

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.

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, 2034, 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.h<sup>1</sup>, 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,

<sup>&</sup>lt;sup>1</sup> 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 Wick Lyle

Nicki Taylor Assistant Director

Cc: John Flesher
James Kinser
Jonathan Rorrer

# **ATTACHMENTS**



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 email = nicki.

"".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



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 PN: CN = Nicki Taylor email = nicki m.taylor@wv.gov C = AD O = DEP QU = 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: Bl	LUESTONE COA	L CORPORAT	ON Permit N	Number: <b>S401301</b>
Mailing Address: 302	SOUTH JEFFERSON S	TREET		
Street Address (if mails	ng 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: 5	79.62
	Magiste	rial	Nearest	
County: McDowell	District	: Barkers Ridge	Post Offi	ce: Herndon
Surface Owner(s):	Pocahontas Land Comp National Resources, IN	oany- 800 Princeton a C, 302 South Jefferso	venue Bluefield, WV on St, Roanoke, VA, 2	24701 4011
Date of Last Inspec	10/8/2024 tion:	Estimated at Last Ins		200
Has Mining Been Co	nase I Released?	Yes Yes	No X No X	dor
Describe Circums	tances Which Resul	ted in Request 10	r Snow Cause Or	der.
Nov#17 issued on 2/15//2 60 percent of the design of		sediment control stru	icture when the sedim	ent accumulation reaches
FTACO#31 on 5/30//2024 percent of the design cap	4. Failed to clean out sec acity. No assessment of	diment control structu onference was held o	re when the sediment r scheduled.	accumulation reaches 60
Inspector Signature: Supervisor Signature:	Date:	K.	/0-29-2\ 	e: [0-21-24

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 29, 2024

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Mining and Reclamation

Violation History Details Report

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

For PERMIT: S401301

to follow the PEP. In that the company failed to submit WET and BAS for outlets # 001 being issued on this day for company failing moving equipment on site to begin cleaning mining activity maintenance only. Failure to (ATA) Action taken to abate: Company has deaned 1/2 of pond and no longer working (REM) Remedial Measures: Clean pond to (ATA) Action taken to abate: Company has clean out sediment control structure when (ATA) Action taken to abate: Company is 02/14/2024 12:00 FTACO Issur (DOV) Description of Violation: Cease all (DOV) Description of Violation: Failed to 02/15/2024 01:30 FTACO Issur (DOV) Description of Violation: Cease all (REM) Remedial Measures: Submit WET (REM) Remedial Measures: Activity gain mining activity reclamation only. NOV is submitted pebble count for endangered 05/30/2024 00:00 Modified to C (ATA) Action taken to abate: Company the sediment accumulation reaches 60 percent of the design capacity. equiptment is being moved to job site. hired a contractor to clean pond and apply for permit renewal 120 prior to designed Compacity and recertify. approval of permit renewal. species monitoring report.. Eval. Desc. Violation Activity Text and BAS testing data the pond.. expiration and 003. 02/15/2024 11:30 NOV Issued 03/15/2024 12:00 Terminated 02/26/2024 10:15 Extended 03/15/2024 08:30 Extended Vio.Act.Date Permit Conditions Permit Conditions 02/15/2024 11:30 17 NOV Sediment Control V.No. Type Enf Std Desc. ၀ ္ပ 16 21 02/14/2024 12:00 02/15/2024 01:30 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR S401301

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
				*

<sup>\*</sup>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 sedireaches 60 percent of the design capacity.	ment control structure when the sediment accumulation
If willful or unwarranted, describe: This violation was o problem. Final assessment ratings: Seriousness 1, Negligence	bvious and/or no action was taken by the operator to prevent the 2, Good Faith 4.
	LEAST OF MALATION, 5/00//3034
VIOLATION #: FTACO # 31	DATE OF VIOLATION: 5/30//2024
reaches 60 percent of the design capacity. No assessment of the design capacity.	
MOLATION #.	DATE OF VIOLATION:
VIOLATION #:	BATE 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:
If willful or unwarranted, describe:	
Supervisor Recommendation: Profeed w/ 5	how Cause
I & E Supervisor	16-29-24 Date
Alux Senur Assistant Chie	10/30/24 Date

MR-6 (rev 4/20)

WV DEP REP. Aaron J Barley

# West Virginia Department of Environmental Protection

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					N REPORT					
PERMIT		INSPECTIO	N		MINE				STING	
NUMBER	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 3	0 Days?		-
\$401301	02/15/2024	09:00	RI	CS	A4	Yes	,	/es	Y	85
PERMITTEE	NAME	BLUESTONE	COAL COR	PORATION		MS	BHA#	46-03	404	_
OPERATOR I	NAME J	USTICE HIGH	NALL MININ	G, INC		MR-19	DATE _	02/27/20	04	_
NPDES #	WV1021079	NPDES EXP	R DATE	07/02/202	2 PE	RMIT EXPR	DATE	06/08:	241	
PERMIT ACRES	579.62 DISTED	200.00 R	ECLMD	2.00	ANCIL- LARY	5.16	UNREC	LMD	19.16	
DATES: PH I	PHI	1	LAS	ST AUG SE	ED		MR-8			
LAST INSP DATE	01/26/2024 TYPE	P	BOND		BONDED		CUR BR#	CUR REV		_
EXPR DATES	: INACT 08/08/2018	EMER RES	P PLAN		INS 0	6/15/2024	BLAST	AD		
TIME USED (	HRS)==> PERMIT REVI	EW 1.00	INSPEC	T 6.00	TRAVE	L 1.50	RE	PORT	0.75	
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other NOV	will be issued, failed	to clean out	sediment	COOM	oomii tano	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,				
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# West Virginia Department Of Environmental Protection

