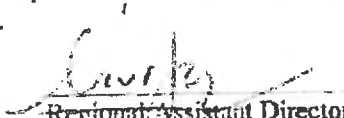
RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number **S401301**, with issued Cessation Order Number **FTACO 37.38.39.40.41.42.43** on **10/01/2024**.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/esr/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director

10-1-24
Date

Cc:

Promoting a healthy environment.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front, if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011




9590 9402 7230 1284 5354 99

2. Article Number (Transfer from service label)

7022 2410 0003 2261 0275

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature 

B. Received by (Printed Name) L. WELLS C. Date 10/1

D. Is delivery address different from item 1?
 If YES, enter delivery address below:

3. Service Type

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Priority Mail

Registered Mail

Registered Mail Delivery

Signature Co

Signature Co Restricted Delivery

Domestic Return



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2341

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 15 issued 10/12/2024 for failure to obtain permit renewal prior to expiration. That permit expired 09/08/2023.**
- **Cessation Order # 21 issued 02/15/2024 for failure to abate NOV # 15.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at **brittany.simons@wv.gov**. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,
Nicki

Taylor

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2025.01.02 11:59:41 -
05'00'

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2341**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **January 2, 2025**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.
m.taylor@wv.gov C = AD O = DEP
OU = DMR
Date: 2025.01.02 13:20:51 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box)

City: ROANOKE

State: VA

Zip: 24011

Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003

Current Permitted Acres: 579.62

County: McDowell

Magisterial

District: Barkers Ridge

Nearest

Post Office: Herndon

Surface Owner(s): Pocahontas Land Company - 800 Princeton avenue Bluefield, WV, 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024

Estimated Disturbed Acres 200
at Last Inspection:

Has Mining Been Completed?

Yes

No X

Has Permit Been Phase I Released?

Yes

No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#15 issued on 10/12/2023. Failing to obtain permit renewal prior to expiration. In that permit expired 9/08/2023

FTACO#21 on 02/15/2024. Activity gain approval of permit renewal

An assessment conference was not requested for violations

Inspector Signature: _____

Date: _____

Supervisor Signature: _____

Date: 01/02/24

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC # 2341

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

December 30, 2024

Page 1 of 3

Mining and Reclamation

Violation History Details Report

For the period 10/12/2023 To 2/15/2024

For PERMIT: S401301

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	10/12/2023 10:13	14	NOV	Permit Conditions	10/12/2023 10:13	NOV issued	(DOV) Description of Violation: NO issued on this day for company fail follow the PEP. In that the compan submit WET and BAS for outlets # 003.
								(REM) Remedial Measures: Subm resume BAS and WET testing
						10/26/2023 03:20	Extended	(ATA) Action taken to abate: Perm getting information to respond to n
						12/21/2023 08:45	Extended	(ATA) Action taken to abate:
						02/08/2024 11:25	Extended	(ATA) Action taken to abate:
						02/14/2024 12:00	Modified to C	(ATA) Action taken to abate: Perm failed to follow the PEP. In that the failed to submit WET and BAS for 001 and 003
						10/12/2023 10:52	NOV Permit Conditions	(DOV) Description of Violation: NC issued on this day for company fai obtain permit renewal prior to expi that permit expired 9/08/2023
								(REM) Remedial Measures: Obtai renewal.
						10/26/2023 03:00	Extended	(ATA) Action taken to abate: Com working to pay back taxes.
						12/21/2023 08:45	Extended	(ATA) Action taken to abate:
						02/15/2024 01:30	Modified to C	(ATA) Action taken to abate: Modi 15 to a closer order.
						02/14/2024 12:00	CO Permit Conditions	(DOV) Description of Violation: C mining activity reclamation only. N being issued on this day for comp to follow the PEP. In that the com to submit WET and BAS for outlet and 003.
								(REM) Remedial Measures: Subn and BAS testing data

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 10/12/2023 To 2/15/2024

For PERMIT: S401301

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	02/14/2024 12:00	16	CO	Permit Conditions	03/15/2024 12:00	Terminated	(ATA) Action taken to abate: Comp submitted pebble count for endang species monitoring report..
		02/15/2024 01:30	21	CO	Permit Conditions	02/15/2024 01:30	FTACO Issu	(DOV) Description of Violation: Ce; mining activity maintenance only. F apply for permit renewal 120 prior 1 expiration
		02/15/2024 11:30	17	NOV	Sediment Control	02/15/2024 11:30	NOV Issued	(REM) Remedial Measures: Activit; approval of permit renewal. (DOV) Description of Violation: Fa clean out sediment control structur the sediment accumulation reache percent of the design capacity. (REM) Remedial Measures: Clean designed Compacity and recertify. (ATA) Action taken to abate: Com; moving equipment on site to begin the pond..
		02/26/2024 10:15			Extended			
		03/15/2024 08:30			Extended			(ATA) Action taken to abate: Com; hired a contractor to clean pond ar equipment is being moved to job ;
		05/30/2024 00:00			Modified to C			(ATA) Action taken to abate: Com cleaned 1/2 of pond and no longer on it and no equipment on site.
		02/15/2024 11:45	18	NOV	Design Certification	02/15/2024 11:45	NOV Issued	(DOV) Description of Violation: Fa certify that the drainage system we constructed and installed in accord the approved pre-plan. (REM) Remedial Measures: Subm Certifications.
		02/26/2024 10:25			Extended			(ATA) Action taken to abate: Com; working on erosion that has cause drainage area issues.

VIOLATION #: 15

DATE OF VIOLATION: 10/12/2023

Description of Violation: Nov#15 issued on 10/12/2023. Failing to obtain permit renewal prior to expiration. In that permit expired 9/08/2023

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 2, Negligence 5, Good Faith 1.

VIOLATION #: FTACO # 41

DATE OF VIOLATION: 10/1/2024

Description of Violation: FTACO#21 on 02/15/2024. Activity gain approval of permit renewal

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.

VIOLATION #:


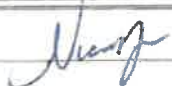
DATE OF VIOLATION:

Description of violation:

If willful or unwarranted, describe:

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	

Supervisor Recommendation: Proceed with show cause	
 I & E Supervisor	01/22/24 Date
 Assistant Chief	1-2-25 Date

The following information is provided for your information:
 The total amount of the loan is \$10,000.00.
 The interest rate is 5.00% per annum.
 The term of the loan is 60 months.
 The monthly payment is \$197.90.
 The first payment is due on 10/15/2010.
 The final payment is due on 10/15/2015.

Thank you for your business.
 We appreciate your patronage.

If you have any questions, please contact us at 1-800-555-1234.
 We are here to help you every step of the way.
 Your satisfaction is our top priority.
 We look forward to serving you again.
 Sincerely,
 [Name]
 [Title]
 [Company Name]
 [Address]
 [City, State, Zip]
 [Phone Number]

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____ If different from above

CONTRACT BLASTING FIRM _____

BLASTER NAME _____
(CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 12th day of October, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. Reg 38-2-
 22-3-19a 3.27

[DOV] Description of Violation:
NOV is being issued on this day for company failing to obtain permit renewal prior to expiration. In that permit expired 9/08/2023

[REM] Remedial Measures:
Obtain permit renewal.

MUST BE CORRECTED BY DATE 10/26/2023 10:54 NOV Issued CO Modified to NOV
 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick O Neal

DELIVERY METHOD / DATE TIME Mail 10/12/2023 10:54:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward 12/30/2024
 [Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

WV-10 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT NUMBER: S401301 DATE: 11/15/2023 TIME: 10:42 FORM#: 5 (Rev. 10/20) VIOLATION DATA: AC: ENF STD: 2402 ORIGINAL VIOLA. DATE: 10/28/2023 TIME: 10:01

PERMITTEE NAME: BLYSTONE COAL CORPORATION

Violations have been: [] Terminated [] Withdrawn [] Remain in force as written [] Other issues submitted

Exhibited to: 11/08/2023 at 10:54. Also modified to CO # [] Other violation to NOV #

Action taken to start:

Company is working to pay back issues

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (10/1/84)

Penalty amount: 0 [] 1 [] 2 [] 3 [] 4 [] 5 [] 6 [] 7 [] 8 [] 9 [] 10 [] 11 [] 12 [] 13 [] 14 [] 15 [] 16 [] 17 [] 18 [] 19 [] 20 [] 21 [] 22 [] 23 [] 24 [] 25 [] 26 [] 27 [] 28 [] 29 [] 30 [] 31 [] 32 [] 33 [] 34 [] 35 [] 36 [] 37 [] 38 [] 39 [] 40 [] 41 [] 42 [] 43 [] 44 [] 45 [] 46 [] 47 [] 48 [] 49 [] 50 [] 51 [] 52 [] 53 [] 54 [] 55 [] 56 [] 57 [] 58 [] 59 [] 60 [] 61 [] 62 [] 63 [] 64 [] 65 [] 66 [] 67 [] 68 [] 69 [] 70 [] 71 [] 72 [] 73 [] 74 [] 75 [] 76 [] 77 [] 78 [] 79 [] 80 [] 81 [] 82 [] 83 [] 84 [] 85 [] 86 [] 87 [] 88 [] 89 [] 90 [] 91 [] 92 [] 93 [] 94 [] 95 [] 96 [] 97 [] 98 [] 99 [] 100 []

AUTH COMPANY REPRESENTATIVE: Derrick Oneal

DELIVERY METHOD / DATE TIME

CERTIFIED MAIL NUMBER

ADDRESS: 302 SOUTH JEFFERSON STREET, ROANOKE VA 24011

WV DEP REP: Aaron J Barley

Harold D. Ward (Secretary, Department of Environmental Protection)

[WV DEP Representative] (Date)

Names of individuals at Informal Conference

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR:

DATE:

TIME:

COMPANY REPRESENTATIVE:

DATE:

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to 01/27/2023 at 10:54 NOV modified to CO # CO modified to NOV #

Action taken to abate:

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
DELIVERY METHOD / DATE TIME Mail 12/21/2023 08:45:00
CERTIFIED MAIL NUMBER
ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP. Aaron J Barley

Harold D. Ward
[Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: DATE: TIME:
COMPANY REPRESENTATIVE: DATE:

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted
 Extended to _____ at _____ NOV modified to CO # _____ CO modified to NOV # _____

Action taken to abate:
Modifying NOV 15 to a closer order.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8
 Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No
 Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
 DELIVERY METHOD / DATE TIME Hand 2/16/2024 12:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Ward
 [Secretary, Department of Environmental Protection] [WV DEP Representative] Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____
 COMPANY REPRESENTATIVE: _____ DATE: _____

NUMBER	INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	10/12/2023	10:47	6 (rev 4/20)		2400	02/15/2024	01:30	21	1142R

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404

NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 12th day of October, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF

The permittee or operator has failed to abate the violation included in Notice of Violation # 15 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[AC] Area of operations to be ceased immediately:

Cease all mining activity maintenance only. Failure to apply for permit renewal 120 prior to expiration.

[REM] Remedial Measures:

Activity gain approval of permit renewal.

MUST BE CORRECTED BY DATE: 03/18/2024 09:00

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 2/16/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

02/15/2024

[Secretary, Department of Environmental Protection]

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2342

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon in McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 36 issued 07/24/2024 for failure to follow permit conditions by failing to submit required quarterly water monitoring reports, in that both ground water and surface water monitoring data has not been submitted.**
- **Cessation Order # 43 issued 02/15/2024 for failure to abate NOV # 36.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at **brittany.simons@wv.gov**. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.
taylor@ww.gov C = AD O = DEP OU =
DMR
Date: 2025.01.02 13:26:11 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2342**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **December 30, 2024**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2025.01.02 13:26:37 -05'00'

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION

Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET

Street Address (if mailing address is a Post Office Box)

City: ROANOKE

State: VA

Zip: 24011

Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003

Current Permitted Acres: 579.62

County: McDowell

Magisterial

Nearest

District: Barkers Ridge

Post Office: Herndon

Surface Owner(s): Pocahontas Land Company - 800 Princeton avenue Bluefield, WV, 24701

National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024

Estimated Disturbed Acres 200
at Last Inspection:

Has Mining Been Completed? Yes No X

Has Permit Been Phase I Released? Yes No X

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#36 issued on 7/24/2024. Permittee has failed to follow permit conditions by failing to submit required quarterly water monitoring reports, in that both ground water and surface water monitoring data has not been submitted.

FTACO#43 on 10/1/2024. Submit all required QWMRs, or restart sampling operations and submit subsequent results.

An assessment conference was not requested for violations.

Inspector Signature: _____ Date: 3/24

Supervisor Signature: [Signature] Date: 01/02/25

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC# 2342

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Viol. Act. Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL CORP S401301	06/17/2024 12:30	34	NOV	Bonding Current	06/17/2024 12:30	NOV Issued	(DOV) Description of Violation: The company disturbed the doughnut h west of outlet 35, and the area belc sediment ditch 24 prior to submititn (REM) Remedial Measures: Pursue corrections submit bond of IBR6.
					07/24/2024 10:00	Extended	(ATA) Action taken to abate: Pursu corrections submit bond of IBR6.
					10/01/2024 12:15	Modified to C	(ATA) Action taken to abate: NOV is modified to CO in this date.
	06/17/2024 12:45	35	NOV	Other Conditions	06/17/2024 12:45	NOV Issued	(DOV) Description of Violation: Per failed to construct valley fill 8 per pi design. The center drain has sedir deposited in the ditch preventing th from functioning as designed. The are not draining correctly, contribut sediment in pond 8.
					07/24/2024 10:00	Extended	(REM) Remedial Measures: Constr fill 8 per plan and design. Once the complete, seed and certify construi (ATA) Action taken to abate: Const valley fill 8 per plan and design. Or work is complete, seed and certify construction.
					10/01/2024 12:20	Modified to C	(ATA) Action taken to abate: NOV is modified to CO on this date.
	07/24/2024 11:00	36	NOV	Permit Conditions	07/24/2024 11:00	NOV Issued	(DOV) Description of Violation: Per has failed to follow permit conditor failing to submit required quarterly monitoring reports, in that both gro and surface water monitoring data been submitted.
							(REM) Remedial Measures: Submi required QW/MRs, or restart sampli operations and submit subsequent

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mining and Reclamation

November 6, 2024
Page 6 of 6

Violation History Details Report

For the period 5/6/2024 To 11/6/2024

For PERMIT: S401301

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Vio.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	07/24/2024 11:00	36	NOV	Permit Conditions	10/01/2024 12:25	Modified to C(ATA)	Action taken to abate: NOV i modified to CO on this date.
		10/01/2024 11:00	37	CO	Surface Water	10/01/2024 11:00	FTACO Issur(DOV)	Description of Violation: Enti (REM) Remedial Measures: Remov water accumulation in both pits.
		10/01/2024 11:30	38	CO	Sediment Control	10/01/2024 11:30	FTACO Issur(DOV)	Description of Violation: Ent (REM) Remedial Measures: Ensurt off is going through a sediment cor structure before leaving the permit.
		10/01/2024 12:00	39	CO	Method of Operator	10/01/2024 12:00	FTACO Issur(DOV)	Description of Violation: Ent (REM) Remedial Measures:Submi filing fees and diligently pursue cor
		10/01/2024 12:01	40	CO	Other Conditions	10/01/2024 12:01	FTACO Issur(DOV)	Description of Violation: Ent (REM) Remedial Measures: Submi revision and request for \$5,000/acr variance.
		10/01/2024 12:15	41	CO	Bonding Current	10/01/2024 12:15	FTACO Issur(DOV)	Description of Violation: Ent (REM) Remedial Measures:Pursue corrections submit bond of IBR6.
		10/01/2024 12:20	42	CO	Other Conditions	10/01/2024 12:20	FTACO Issur(DOV)	Description of Violation: Ent (REM) Remedial Measures: Const fill 8 per plan and design. Once the complete, seed and certify constru
		10/01/2024 12:25	43	CO	Permit Conditions	10/01/2024 12:25	FTACO Issur(DOV)	Description of Violation: Ent (REM) Remedial Measures: Submi required QWMRs, or restart sampl operations and submit subsequent

VIOLATION #: 36

DATE OF VIOLATION: 7/24/2024

Description of Violation Nov#36 issued on 7/24/2024. Permittee has failed to follow permit conditions by failing to submit required quarterly water monitoring reports, in that both ground water and surface water monitoring data has not been submitted.

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 6.

VIOLATION #: FTACO # 43

DATE OF VIOLATION: 10/1/2024

Description of Violation: FTACO#43 on 10/1/2024. Submit all required QWMRs, or restart sampling operations and submit subsequent results.