ERIS

# MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT	***************************************	ORIGINAL	INSPECTION AN	D VIOLA	TION DATA		NEW VIOLATIO	N ACTIVITY
NUMBER	DATE	TIME	FORM#	FAC#		ORIGINAL VIOLS	DATE	TIME
\$401301	02/15/2024	09:00	6 (rev 4/20)		0400	17	02/26/2024	10:15
PERMITTEE NAM	PERMITTEE NAME BLUESTONE COAL CORPORATION							
Violation is hereby:	Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted							
Extended to	03/11/202	4 at	12:00	NOV mo	odified to C	0#	CO modified to NO	)V#
Action taken to abate:  Company is moving equipment on site to begin cleaning the pond								
	INSPECT	ror's civil	PENALTY ASS	ESSMEI	NT RECOM	AMENDATION (	check)	
Sarioueness: 1							3 4 5 6	17 8
							ct? Yes	
		all aki at	"10["] (["]o["	_1	CONSCILL	Agreement in the	100	110
Comments:								
				,()	001	0		***************************************
AUTH. COMPANY	REPRESENTATI	VE Dernick	Oneal	LX	X DI	4		
DELIVERY METHO	D / DATE TIME_	Hand 2/26/2	2024 12:00:00					
CERTIFIED MAIL N								
ADDRESS 302 S	OUTH JEFFER	RSON STREE	ET, ROANOKE,	VA 2401	1			
WV DEP REP.	Aaron J Barley							
				1111		2 1		
Hamld D. Mon					12	B	2-01-	สสสพั
Harold D. Wan	partment of Env	imamantal P	Protection		DWV D	EP Representativ	e] Da	
(Secretary, De)	ABILITIES IL OF LETT	Arministration 1.	Totalion		iter o	El Hoprosoman		
Names of individ	Names of individuals at informal Conference:							
Results: CO wa	s: Up	heid	Modified		Tem	ninated	Withdrawn	
Comments:	,							
SUPERVISOR:				DATE:		TIME:		
COMPANY REPRE	SENTATIVE:				_ 24=	DATE:		

10/29/24, 10:35 AM IMG\_0202.jpg





https://mail.google.com/mail/u/0/?ogbl#inbox/KtbxLxGgHpwMzLJSmqdCmpvbrGJtgTCgdV?projector=1



10/29/24, 10:35 AM IMG\_0160.jpg



Page 1 of 1

# MR-16 ERIS

# West Virginia Department Of Environmental Protection

# MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT		ORIGINAL	INSPECTION AN				NEW VIOLATIO	N ACTIVITY
NUMBER	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
			DODATION:					
PERMITTEE NAM	E BLUESTONI	E COAL COR	PURATION					
Violation is hereby:	Termina	ited	Withdrawn			ce as written	Show Cause s	ubmitted
Extended to		at		NOV mo	dified to C	0# 31	CO modified to NO	)V#
Action taken to al Company cleans		and no longer	working on it a	nd no ec	uipment o	n site.		
	_							
						MMENDATION (		
Seriousness: 1	<b>7</b> 2 3 4	5 6	7 8 9 7	10 🔲 1	Vegligence	: 0 1 2 7	3 4 5 6	]7[ 8[
			678 <u>_</u>	_			ct? Yes	
Comments:		·		_				
Comments.								
AUTH. COMPANY	REPRESENTATI	VE Derrick	Oneal					
DELIVERY METHO	D / DATE TIME	Hand 5/31/2	2024 12:00:00					
CERTIFIED MAIL								
	TOINDEN							
ADDRESS 302 S			I, KUANUKE,	V/\ 24U I	1			
WV DEP REP.	Aaron J Barley							
Harold D. War				-	04015	ED Dansessadeth	na) D-	
[Secretary, De	partment of Env	vironmental P	rotection]		UVV D	EP Representativ	vej Da	ate
Names of individuals at informal Conference:								
Results: CO wa	as: U	pheld	Modified		Terr	minated	Withdrawn	
Comments:								
SUPERVISOR:				DATE:		TIME: _		
COMPANY REPRI	SENTATIVE:					DATE:		