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

Supervisor Recommendation:

Proceed w/ show cause

[Signature]
I & E Supervisor

07/02/05
Date

[Signature]

Assistant Chief

1-2-05
Date

NUMBER	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 30 Days?	Ins. Req'd?
5401301	07/23/2024	12:30	21	P	A4	No	No	No
PERMITTEE NAME	BLUESTONE COAL CORPORATION				MSHA #	46-03404		
OPERATOR NAME	JUSTICE HIGHWALL MINING, INC.....				MR-19 DATE	02/27/2004.....		
NPDES #	WV1021678	NPDES EXPR DATE	07/02/2022		PERMIT EXPR DATE			
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD 19.16
DATES: PH I	PH II		LAST AUG SEED			MR-8		
LAST INSP DATE	06/17/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR# 5 CUR REV# 4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN	INS			06/15/2025	BLAST AD	
TIME USED (HRS)=>>	PERMIT REVIEW	0.50	INSPECT	0.50	TRAVEL	0.50	REPORT	0.25


INSPECTION COMMENTS

NOV will be issued on this date for not submitting ground water monitoring data and surface water monitoring data.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....	Not Applicable		1000 Haul Roads.....		
1100 Refuse Impoundments.....	Not Applicable		1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....	NOV issued	NA
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current..		
2900 Bonding Current.....			3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal
DELIVERY METHOD / DATE TIME	Hand 7/25/2024 12:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP.	Aaron J. Bailey 

NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	NUMBER
S401301	07/23/2024	12:30	6 (rev 4/20)		2400	07/24/2024	11 00	36	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
 OPERATOR NAME JUSTICE HIGHWALL MINING INC, JUSTICE HIGHWALL MINING, INC
 MSHA ID# 46-03404 NPDES # _____
 OWNER/CONTROLLER _____
 CONTRACT BLASTING FIRM _____
 BLASTER NAME _____
 (CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 23rd day of July, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. 22-3-15(b)(1) Reg 38-2-14.7

[DOV] Description of Violation:
Permittee has failed to follow permit conditions by failing to submit required quarterly water monitoring reports in that both ground water and surface water monitoring data has not been submitted

[REM] Remedial Measures:
Submit all required QWMRs or restart sampling operations and submit subsequent results.

MUST BE CORRECTED BY DATE 08/07/2024 12:00
 NOV Issued CO Modified to NOV
 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
 DELIVERY METHOD / DATE TIME Hand 7/25/2024 12:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Wans 07/24/2024
 [Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

S401301

07/23/2024

12:30

6 (rev 4/20)

2400

36

10/01/2024

12:25

PERMITTEE NAME BLUESTONE COAL CORPORATION

Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted

Extended to _____ at _____ NOV modified to CO # 43 CO modified to NOV # _____

Action taken to abate:

NOV is being modified to CO on this date.

INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 3 4 5 6 7 8

Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes No

Comments:

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: Upheld Modified Terminated Withdrawn

Comments:

SUPERVISOR: _____ DATE: _____ TIME: _____

COMPANY REPRESENTATIVE: _____ DATE: _____

DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	INSP ID NUMBER	
S401301	07/23/2024	12:30	6 (rev 4/20)		2400	10/01/2024	12:25	43	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
 OPERATOR NAME _____
 MSHA ID# 46-03404 NPDES # _____
 OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 23rd day of July, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. 22-3-17(a) Reg 38-2-20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)
NF The permittee or operator has failed to abate the violation included in Notice of Violation # 36 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:
Entire.

[REM] Remedial Measures:
Submit all required QWMRs or restart sampling operations and submit subsequent results.

MUST BE CORRECTED BY DATE: 11/01/2024 12:00 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal
 DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

Harold D. Ward 10/01/2024
 [Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-15(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____ DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Center
Fayetteville, WV, 25816
Phone (304) 576-4465
Fax (304) 576-4177

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Blue Stone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson Street
Roanoke, VA 24011


RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number 540(301) with issued Cessation Order Number FTACO 37,38,39,40,41,42,43 on 10/01/2024.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director

0-1-21
Date

Cc:

U.S. Postal Service®
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

51220 1922 E000 0142 2207

4.85	4.10
✓	
07	
9.92	

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011



3590 9402 7230 1284 5354 99

2. Article Number (Transfer from SERVICE label)

7022 2410 0003 2261 0275

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

L. WELLS

C. Date

10/1

D. Is delivery address different from item 1?
 If YES, enter delivery address below:

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail®
- Registered Mail®
- Registered Mail Delivery
- Signature Confirmation®
- Signature Confirmation Restricted Delivery
- Signature Confirmation Restricted Delivery

Domestic Return



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2343

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon** in **McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Imminent Harm Cessation Order # 27 issued 05/30/2024 due to permittee mined off site south east of outlet #35 and the area around the doughnut.**
- **Imminent Harm Cessation Order # 33 issued 06/17/2024 for erosion of the exit channel of outlet #008 has caused off-site impact as sediment has been deposited in a tributary for Little Pinncale Creek. Permittee failed to protect off-site areas associated with the disturbed area north of coal stockpile area. Sediment has been deposited off-site due to erosion.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at brittany.simons@wv.gov. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

Promoting a healthy environment.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki Taylor
Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.
taylor@ww.gov C = AD O = DEP OU =
DMR
Date: 2025.01.02 14:21:46 -0500

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2343**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **January 2, 2025**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki Taylor

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date: 2025.01.02 14:21:17 -0500

Nicki Taylor, M.S.
Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

REQUEST FOR SHOW CAUSE ORDER

Permittee Name:	Bluestone Coal Corporation	Permit Number:	S-4013-01
------------------------	----------------------------	-----------------------	-----------

Mailing Address: Bluestone Coal Corporation

Street Address (if mailing address is a Post Office Box) 302 South Jefferson Street

City Roanoke **State** VA **Zip** 24011 **Telephone No.** (540)-204-3992

Date Permit Issued:	9/08/2003	Current Permitted Acres:	579.62
County:	McDowell	Magisterial District:	Barkers Ridge
		Nearest Post Office:	Herndon
Surface Owner:	Pocahontas Land Company National Resources, INC		
Date of Last Inspection:	12/13/2024	Estimated Disturbed Acres at Last Inspection:	200
Has Mining Been Completed?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Has Permit Been Phase I Released?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Describe Circumstances Which Resulted in Request for Show Cause Order:			
<u>Pattern of Violations:</u>			
5-30-2024 IHCO #27 Permittee mined off site south east of outlet #35 and the area around the doughnut.			
6-17-2024 IHCO #33 Erosion of the exit channel of outlet #008 has caused off-site impact as sediment has been deposited in a tributary for Little Pinnacle Creek. Permittee failed to protect off-site areas associated with the disturbed area north of coal stock pile area. Sediment has been deposited off-site due to erosion			

NOTE: Attach MR-10A, MR-10B, photos, and supporting documentation to this report.

Inspector Signature: 	Date: 1 2 2025
Supervisor Signature: 	Date: 01-02-25

Distribution: Headquarters (original), Company, Regional File, Inspector

SC # 2343

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/21/2024 To 6/17/2024

For PERMIT: S401301

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std Desc.	Via.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	05/30/2024 08:30	25	NOV	Sediment Control	05/30/2024 08:30	NOV Issued	(DOV) Description of Violation: Facility properly maintain the approved drainage system in which road ditch 22 and 3 has break throughs in the berm causing run off and sediment ditch 20 and 21 has break throughs in the causing run off.
								(REM) Remedial Measures: Ensure off is going through a sediment control structure before leaving the permit.
						07/24/2024 10:00	Extended	(ATA) Action taken to abate: Ensure off is going through a sediment control structure before leaving the permit.
						10/01/2024 11:15	Modified to C	(ATA) Action taken to abate: NOV 21 modified to CO on this date.
						05/30/2024 08:45	NOV Issued	(DOV) Description of Violation: Expired NPDES permit.
								(REM) Remedial Measures: Submit filing fees and diligently pursue corrective
						07/24/2024 10:00	Extended	(ATA) Action taken to abate: Submit filing fees and diligently pursue corrective
						10/01/2024 12:00	Modified to C	(ATA) Action taken to abate: NOV will modified to CO on this date.
						05/30/2024 09:00	IHCO Issued	(DOV) Description of Violation: Ceasing mining activity. Company mined and disturbed of site south east of outlet # the area around the doughnut.
								(REM) Remedial Measures: Submit filing fees and diligently pursue corrective
						07/24/2024 10:00	Extended	(ATA) Action taken to abate: Submit filing fees and diligently pursue corrective
						05/30/2024 09:30	NOV Issued	(DOV) Description of Violation: Company disturbed INC 3.4.9 prior to submitting
								(REM) Remedial Measures: Submit filing fees and diligently pursue corrective

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/21/2024 To 6/17/2024

For PERMIT: S401301

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Enf Std	Desc.	Viol. Act. Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	05/30/2024 12:30	31	CO	Sediment Control	05/30/2024 12:30	FTACO	Issu	(DOV) Description of Violation: Ceasing mining activity maintenance only. Failing to clean out sediment control structure. The sediment accumulation reaches 100 percent of the design capacity.
		06/17/2024 12:00	33	CO	Sediment Control	06/17/2024 12:00	IHCO	Issued	(REM) Remedial Measures: Clean up designed Compacity and re-certify. (ATA) Action taken to abate: Show submitted. Remains in force. (DOV) Description of Violation: Ceasing mining activities. Exit channel at port outlet 008. Erosion of the exit channel caused off-site impact as sediment deposited in a tributary for Little Pine Creek. Permittee failed to protect off areas associated with the disturbed north of coal stockpile areas. Sediment been deposited off-site due to erosion
		07/24/2024 10:00			Extended				(REM) Remedial Measures: Repair and re-establish the exit channel of outlet to prevent erosion. Establish erosion and sediment control on disturbed areas in the coal stockpile area to prevent sediment from leaving permitted areas. Once completed as per design, seed and erosion drainage control. (ATA) Action taken to abate: Repair and re-establish the exit channel of outlet to prevent erosion. Establish erosion and sediment control on disturbed areas in the coal stockpile area to prevent sediment from leaving permitted areas. Once completed as per design, seed and erosion drainage control.