# West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

# MR-15A CESSATION ORDER

PERMIT	ORIGINAL IN	SPECTION	ENF	STD DAT	Ά	VIOL	ATION ACT	TIVITY	INSP
NUMBER	DATE	TIME	FORM#	FACE	ENF STD	DATE	TIME	VIOLATIONS	NUMB
S401301	02/15/2024	09:00	6 (rev 4/20)		0400	05/30/2024	12:30	31	1142
PERMITTEE NAME	BLUESTONE	COAL CORP	PORATION						
OPERATOR NAME									
MSHA IDW _4	16-03404		NPDES #						
OWNER/CONTROL	LER								
Whereas an insponential on the Carticle 3 of the	HE TOTTL CAY OF F	edruary, 202	4. The inspec	tion reve	taled a viol	ation of the n	mulalana	of Chantan St	
WV CODE 22,	Art. 3, Sect.					Reg 38-2-			
22-3-17(a)						20.3.b			
The cond causing o Harm C. (	lition, pratice o or can reasonal D. )	r violation is bly be expec	creating an inted to cause a	nminent ignificar	danger to it, immine	the health or s at harm to the	environa	the public or i nent. (Immin	s ent
NE within the	ttee or operator required abate	r has failed t	o abate the vic	olation in	roluded in	Notice of Viola	ation #_1	7	
the violat	ion is correcte	4.	er tomanisti (kil	ni baren	ty 01 \$730	per day will be	*******	d for 30 days	unless
[ACI] Area of op	erations to be	cassed imme	adiatalu:						
Cease all mining	activity mainte	enance only	Failed to clea	en out se	adiment co	untrol eta ieti ira	udaan di	e andimus	
ccumulation res	ches 60 perce	nt of the de	sign capacity.	er out se	FUILTIGHT CO	MINON SUNCTOLE	when tr	ie segiment	
REM ] Remedial	Massussa.								
lean pond to de		icity and rec	artifu						
		ong end rec	STUTY.						
MUST BE CORRE	ECTED BY DAT	E: 06/29/202	24 12:00		0	Resulted in 9	ff-Site In	pact	
UTH. COMPANY RE	EPRESENTATIVE	Derrick One	eai		W	DIV			
ELIVERY METHOD	/ DATE TIME H	and 5/31/120	0 00:00:00						_
ERTIFIED MAIL NU	MBER								-
DORESS 302 SOL	JTH JEFFERSO	N STREET. I	ROANOKE VA	24011					
V DEP REP. Aaroi		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	TOTAL TA	£4011					-
A DEb KEb' Lator	or o delicy					211			_
Harold D. Ward					4	35	_	05/30/202	
[Secretary, Department of the Control of the Contro	irtment of Envi	ronmental P	rotection]		0	NOW DEP RE	p/Datel	00,00,202	-
AIVER The und	ersigned does	hereby waiv	e, pursuant to	WV Cod	de 22-3-16(			ence on a	_
esstion Order. THORIZED AGENT									

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.



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 <u>\$401301</u>, 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.ww.gov/ess/Pages/default.aspx

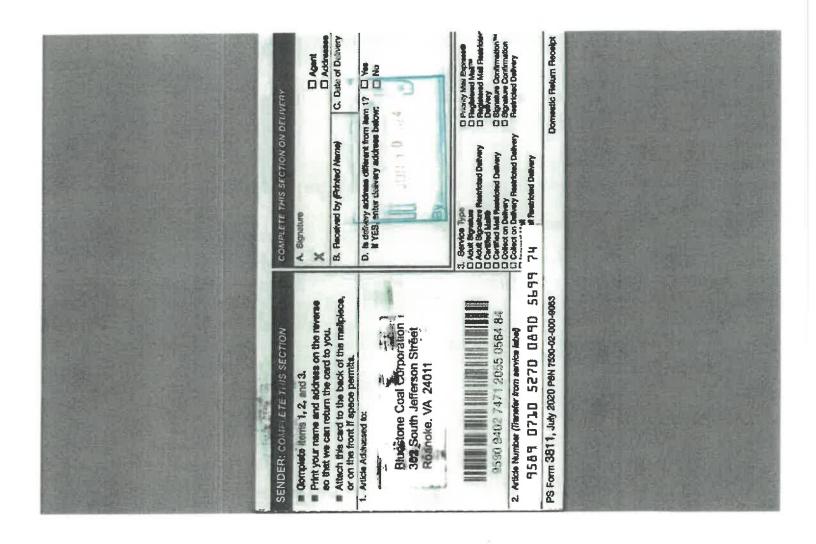
The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.

Regional Assistant Director

Dale

Cc:







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® Certified Mail™

**Extra Services:** 

Return Receipt Electronic

# Shipment Details

Weight:

7lb, 11.6oz

# Recipient Signature

Signature of Recipient:

10002 SHELBYVILLE RD STE 100, LOUISVILLE, KY 40223

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 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<sup>6</sup> for your mailing needs. If you require additional assistance, please contact your local Post Office<sup>™</sup> 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



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 Deglaty signed by. Nicki Taylor DNI. CN = Nicki Taylor and = nicky may by C = AD O = EP OU = DNR
Date 2024 11.14 15.27 05 -6500

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



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 Taylor Solate Sol

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: B	LUESTONE COA	L CORPORAT	ION Permit	Number: <b>S401301</b>
Mailing Address: 302	SOUTH JEFFERSON S	TREET		
Street Address (1 mail	ing 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: 5	579.62
	Magiste	rial	Nearest	
County: McDowell	District	Barkers Ridge	Post Off	ice: Herndon
Surface Owner(s):	Pocahontas Land Comp	any- 800 Princeton a	venue Bluefield, WV	7, 24701
	National Resources, IN	C, 302 South Jefferso	on St, Roanoke, VA,	24011
	***************************************			
Data of Last Lastes	10/8/2024	Estimated at Last Ins		200
Date of Last Inspec	.uon.	at Last IIIs	spection.	
Has Mining Been C	ompleted?	Yes	No X	
Has Permit Been Ph		Yes	No X	
Describe Circums	tances Which Resul	ted in Request fo	r Show Cause O	rder:
_		•		
				d tradellad in accordance
Nov#18 issued on 2/15/2 with the approved pre-pla	024. Failed to certify tha an.	t the drainage system	i was constructed an	d installed in accordance
the approved pre-plan.			is constructed and in	stalled in accordance with
An assessment conferen	ce was not requested for	the violations.		
Inspector Signature:	Date:		10-24-	
Supervisor Signature:	The In	<u>L </u>	Dat	te: 10-29.14