PERMITTEE **Bluestone Coal Corporation**

PERMIT NO. **S-4013-01**

VIOLATION #: IHCO #27

DATE OF VIOLATION: 5/30/2024

Description of Violation: Permittee mined off site south east of outlet #35 and the area around the doughnut.

If willful or unwarranted, describe: This violation was unwarranted, in that the permittee failed to prevent its occurrence due to indifference, lack of diligence, or lack of reasonable care.

Final Assessment Ratings: Seriousness Negligence Good Faith

VIOLATION #: IHCO #33

DATE OF VIOLATION: 6/17/2024

Description of Violation: Erosion of the exit channel of outlet #008 has caused off-site impact as sediment has been deposited in a tributary for Little Pinnacle Creek. Permittee failed to protect off-site areas associated with the disturbed area north of coal stockpile area. Sediment has been deposited off-site due to erosion

If willful or unwarranted, describe: This violation was unwarranted, in that the permittee failed to prevent its occurrence due to indifference, lack of diligence, or lack of reasonable care.

Final Assessment Ratings: Seriousness Negligence Good Faith

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

Supervisor Recommendation: Proceed with Show cause

[Signature]
I & E Supervisor

01-02-25
Date

[Signature]
Assistant Chief

1-2-25
Date

NUMBER	DATE	TIME	REASON	TYPE	MINE STATUS	PHOTOS	BLASTING				
							Last 30 Days?	Ins. Req'd?			
S401301	05/21/2024	09:30	OS	CS	A4	Yes	No	No			
PERMITTEE NAME		BLUESTONE COAL CORPORATION				MSHA #		45-034704			
OPERATOR NAME		JUSTICE HIGHWALL MINING, INC.....				MR-19 DATE		02/27/2004.....			
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022	PERMIT EXPR DATE							
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED	MR-8						
LAST INSP DATE	05/13/2024	TYPE	P	BOND ING	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT	08/08/2018	EMER RESP PLAN		INS	06/15/2024	BLAST AD					
TIME USED (HRS)=>	PERMIT REVIEW	1.00	INSPECT	10.00	TRAVEL	1.50	REPORT	1.00			

INSPECTION COMMENTS

Osm oversite was done on 5/21/2024. Nov #17 18 19 will all be going to a FTACO. The company will also be receiving a NOV for minino without bond on INC 3.4.9. Another Nov will be issued for Sediment Control by road ditch 2 and road ditch 3 there is break throughs in berms causing runoff off the bonded area Also sediment ditch 20 and sediment ditch 21has break throughs in the berm causing run off

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits ..		
0300 Signs and Markers.....			0400 Sediment Control.....	NOV Issued	25
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....	Comments		1000 Haul Roads.....		
1100 Refuse Impoundments.....	Not Applicable		1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....	NOV Issued	26
2300 Change of Operator.....			2400 Permit Conditions.....	IHCO Issued	27
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current	NOV Issued	28	3000 Other Conditions.....	NOV Issued	29

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Oneal
DELIVERY METHOD / DATE TIME	Hand 5/31/2024 12:00:00
CERTIFIED MAIL NUMBER	
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
WV DEP REP.	Aaron J Barley

NUMBER	DATE	TIME	REASON	TYPE	MINE STATUS	PHOTOS	BLASTING	
							Last 30 Days?	Ins. Req'd?
S401351	05/21/2024	09:30	OS	CS	A4	Yes	No	No

COMMENT (cont.)

Another Nov will be issued for expired NPDES permit. Another NOV will be issued for contemporaneous reclamation. A SEV will be issued for Failure to submit weekly monitoring reports as required by M-19-297 for monitoring point A. Another SEV will be issued for expired NPDES permit. A IHCO will be issued for mining off permit South East of outlet #35 and the area around the doughnut. Company also needs to stop access to BMP sumps from the public and ensure all drainage is directed to the BMP sumps. Company also needs to make sure blast logs are on site within 24 hours of blast. Also at pond by valley fill 1 has wood starting to build up at spill way and will need to be cleaned up.

NUMBER	INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	05/21/2024	09:30	8 (rev 4/20)		2400	05/30/2024	09:00	27	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03904

NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 21st day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-16

Reg 38-2-
38-2-20.3.a

NI The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

The permittee or operator has failed to abate the violation included in Notice of Violation # _____ within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

Cease all mining activity. Company mined and disturbed of site south east of outlet #35 and the area around the doughnut.

[REM] Remedial Measures:

Submit IER adding acres and update bond.

MUST BE CORRECTED BY DATE: 06/29/2024 12:00

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Demick Oneal

DELIVERY METHOD / DATE TIME Hand 5/31/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

05/30/2024

[WV DEP Rep/Date]

WAIVER – The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Aaron J Barley at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.

401301	DATE 06/17/2024	TIME 02:00	REASON RI	TYPE	STATUS A4	PHOTOS No	Last 30 Days? No	Ins. Req'd? No
PERMITTEE NAME BLUESTONE COAL CORPORATION		MSHA # 46-03404		OPERATOR NAME JUSTICE HIGHWALL MINING, INC.....		MR-19 DATE 02/27/2004.....		
NPDES # WV1021079	NPDES EXPR DATE 07/02/2022	PERMIT EXPR DATE						
PERMIT ACRES 579.62	TOTAL DISTBD 200.00	RECLMD 2.00	ANCIL-LARY 5.16	UNRECLMD 19.16				
DATES: PH I	PH II	LAST AUG SEED		MR-8				
LAST INSP DATE 05/21/2024	TYPE CS	BOND INC 4	INC BONDED ACRES 242.23	CUR IBR# 5	CUR REV# 4			
EXPR DATES: INACT 08/08/2018	EMER RESP PLAN	INS	BLAST AD					
TIME USED (HRS)=>	PERMIT REVIEW 0.25	INSPECT 1.50	TRAVEL 0.25	REPORT 0.25				

INSPECTION COMMENTS

On this date there will be an IHCO issued for sediment control. Also, a NOV will be issued for failing to construct valley fill 8 per plan and design. Another NOV will be issued for Company disturbing the doughnut hole area.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....	IHCO Issued	33
0500 Design Certification.....	Comments		0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....	NOV Issued		3000 Other Conditions.....	NOV Issued	

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 6/18/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

PERMIT#	DATE	TIME	FORM#	FAC#	ENF STD	VIOLATION ACTIVITY			INSP ID NUMBER
						DATE	TIME	VIOLATION#	
S401301	06/17/2024	02:00	6 (rev 4/20)		0400	06/17/2024	12:00	33	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 17th day of June, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. 22-3-16(a) Reg 38-2- 20.3.a

NI The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

The permittee or operator has failed to abate the violation included in Notice of Violation # _____ within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.


[ACI] Area of operations to be ceased immediately:

Cease all mining activities. Exit channel at pond 8/ outlet 008 erosion of the exit channel has caused off-site impact as sediment has caused off-site impact as sediment has been deposited in a tributary for Little Pinnacle Creek. Permittee failed to protect off-site areas associated with the disturbed area north of coal stockpile areas. Sediment has been deposited off-site due to erosion.

[REM] Remedial Measures:

Repair and re-establish the exit channel of outlet 008 to prevent erosion. Establish erosion and sediment control on disturbed areas north of the coal stockpile area to prevent sediment from leaving permitted areas. Once completed as per design seed and certify drainage control.

MUST BE CORRECTED BY DATE: 07/17/2024 12:00 Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal 

DELIVERY METHOD / DATE TIME Hand 6/18/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward  06/17/2024

[Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

WAIVER – The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____ DATE: _____

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St., Charleston, WV 25304
Phone: (304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Bluestone Coal Corporation
302 South Jefferson Street
Roanoke, VA 24011

Re: Permit No. S401301 Show Cause No. 2344

Dear Operator:

You are hereby notified that your mining operation, Permit Number **S401301** for **579.62** acre(s) near **Herndon in McDowell County**, West Virginia, is or has been in violation of Article 3, Chapter 22 and the rules and regulations adopted thereunder as follows:

- **Notice of Violation # 23 issued 05/13/2024 for failure to remove all water accumulation in the pits at least once in a 24 hour period whenever water quality or spoil stability may be affected.**
- **Cessation Order # 37 issued 10/01/2024 for failure to abate NOV # 23.**

Now therefore, take notice as required by Section 17, Article 3 Chapter 22 of the Code of West Virginia, that the Secretary has determined a pattern of violations exists on the aforesaid permit and you are **ORDERED** to show cause, if any, why the above referenced permit should not be suspended or revoked. You have thirty days from receipt of this Order to request a hearing from the Secretary of the Department of Environmental Protection to show cause why this permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department. Please contact Brittany Simons, Alternative Enforcement Coordinator, at brittany.simons@wv.gov. Failure to respond to this Order shall result in permit suspension or revocation and/or declaration of forfeiture of the bond for this permit. Provided that a show cause hearing is requested, it shall be conducted by the Department of Environmental Protection.

If there are any questions, please contact me at the telephone number above.

Sincerely,

Nicki

Taylor

Nicki Taylor, M.S.

Assistant Director of Operations

DMR - Inspection and Enforcement

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.m.taylor@wv.gov C = AD
O = DEP OU = DMR
Date: 2025.01.02 13:16:24 -
0500

NT/bs

cc: Heather Rice, Environmental Inspector Supervisor
Aaron Barley, Environmental Inspector
Jamie Hopen, NPDES Enforcement Program Manager
Cameron Lucas, Environmental Resource Specialist
Kristin Arthur, MicroComputer Systems Support Specialist



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, Charleston, WV 25304
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary
dep.wv.gov

January 2, 2025

CERTIFIED MAIL

Lexon Insurance Co.
10002 Shelbyville Rd.
Ste 100
Louisville, WV 40223

Re: Permit No **S401301** Show Cause No. **2344**
Bluestone Coal Corporation

Surety Bond No.	Amount
1079433	\$288,960.00
1079437	\$215,040.00

To Whom It May Concern:

This letter is to notify you, as surety who provided bond for the above referenced permit, that on **January 2, 2025**, a Show Cause Order was issued to the permittee. From this point forward, the permittee will have full due process rights, including an opportunity for a hearing to respond to the Show Cause Order, and appeal rights should they not prevail in that hearing. Other resolutions are also possible in some cases, such as a Consent Order whereunder the permittee may make specific commitments to rectify the situation which led to the Show Cause Order and to prevent reoccurrence.

At this point in time, there is no requirement that you respond to this agency, or that you take any action in this matter. However, you are entitled to participate as an intervenor in these proceedings if the permittee is granted a show cause hearing. If you should have any questions, please feel free to contact me or Brittany Simons at this office at 304-414-1919.

Sincerely,

Nicki

Taylor

Nicki Taylor, M.S.

Assistant Director of Operations

DMR - Inspection and Enforcement

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
nicki.j.taylor@wv.gov C = AD
O = DEP OU = DMR
Date: 2025.01.02 13:16:51 -
05'00'

NT:bs

DIVISION OF MINES

REQUEST FOR SHOW CAUSE ORDER

Permittee Name: BLUESTONE COAL CORPORATION Permit Number: S401301

Mailing Address: 302 SOUTH JEFFERSON STREET
Street Address (if mailing address is a Post Office Box)
City: ROANOKE State: VA Zip: 24011 Telephone No.: 1-540-204-3992

Date Permit Issued: 9/8/2003 Current Permitted Acres: 579.62
County: McDowell Magisterial District: Barkers Ridge Nearest Post Office: Herndon

Surface Owner(s): Pocahontas Land Company - 800 Princeton avenue Bluefield, WV, 24701
National Resources, INC, 302 South Jefferson St, Roanoke, VA, 24011

Date of Last Inspection: 10/8/2024 Estimated Disturbed Acres at Last Inspection: 200

Has Mining Been Completed? Yes No
Has Permit Been Phase I Released? Yes No

Describe Circumstances Which Resulted in Request for Show Cause Order:

Nov#23 issued on 5/13/2024. Failed to remove all water accumulation in the pits at least once in a 24 hour period whenever water quality or spoil stability may be affected.

FTACO#37 on 10/1/2024. Remove all water accumulation in both pits.

An assessment conference was not requested for violations.

Inspector Signature: [Signature] Date: 12-30-24
Supervisor Signature: [Signature] Date: 01/02/25

Distribution: Headquarters (original), Company, Supervisor, Inspector

SC# 2344

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS

***If a violation is withdrawn or vacated by the assessment officer, do not include in history or pattern of violations. Should three or more same or similar violations occur within a twelve-month period, the I & E supervisor must be notified.**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 4, 2024
Page 1 of 6

Mining and Reclamation

Violation History Details Report

For the period 5/13/2024 To 11/4/2024

For PERMIT: S401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	Ent Std Desc.	Viol.Act.Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR S401301	05/13/2024 08:11	23	NOV	Surface Water	05/13/2024 08:11	NOV Issued	(DOV) Description of Violation: Failed to remove all water accumulation in the pits at least once in a 24 hour period whenever water quality or spoil stability may be affected.
					07/24/2024 10:00	Extended	(REM) Remedial Measures: Remove all water accumulation in both pits. (ATA) Action taken to abate: Remove a water accumulation in both pits.
					10/01/2024 11:00	Modified to C	(ATA) Action taken to abate: NOV is be modified to a FTACO
	05/30/2024 08:30	25	NOV	Sediment Control	05/30/2024 08:30	NOV Issued	(DOV) Description of Violation: Failed to properly maintain the approved drainage system in which road ditch 22 and road 3 has break throughs in the berm causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the berm causing run off.
					07/24/2024 10:00	Extended	(REM) Remedial Measures: Ensure all off is going through a sediment control structure before leaving the permit. (ATA) Action taken to abate: Ensure all off is going through a sediment control structure before leaving the permit.
					10/01/2024 11:15	Modified to C	(ATA) Action taken to abate: NOV 25 modified to co on this date.
	05/30/2024 08:45	26	NOV	Method of Operation	05/30/2024 08:45	NOV Issued	(DOV) Description of Violation: Expired NPDES permit.
					07/24/2024 10:00	Extended	(REM) Remedial Measures: Submit all filing fees and diligently pursue correct (ATA) Action taken to abate: Submit all filing fees and diligently pursue correct
					10/01/2024 12:00	Modified to C	(ATA) Action taken to abate: NOV will be modified to CO on this date.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mining and Reclamation

Violation History Details Report

For the period 5/13/2024 To 11/4/2024

For PERMIT: S401301

November 4, 2024

Page 5 of 6

Responsible Party Name	Permit Id	Violation Date	V.No.	Type	Ent Std Desc.	Viol. Act. Date	Eval. Desc.	Violation Activity Text
BLUESTONE COAL COR	S401301	07/24/2024 11:00	36	NOV	Permit Conditions	07/24/2024 11:00	NOV issued	(DOV) Description of Violation: Permit has failed to follow permit conditions failing to submit required quarterly water monitoring reports. In that both ground and surface water monitoring data have been submitted.
		10/01/2024 11:00	37	CO	Surface Water	10/01/2024 12:25	Modified to C (ATA) Action taken to abate: NOV is modified to CO on this date.	(REM) Remedial Measures: Submit a required QWMRs, or restart sampling operations and submit subsequent reports.
		10/01/2024 11:30	38	CO	Sediment Control	10/01/2024 11:30	FTACO Issu	(REM) Remedial Measures: Remove water accumulation in both pits.
		10/01/2024 12:00	39	CO	Method of Operator	10/01/2024 12:00	FTACO Issu	(REM) Remedial Measures: Ensure structure before leaving the permit.
		10/01/2024 12:01	40	CO	Other Conditions	10/01/2024 12:01	FTACO Issu	(REM) Remedial Measures: Submit a filing fees and diligently pursue corrections.
		10/01/2024 12:15	41	CO	Bonding Current	10/01/2024 12:15	FTACO Issu	(REM) Remedial Measures: Submit revision and request for \$5,000/acre variance.
								(REM) Remedial Measures: Pursue corrections submit bond of IBRG.

PERMITTEE BLUESTON COAL CORPORATION

PERMIT NO. S401301

VIOLATION #: 23

DATE OF VIOLATION: 5/13/2024

Description of Violation: Nov#23 issued on 5/13/2024. Failed to remove all water accumulation in the pits at least once in a 24 hour period whenever water quality or spoil stability may be affected.

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by the operator to prevent the problem. Final assessment ratings: Seriousness 1, Negligence 2, Good Faith 4.

VIOLATION #: FTACO # 37

DATE OF VIOLATION: 10/1/2024

Description of Violation: FTACO#37 on 10/1/2024. Remove all water accumulation in both pits.