# 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

failed to follow permit conditions by failing to 05/30/2024 12:00 Modified to C (ATA) Action taken to abate: Failed to certify constructed and installed in accordance with maintain the diversion ditches are used to prevent spoil erosion and movement. maintain the diversion ditches are used to that the drainage system was constructed (DOV) Description of Violation: Permittee (ATA) Action taken to abate: Company is (DOV) Description of Violation: Failed to certify that the drainage system was (DOV) Description of Violation: Failer to (REM) Remedial Measures: Fix erosion working on fixing diversion ditches and prevent spoil erosion and movement.. 05/30/2024 12:15 Modified to C (ATA) Action taken to abate: Failer to moving equipment on site to work on and installed in accordance with the (REM) Remedial Measures: Submit working on erosion that has caused working on erosion that has caused diversion ditches and erosion. Violation Activity Text the approved pre-plan. drainage area issues.. drainage area issues. approved pre-plan. Certifications. erosion, 02/15/2024 12:30 NOV Issued 02/15/2024 12:00 NOV Issued 18 NOV Design Certification 02/15/2024 11:45 NOV Issued Eval. Desc. 02/26/2024 10:00 Extended 03/15/2024 08:48 Extended 02/26/2024 10:25 Extended 03/15/2024 08:45 Extended Vio.Act.Date 02/15/2024 12:30 20 NOV Permit Conditions 02/15/2024 12:00 19 NOV Backfill / Grading V.No. Type Enf Std Desc. 02/15/2024 11:45 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR \$401301

(REM) Remedial Measures: Submit GPP

submit GPP fees for 2022-2023

# **VIOLATION HISTORY**

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. <u>8401301</u>

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

<sup>\*</sup>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	PERIVIT NO. 5401301		
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:		
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:	
If willful or unwarranted, describe:		
Supervisor Recommendation: Proceed who show cause		
I & E Supervisor	10. 24-14 Date	
Her Jenue Assistant Chie	10/30/24 Date	

MR-6 (rev 4/20)

# West Virginia Department of Environmental Protection

Page 1 of 5

PERMIT NUMBER			MR	-6 MINE	INSP	ECTIO	N REPOR	श					
NUMBER	DATE	Î	INSPECT	ON REASO		TYPE	MINE	В РНОТО	S La	st 30 C	BLAS		eq'd?
S401301	02/15/202	4	09:00	RI		CS	A4	Yes		Yes		Y	25
	AAIP		BLUESTO	IE COAL	CORPO	DATION.	1	-	MSHA#		46-034	04	
PERMITTEE N									9 DATE		/27/200		_
OPERATOR N		JL	JSTICE HIG								09/08/2		
NPDES #	WV1021079		NPDES EX	PR DATE	0	7/02/202		ERMIT EXP	KDAIL		DB-CHE-X	100-7	_
PERMIT ACRES 5	79.62 DIST	_	200.00	RECLM	2	2.00	ANCIL- LARY	5.16	UNF	RECLIN	ID	19.18	
DATES: PHI		PH II	1		LAST	AUG SE	ED		MR-8				_
LAST INSP	01/26/2024	TYPE	P	B0	ND 4		BONDED	242.23	CUR IBR#	5	CUR REV#	4	_
EXPR DATES:	INACT 0860	8/2018	ENED D	ESP PLAI	_		INS	06/15/2024	BLA	ST AL	1		_
			******							REPO	VDT	0.75	
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INSPECTION CO													
Complete with	supervisor on	this d	ate. Seve	al NOV	S will b	e issu	ed. The pi	t to the rig	ht whe	n you	first p	ull or	i to
the inh feiled to	have earlime	et con	trol or in t	it certific	cation.	SOAN	IOV WIII DI	e issued. /	anome	LINO	A MIII D	G 122	nea
failed to follow	the approved	drain	age plan v	vhich ca	usea e	rosion	down vali	ey IIII o, st	NOV	Will D	G 13301	ou. A	130
another NOV v	vili de issued.	lalled	to ciban o	ut seum	CIII								
ENFORCEMENT	STANDARD		EVALUAT	ION VIC	)#	ENFOR	CEMENT S	TANDARD		Ε	VALUA	TION	VIO
	Prohibited		uti Compi			0200	Exceeding	Limits		Т	ril Comp	diano	
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_	ertification		NOV Iss	ued 18	3	0600	Effluent Lin	nits	artina o	20	ıli Comp	oliance	
-	Vater	.,,	uli Compi	iancı		0800	Ground W	ater		Fl	ill Comp	dianci	
	Procedures		Comme	nts		1000	Haul Road	<b>5</b>		4 ft	ill Comp	dianco	
•	npoundments.		Not Applic	able		1200	Topsoil Ha	ndkng		²i	III Comp	oliano	
1300 Backfill /	Grading		NOV Iss	ued 1	ð	1400	Reclamation	on Schedule	********	i	ull Comp	olianci	
1500 Revegeta	tion Requirement	ts	Full Comp	ianci		1600	Disposal o	f Excess Sp	o#	1	all Comp	liancı	
1700 Highwall	Elimination	1444	Full Comp	ianci		1800		Spoil Dispo			uli Comp	olianos	
1900 Postminii	ng Land Use		Full Comp	iancı		2000		ining Tempo			uli Comp	olianci	
2100 Acid besi	ing /Toxic Materia	al	Full Comp	lianci		2200		Operations.			uli Com	olianci	
2300 Change o	of Operator		Full Comp	liancı		2400		nditions			NOV is:		20
2500 Diversion	s and Drainage C	ontrol.	Full Comp	liano		2600		ust Control			ult Comp		
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2900 Bonding	Силелі		full Comp	liancı		3000	Other Con	ditions	*********		uli Comi	) HBUCI	
WATER QUALITY	TESTS												
	ion pH	Fe	Mn	Al	NF	Flow	Units	Temp	Unit	3	Sp Co	nd i	Units

# West Virginia Department Of Environmental Protection

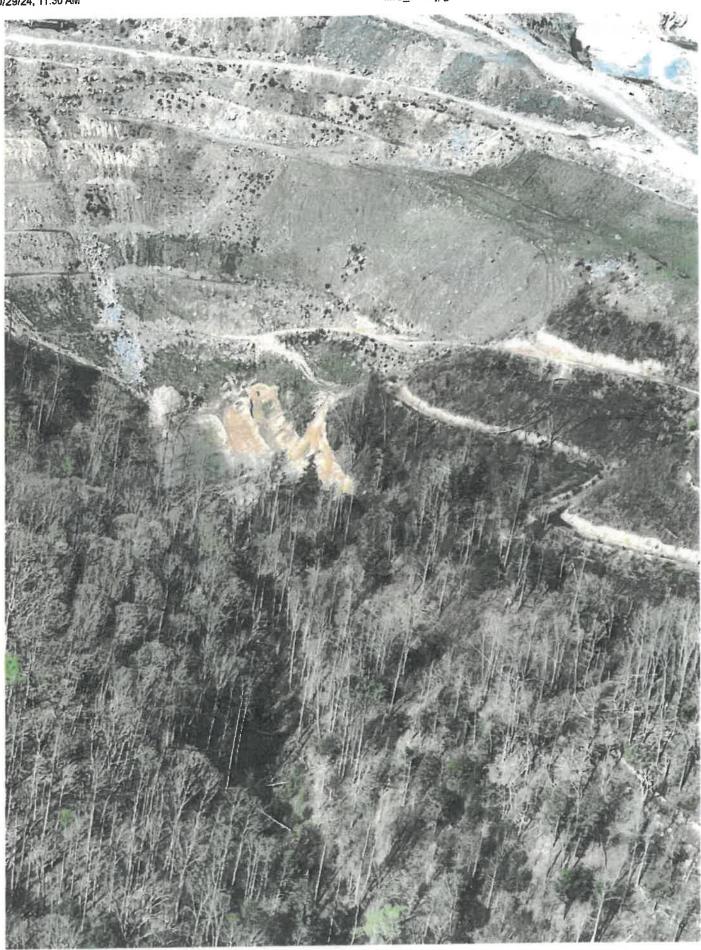
Page 1 of 1

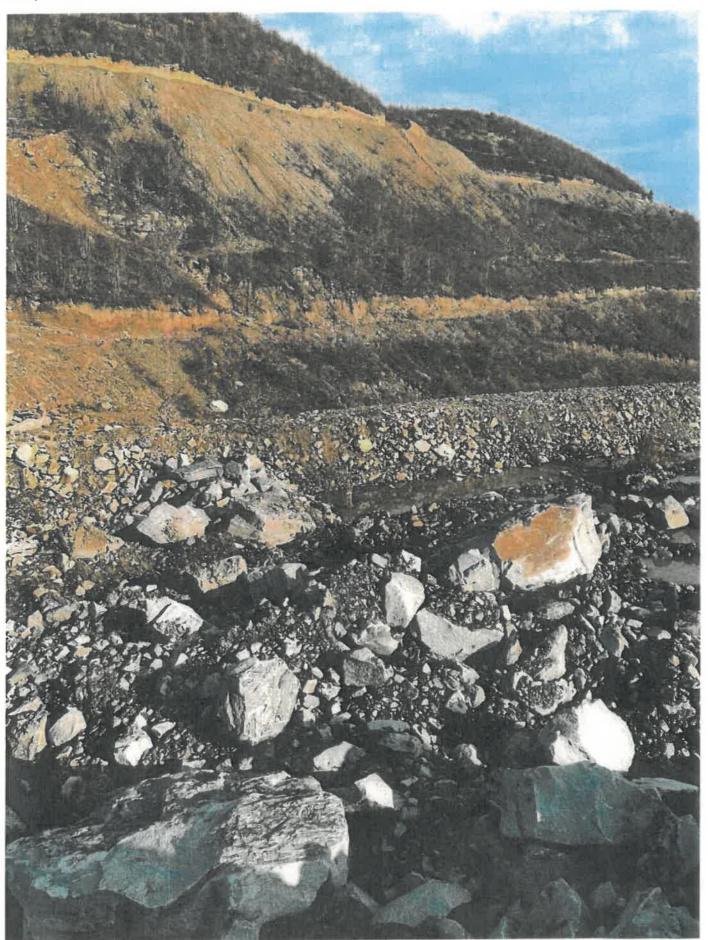
ERIS

### MR-15 NOTICE OF VIOLATION

PERMIT	ORIGINAL IN	SPECTION	ENF	STD DAT	A	VIOL	TION ACT	IVITY	INSP IC
NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATIONS	NUMBE
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	02/15/2024	11:45	18	1142
PERMITTEE NAME	BLUESTONE	COAL CORF	PORATION						
OPERATOR NAME				STICE HI	GHWALL M	IINING, INC			
MSHA ID# 4	6-03404		NPDES #						
OWNER/CONTROL	LER								
CONTRACT BLAST	ING FIRM								
BLASTER NAME (CERT#)									_
Whereas an insp completed on the Article 3 of the Co	15th day of F	ebruary, 202	4. The inspect	ion reve	aled a viola	ation of the pro	ovisions	of Chapter 22	) *1
WV CODE 22,	Art. 3, Sect.					Reg 38-2-			
5.4.d						22-3-13(b)(1	0)(C)		
[ DOV ] Descripting Failed to certify in the certify in the certification of the certificatio	that the drains	ge system			✓ NOV isa		CO Mod	ipproved pre-	plan.
AUTH. COMPANY I	SENDERENTAY	ne Derrick	Oneal		C	M	2/10	24	
DELIVERY METHO									
ADDRESS 302 S		SON STREE	ET. ROANOKE.	VA 2401	11				
WV DEP REP. Asi									
WV DEPREE.						70			
	Harold D.	Ward		1	RIF	-	)	02/15/20	)24
[Secretary, De			l Protection]			(WV DEP	Rep/Date		
Contact measures within the performance	Aaron J B n the above ti e bond.	arley me period m	at (304) _5	74-4465 Cessatic	upon on Order or	completion. For revocation of	ailure to the perm	complete the nit and forfeit.	above ire of









# West Virginia Department Of Environmental Protection

ERIS

# MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT		ORIGINAL	INSPECTION AN	D VIOLAT	TION DATA		NEW VIOLATIO	NACTIVITY
NUMBER	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 COR	PORATION					
Violation is hereby.	Termina	ted []	Withdrawn [	Rem	ains in forc	e as written [	Show Cause s	bmitted
Extended to	03/11/2024	4 at _	12:00	NOV mo	dified to C	0#	CO modified to NC	)V#
Action taken to at Company is work		that has caus	ed drainage are	ea issuel	5.			
	INSPECT	OR'S CIVIL	PENALTY ASSI	essmei	NT RECOM	MENDATION (	check)	
			7 8 9 1 6 7 8				3 4 5 6 €	
				.00	7.5.1	0		