If willful or unwarranted, describe: This violation was obvious and/or no action was taken by operator to prevent the problem.

VIOLATION #:

DATE OF VIOLATION:

Description of violation:

If willful or unwarranted, describe:

PERMITTEE BLUESTONE COAL CORPORATION

PERMIT NO. S401301

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

VIOLATION #:

DATE OF VIOLATION:

Description of Violation:

If willful or unwarranted, describe:

Supervisor Recommendation:

Proceed with show cause

John J. Mc
I & E Supervisor

01/02/25
Date

Neil J. ...
Assistant Chief

1-2-25
Date

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING				
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?			
S401301	05/13/2024	08:00	RI	P	A4	Yes	No	No			
PERMITTEE NAME		BLUESTONE COAL CORPORATION				MSHA #	46-03404				
OPERATOR NAME		JUSTICE HIGHWALL MINING, INC.....				MR-19 DATE	02/27/2004.....				
NPDES #	WV1021079	NPDES EXPR DATE	07/02/2022		PERMIT EXPR DATE						
PERMIT ACRES	579.62	TOTAL DISTBD	200.00	RECLMD	2.00	ANCIL-LARY	5.16	UNRECLMD	19.16		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	05/01/2024	TYPE	P	BOND INC	4	INC BONDED ACRES	242.23	CUR IBR#	5	CUR REV#	4
EXPR DATES: INACT		08/08/2018	EMER RESP PLAN		INS	08/15/2024	BLAST AD				
TIME USED (HRS) →		PERMIT REVIEW	0.25	INSPECT	1.00	TRAVEL	1.50	REPORT	0.25		


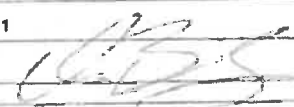
INSPECTION COMMENTS

Permittee failed to pump water out of pits so NOV will be issued. Pump pits at least once in 24 hour periods whenever water quality or spoil stability may be affected.

ENFORCEMENT STANDARD	EVALUATION	VIOL#	ENFORCEMENT STANDARD	EVALUATION	VIOL#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....			0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....	NOV Issued	17	0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....			1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....		
2900 Bonding Current.....			3000 Other Conditions.....		

WATER QUALITY TESTS

In-Stream Station pH Fe Mn Al NF Flow Units Temp Units Sp Cond Units

AUTH. COMPANY REPRESENTATIVE	Derrick Onsal	
DELIVERY METHOD / DATE TIME	Hand 5/13/2024 08:00:00	
CERTIFIED MAIL NUMBER		
ADDRESS	302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011	
WV DEP REP.	Aaron J Barley	

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	05/13/2024	08:00	6 (rev 4/20)		0700	05/13/2024	08:11	17	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION
 OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUSTICE HIGHWALL MINING, INC
 MSHA ID# 46-0340 NPDES # _____
 OWNER/CONTROLLER _____
 CONTRACT BLASTING FIRM _____
 BLASTER NAME _____
 (CERT #) _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 13th day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect. Reg 38-2-
 22-3-13(b)(10)(A)(i) 14.5.a.

[DOV] Description of Violation:
Failed to remove all water accumulation in the pits at least once in a 24 hour period whenever water quality or spoil stability may be affected.

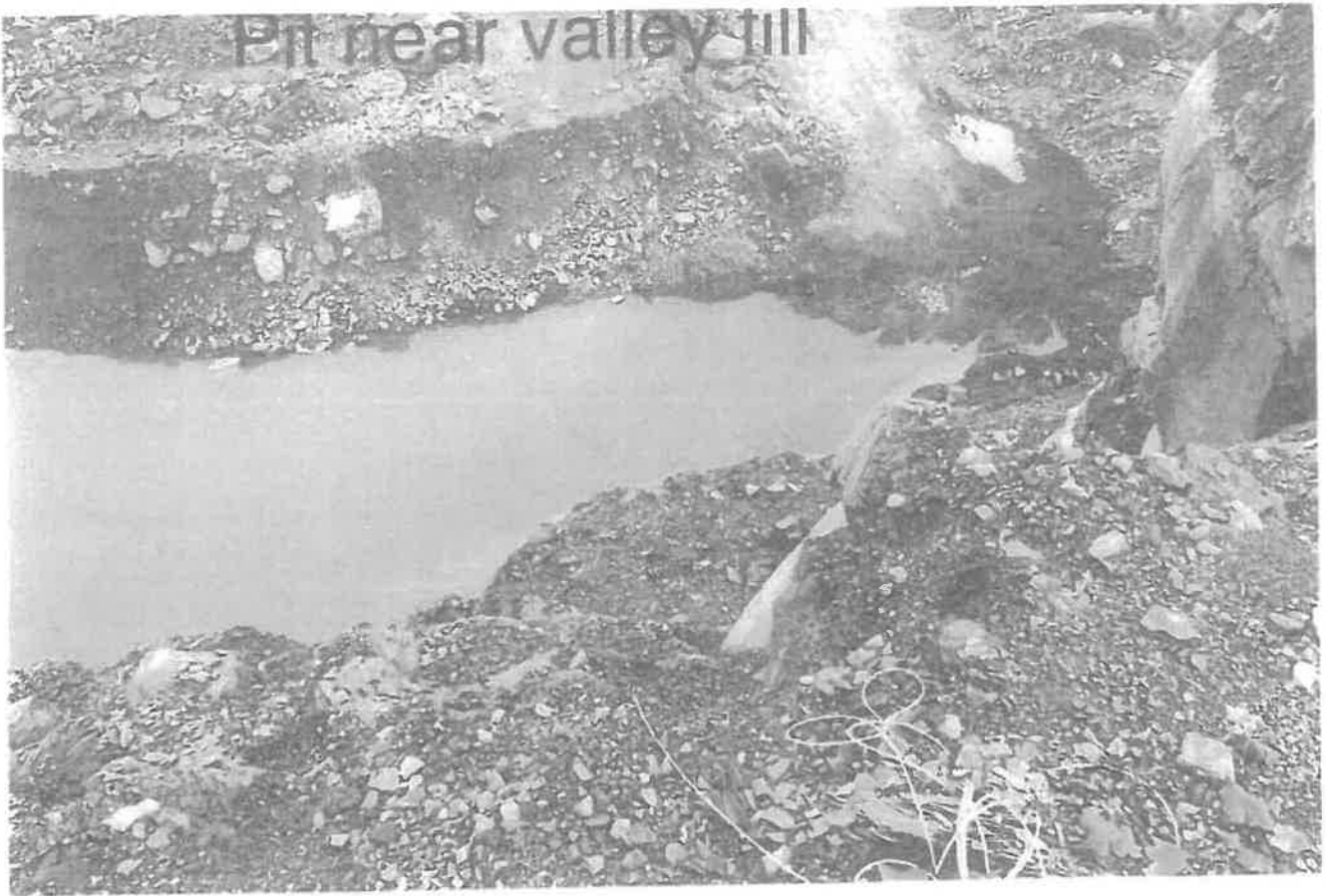
[REM] Remedial Measures:
Remove all water accumulation in both pits.