AUTH, COMPANY F				CA	U	<u> </u>		
DELIVERY METHO		Tail 2/20/2	12.00.00					
CERTIFIED MAIL N		OON STOFF	T DOANOUT )	10 2404				
ADDRESS 302 S		SON STREE	I, ROANOKE,	VA 2401	1			
WV DEP REP.	aron J Barley							
Harold D. Ward		ironmental P	rotection		WV DI	EP Representative	<u> </u>	
			.0.000					
Names of Individu	als at informal	Conference:						
Results: CO was	s: Up	held	Modified		Term	ninated	Withdrawn	
Comments:								
SUPERVISOR:		***************************************	Autoria e de la composición del composición de la composición de la composición de la composición de la composición del composición de la	DATE:		TIME.		
COMPANY REPRES	SENTATIVE:					DATE:	· · · · · · · · · · · · · · · · · · ·	

Page 1 of 1

# MR-16 ERIS

# West Virginia Department Of Environmental Protection

# MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT		ORIGINAL	INSPECTION AN	D VIOLA	TION DATA		NEW VIOLATIO	NACTIVITY	
NUMBER	DATE	TIME	FORM#			ORIGINAL VIOL#	DATE	TIME	
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	18	05/30/2024	12:00	
		E 0041 000	DODATION						
PERMITTEE NAMI	BLUESTON	E COAL COR	PORATION						
Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted									
Extended to		at _		NOV mo	odified to C	0# <u>30</u>	CO modified to NO	)V#	
Action taken to a		e system was	constructed an	d install	ed in accol	rdance with the a	pproved pre-plan.		
	INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)								
	51666.								
Good Faith:	Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes V No								
Comments:	Comments:								
		ve Derrick	Oneal						
AUTH. COMPANY	REPRESENTATI	AE Dellick	Ollean						
DELIVERY METHO	D / DATE TIME	Hand 5/31/	2024 12:00:00						
CERTIFIED MAIL									
ADDRESS 302 S	OUTH JEFFE	RSON STRE	ET, ROANOKE,	VA 2401	!1				
WV DEP REP.	Aaron J Barley								
Harold D. War	d								
[Secretary, De	partment of En	vironmental F	Protection]		D VWJ	EP Representativ	ve] Da	ate	
Names of individ	uals at informa	I Conference	:						
Results: CO wa	ıs: U	pheld	Modified		Terr	minated	Withdrawn		
Comments:									
								_	
SUPERVISOR:				DATE:		TIME:			
COMPANY REPRE	SENTATIVE:					DATE:			
COMPANY REPRE	SENTATIVE:					DATE:			