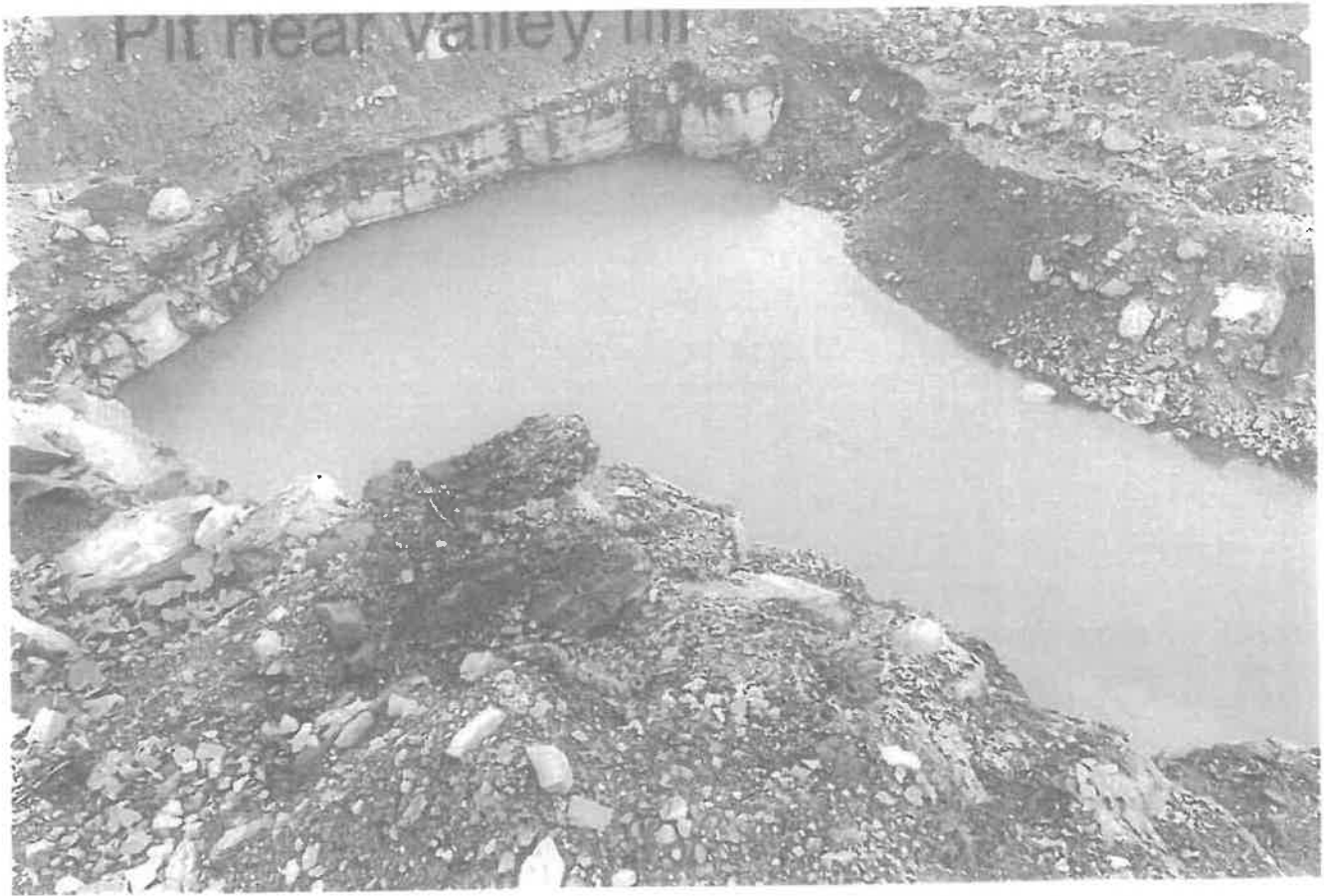
MUST BE CORRECTED BY DATE 05/15/2024 09:00 NOV issued CO Modified to NOV
Resulted in Off-Site Impact

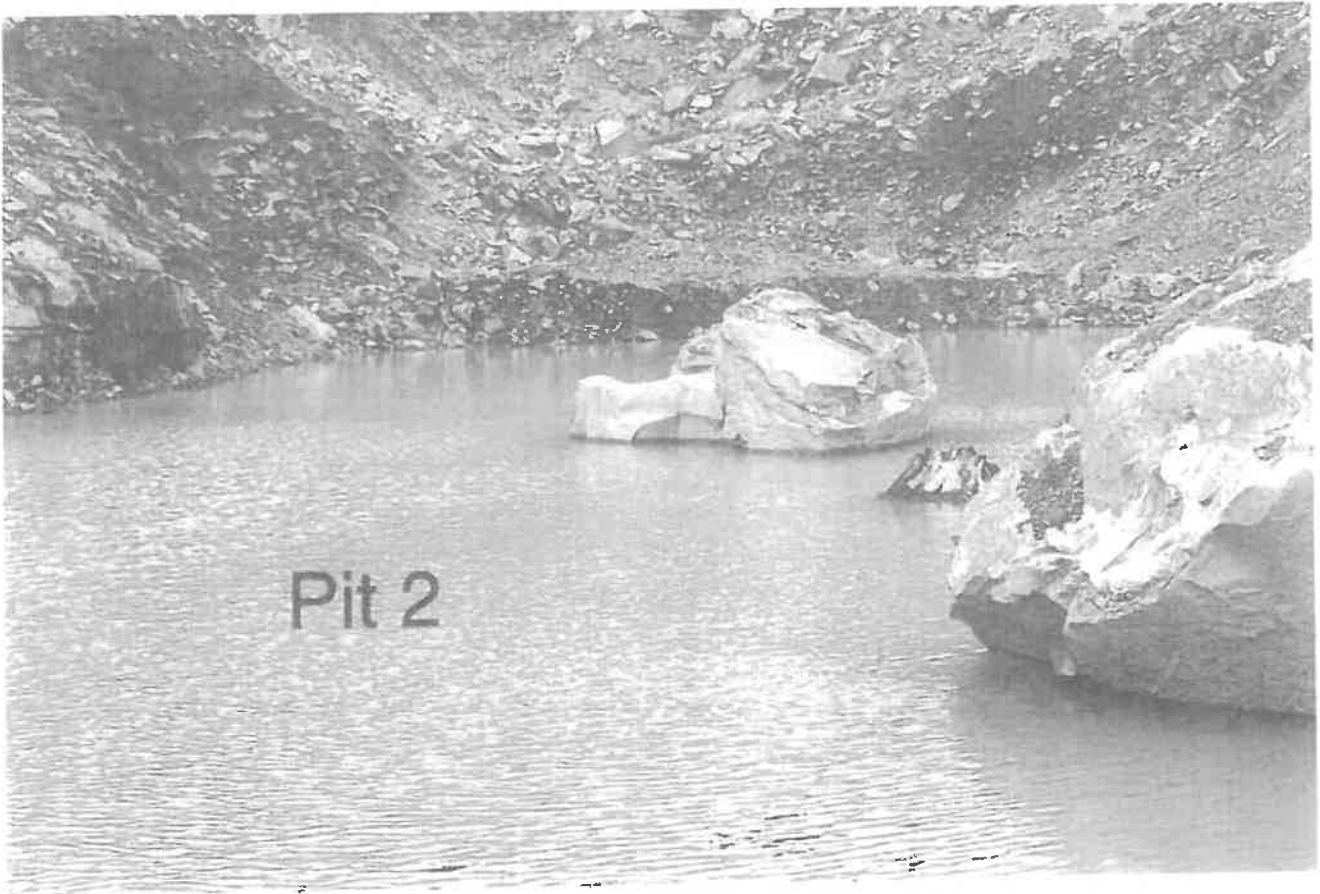
AUTH. COMPANY REPRESENTATIVE Derrick Oneal
 DELIVERY METHOD / DATE TIME Hand 5/13/2024 00:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011
 WV DEP REP. Aaron J Barley

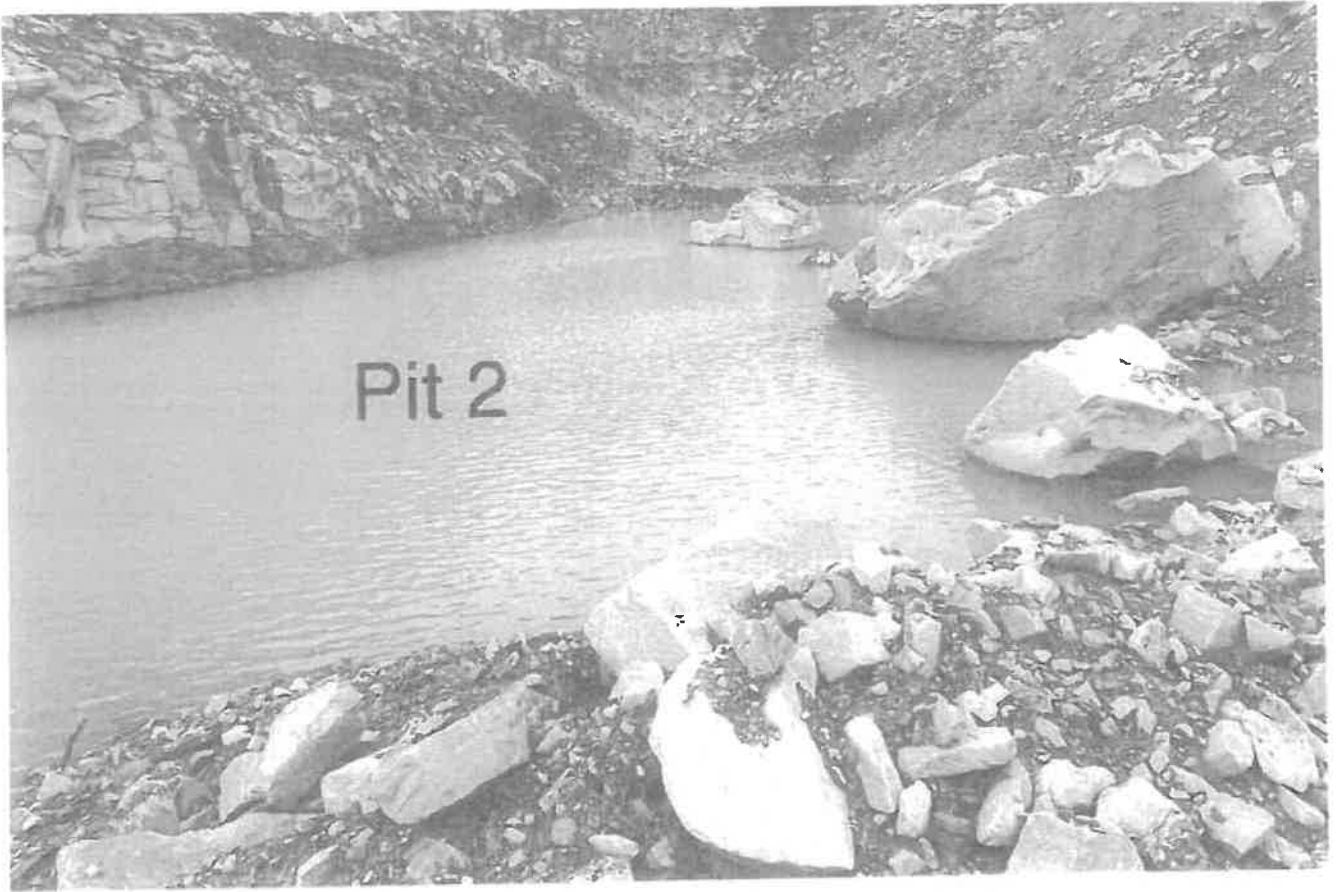
Harold D. Ward 05/13/2024
 [Secretary, Department of Environmental Protection] [WV DEP Rep/Date]