# West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

### MR-15A CESSATION ORDER

PERMIT	ORIGINAL IN	SPECTION	ENF	STD DAT	Ä	VIOL	TION ACT	TYTY	INSP ID
NUMBER	DATE	TIME	FORMI	FAC#	ENF STD	DATE	TIME	VIOLATION#	NUMBER
S401301	02/15/2024	09:00	6 (rev 4/20)		0500	05/30/2024	12:00	30	1142
PERMITTEE NAME		COAL COR	PORATION						
			NPDES #						
_	16-03404		MPDES #						
OWNER/CONTRO						10	-41 41 A1	- Dissets an	
Whereas an ins completed on the Article 3 of the	a 45th day of I	February 20	24. The inspec	tion rev	esled a vio	lation of the p	rovisions	i of Chapter 2	2,
WV CODE 22,	Art. 3, Sect.					Reg 38-2-			
22-3-17(a)						20.3.b			
causing Harm C. The perm NF within the	dition, pratice of or can reasons O. ) ittee or operate ie required aba tion is correct	ably be expe or has failed stement date	cted to cause to abate the v	significa iolation	int, immine included ir	ent harm to the n Notice of Vio	environ	ment. (Immi: 18_	nent
[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	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 ] Remedia	ations.	ATE: 08/29/2	024 12:00			Resulted in	Off-Site	<b>I</b> mpact	
AUTH. COMPANY				() 1	00				
DELIVERY METH									
DELIVERY METH	DO / DATE TIME	Tidila Olo IVE	02.7 (2.00.00						
CERTIFIED MAIL									
ADDRESS 302 S	OUTH JEFFER	SON STREE	T, ROANOKE,	VA 2401					
WV DEP REP. A	ron J Barley					101			
Harold D. Wa	rd				6	wells		05/30/2	2024
[Secretary, D	epartment of E	nvironmenti	i Protection)		0.	(WY DEP	Rep/Dat	0]	
WAIVER The L		es hereby w	raive, pursuan	t to WV	Code 22-3-	16(a), the info	rmal con	ference on a	
AUTHORIZED AGI						DATE:			
Contactmeasures within	Aaron J Bar the above tim	ley e period ma	at (304) y result in revo	574-446 ocation	5 upon c of the perm	ompletion. Fai lit and forfeltu	lure to core of the	omplete the a performance	bove bond.



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 \$401301, 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.ww.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:



V DELIVERY	C. Dette of Delivery	e before: (1) No	Phority Mail Express®     Regelered Mail Plantitions     Deflevery     Signature Confirmation*     Signature Confirmation*     Signature Confirmation*	Domestic Return Receipt	
COMPLETE THIS SECTION ON DELIVERY	A. Signature X B. Received by Printed Name	I TES (Ex person address before:	6100000 AAOOOO BABBBBBBBBBBBBBBBBBBBBBBBBB	- 4	
SENDER: COMPLETE THIS SECTION	<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the malpiece, or on the front if sence hermits.</li> </ul>	Bluestone Coal Corporation 302 South Jefferson Street Roanoke, VA 24011	9402 7471 2055 0564 77	PS Form 3811, July 2020 PSN 7630-02-000-0063	



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:

10002 SHELBYVILLE RD STE 100, LOUISVILLE, KY 40223

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 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:

2×15/

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

2310 2311



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,

Digitally signed by: Nicki Taylor

Digitally signed

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.



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'

Page 1 of 1

MR-6 (rev 4/20) ERIS

# West Virginia Department of Environmental Protection MR-6 MINE INSPECTION REPORT

	ERMIT		DATE		INSPECT	TION REAS	SON	туре	MINE	PHOTOS	Last 30 Day	LASTING s? ins. R	leq'd?
. 1	401301	01	/03/20		09:15	il R		P	A4	No	No		do
3	401301	UI.	103120	2.5					1				
PEF	MITTEE N	AME			BLUESTO	ONE COA	LCORP	ORATION				5-03404	_
OPE	ERATOR NA	ME		JL	ISTICE HI	GHWALL	MINING	, INC		MR-19 [		//2004	-
-	DES#	WV102	1079		NPDES E	XPR DA	re.	07/02/202	2 <b>PE</b>	RMIT EXPR	DATE 09/	08/2023	
	RMIT		TOT	AL				0.00	ANCIL-	5.16	UNRECLMD	19.16	
AC	RES 57	79.62	DIS	TBD	200.00	RECL	MD	2.00	LARY		-		
DAT	ES: PHI			PH II			LAST	AUG SE			#R-8		-
LAS	T INSP		D. 7.		Р	_	BOND		BONDED CRES		WILL	UR EV# 4	
E	DATE	12/10/20	J24	TYPE			NC			6/15/2025	BLAST AD		_
EXF	PR DATES:	INACT	08/	08/2018	EMER	RESP PL	AN				_	0.05	
TIM	E USED (H	RS)==>	PERM	IT REVIE	W 0.2	25 H	NSPECT	1.00	TRAVE	L 1.50	REPORT	0.25	
NFO	RCEMENT S	STANDAF	RD		EVALUA	TION V	7O#	ENFOR	CEMENT ST			LUATION	VIO
100	Distance F							0200		imits			
300	Signs and	Markers.						0400		ontrol			-
500	Design Ce	rtification	1					0600		ls			-
700	Surface W							0800		er			
900	Blasting P							1000 1200		iling			-
100	Refuse Im					1		1400		Schedule		-	
300	Backfill / G	_				-	_	1800		Excess Spoil.			
500	Revegetat						_	1800		Spoil Disposa		j	
700	Highwall E							2000	Ceased Mini	ng Temporar	ily		
900	Acid beari	_						2200		perations			
300	Change of							2400		litions		omments :	-
500	Diversions							2600	•	t Control			-
700	Subsidence	e Plan						2800		urrent		ornments	
900	Bonding C	urrent		***********				3000	Other Condi	tions		Millionia .	· L
WATE	R QUALITY	TESTS								T1	Units S	p Cond	Units
In-S	tream Stati	on [	рН	Fe	Mn	Al	NF	Flow	Units	Temp	l.		
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									//				
WV E	DEP REP.	Aaron J	Barley						07	7	5		