Contact Aaron J Barley at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.









PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	
S401301	05/13/2024	08:00	6 (rev 4/20)		0700	10/01/2024	11:00	37	1142

PERMITTEE NAME BLUESTONE COAL CORPORATION

OPERATOR NAME _____

MSHA ID# 46-03404 NPDES # _____

OWNER/CONTROLLER _____

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 13th day of May, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.
22-3-17(a)

Reg 38-2-
20.3.b

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. (Imminent Harm C. O.)

NF

The permittee or operator has failed to abate the violation included in Notice of Violation # 23 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ACI] Area of operations to be ceased immediately:

Entire.

[REM] Remedial Measures:

Remove all water accumulation in both pits.

MUST BE CORRECTED BY DATE: 11/01/2024 12:00

Resulted in Off-Site Impact

AUTH. COMPANY REPRESENTATIVE Derrick Oneal

DELIVERY METHOD / DATE TIME Hand 10/2/2024 12:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011

WV DEP REP. Aaron J Barley

Harold D. Ward

[Secretary, Department of Environmental Protection]

10/01/2024

[WV DEP Rep/Date]

WAIVER – The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: _____

DATE: _____

Contact Aaron J Barley at (304) 574-4485 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.



west virginia department of environmental protection

Division of Mining and Reclamation
1159 Nick Rahall Greenway
Fayetteville, WV, 25840
Phone (304) 574-4465
Fax (304) 574-4477

Harold D. Ward, Cabinet Secretary
dep.wv.gov

Blue Stone Coal Corporation
Derrick Oneal
Company Representative
302 South Jefferson Street
Roanoke, VA 24011

RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number S401301, with issued Cessation Order Number FTACO 37 38 39 40 41 42 43 on 10/01/2024.

In accordance with requirements of West Virginia Surface Mining Reclamation Regulation 38-2-3.33(h), you are hereby given notice the Ownership and Control information submitted as part of your permit application must be updated to comply with the requirements of Regulation 38-2-3.1.d. The definition of "Ownership and Control" may be found in Regulation 38-2-2.85.

Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link:
<https://dep.wv.gov/ess/Pages/default.aspx>

The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.


Regional Assistant Director

10-1-24
Date

Cc:

Promoting a healthy environment.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com

7022 2420 0003 2263 0275

4.05

1. Date of Receipt	4/20/05
2. Postmark	
3. Signature of Addressee	
4. Signature of Recipient	
5. Signature of Mail Carrier	
6. Signature of Post Office Employee	
7. Signature of Post Office Manager	
8. Signature of Post Office Assistant	
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Postage and Fees

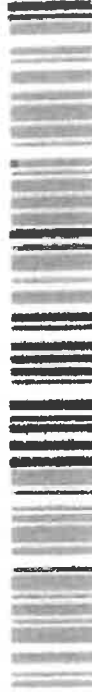
Send To: Bluestone Coal Corporation
Street: 302 South Jefferson Street
City/State: Roanoke, VA 24011

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bluestone Coal Corporation
 302 South Jefferson Street
 Roanoke, VA 24011



9590 9402 7230 1284 5354 99

2. Article Number (Transfer from service label)

7022 2410 0003 2261 0275

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Adult Signature

Adult Signature
 Adult Signature

B. Received by (Printed Name)

L. WELLS

C. Date of

10/17

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: Yes No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express
- Registered Mail
- Registered Mail Delivery
- Signature Confirmation
- Signature Confirmation Restricted Delivery

all Restricted Delivery
 all Restricted Delivery

Domestic Return



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0495
Fax: (304) 926-0463

Harold D. Ward, Cabinet Secretary
dep.wv.gov

**SUSPENSION ORDER
ISSUED UNDER THE
WEST VIRGINIA COAL MINING AND RECLAMATION ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 3**

Bluestone Coal Company
302 South Jefferson St.
Roanoke, VA 24011

Date: January 8, 2025
Permit : S401301
SC 2308 and SC 2311

INTRODUCTION

The following findings are made, and this Suspension Order is issued pursuant to the authority vested in the Secretary of the Department of Environmental Protection pursuant to W. Va. Code § 2216(d)(3) and delegated to the Director of the Division of Mining and Reclamation (the “Director”) pursuant to W. Va. Code § 22-1-6(b).

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. Pursuant to the West Virginia Surface Coal Mining and Reclamation Act, W. Va. Code § 223-1, *et seq.* (the “Act”) and the rules promulgated thereunder (the “Rules”), the Director issued Bluestone Coal Corporation (“Bluestone”) a permit to operate a surface mine near Herndon, in McDowell County, West Virginia, and identified as permit S401301 (the “Permit”).
2. November 14, 2024, the Director determined that a pattern of violations and unabated cessation orders, in force greater than 30 days, existed on the Permit and ordered Bluestone to show cause, if any, why the aforesaid Permit should not be suspended or revoked. The Show Cause Orders are identified as SC 2308 and SC 2311. On the same date, the Director sent a notice of the issuance of the Show Cause Order to the surety who provided bonds for the Permit.

3. The Order stated Bluestone had thirty (30) days, from receipt of that Order, to request a hearing from the Secretary of the Department of Environmental Protection to show cause why the Permit should not be suspended or revoked, or request that a Consent Order be entered into with the Department.

4. The violations underlying the Show Cause Order, Bluestone's failure to abate those violations, violate the Act and the Rules, each of which are designed to protect the public from imminent and identifiable harm and present imminent and identifiable threats to the public health and safety.

5. Due to Bluestone's failure to respond to Show Cause Orders 2308 and 2311 within thirty (30) days, Bluestone has failed to show cause why the Permit should not be suspended or revoked.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with the Act, it is hereby ORDERED by the Director:

1. The Permit and Bluestone's right to mine the Permit are hereby immediately suspended. Bluestone shall immediately cease all mining operations on the Permit except as set forth herein.
2. Within ten (10) days of the issuance of this Order, Bluestone shall submit to the Director detailed plans to complete all affirmative obligations to abate Cessation Orders (CO) 24 and 31.
3. All abatement plans must result in completed abatement of CO 24 and CO 31 within ninety (90) days of the submission of the abatement plan.

OTHER PROVISIONS

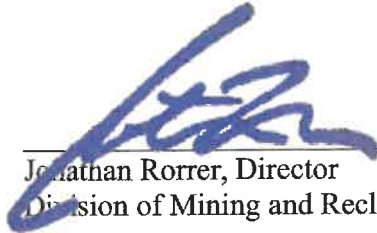
1. Violation of the terms and conditions of this Order may subject Bluestone and its directors, officers or agents to additional civil and criminal penalties and injunctive relief in accordance with applicable law.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order do not adequately address the violations noted herein and reserves all rights and defenses which he or she may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.

3. If any event occurs which causes delay in the achievement of the requirements of this Order, Bluestone shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (*i.e.*, force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Bluestone becomes aware of such a delay, notification shall be provided to the Director and shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and /or to be taken to prevent or minimize the delay, and a timetable by which Bluestone intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of Bluestone (*i.e.*, force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.

4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Bluestone of the obligation to comply with any applicable law, permit, other order, or any requirement otherwise applicable.

5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.

6. This Order is binding on Bluestone, its successors, and assigns.


Jonathan Rorrer, Director
Division of Mining and Reclamation

January 8, 2025

Date

cc: Nicki Taylor, Assistant Director
Heather Rice, Inspector Supervisor
Aaron Barley, Inspector