MR-16

# West Virginia Department Of Environmental Protection

Page 1 of 1

# MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

ERIS			DLATION FOLL			ON REPORT	NEW VIOLATIO	N ACTIVITY		
PERMIT NUMBER			NSPECTION AN FORM #	D VIOLA	TION DATA	ORIGINAL VIOL#	DATE	TIME		
	DATE	20 01/03/2025 09:00								
\$401301	02/15/2024									
PERMITTEE NAME	BLUESTONE	COAL COR	PORATION							
Violation is hereby:	Termina	ted 1	Withdrawn [	Rem	ains in for	e as written	Show Cause s	ubmitted		
			П	NOV m	ndified to C	:o# 🗆	CO modified to NO	OV#		
Extended to		aı								
Action taken to ab	ate:									
Company submitte	ed certs.									
	INCOECT	TOR'S CIVII	PENALTY ASS	ESSME	NT RECO	MMENDATION (	check)			
Seriousness: 1	143FEU			10[]	Neclicence	0 1 2	3 4 5 6	7 8 7		
					MeBiiAeiro	5. V		l No		
Good Faith: 0	Good Faith: 0 1 2 3 4 5 6 7 8 Consent Agreement in effect? Yes V No									
Comments:										
					0	٨				
					1/1 (	VV				
AUTH. COMPANY R	EPRESENTATI	VE Derrick	Oneal		(X)	78 -4				
DELIVERY METHO	O / DATE TIME	Hand 1/7/20	25 09:00:00							
CERTIFIED MAIL N										
ADDRESS 302 S	OUTH JEFFER	RSON STREE	ET, ROANOKE,	VA 240	11					
WV DEP REPA	aron J Barley									
W 02/ 112/					-	2 1	011			
Harold D. Ward					EZ	1 /2/	55	1-7-21		
[Secretary, Dep		vironmental P	rotection]	_	[WV [	EP Representati	ve] D	ate		
[Constant] = 5										
Names of individu	ials at informa	i Conference	:							
					T ==		Withdrawn			
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Results: CO was	s: U1	pheld	I I I I I I I I I I I I I I I I I I I							
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Comments:				DATE		TIME:				



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 Ogdally signed by. Nicki Taylor ormall = nicki. m.laylor@wv.gov C = AD O = pP OU = DMR
Dale: 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



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 DNC s Nicki Taylor Playlor Signed Signed

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: B	LUESTONE COA	L CORPORAT	ON Permit I	Number: <b>5401301</b>
Mailing Address: 302	SOUTH JEFFERSON S	TREET		
Street Address (if mails				
City: ROANOKE	State: VA	Zip: 24011	Telephone No:	. 1-540-204-3992
Date Permit Issued:	9/8/2003	Current	Permitted Acres: 5	79.62
	Magiste	rial	Nearest	
County: McDowell	•	: Barkers Ridge	Post Offi	ce: Herndon
Surface Owner(s):	Pocahontas Land Comp National Resources, IN	oany- 800 Princeton a C, 302 South Jefferso	venue Bluefield, WV on St, Roanoke, VA, 2	. 24701 24011
Date of Last Inspec	10/8/2024 tion:	Estimated at Last Ins		200
Has Mining Been C Has Permit Been Ph		Yes Yes	No X No X	
Describe Circums	tances Which Resul	ted in Request fo	r Show Cause Or	der:
Nov#19 issued on 2/15/2 with the approved pre-pla	024. Failed to certify tha in.	t the drainage system	was constructed and	I installed in accordance
FTACO#32 on 5/30/2024 An assessment conference	. Failure to maintain the ce was not requested for	diversion ditches are the violations.	used to prevent spoil	erosion and movement.
Inspector Signature:	Date:	6	10,24-	24
Supervisor Signature:	The J	M-	Date	e:10-29-14

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

October 29, 2024

Mining and Reclamation

failed to follow permit conditions by failing to submit GPP fees for 2022-2023 05/30/2024 12:00 Modified to C (ATA) Action taken to abate: Failed to certify constructed and installed in accordance with maintain the diversion ditches are used to maintain the diversion ditches are used to (DOV) Description of Violation: Permittee that the drainage system was constructed (ATA) Action taken to abate: Company is (DOV) Description of Violation: Failed to certify that the drainage system was 02/15/2024 12:00 NOV Issued (DOV) Description of Violation: Failer to (REM) Remedial Measures: Fix erosion working on fixing diversion ditches and prevent spoil erosion and movement.. 05/30/2024 12:15 Modified to C (ATA) Action taken to abate: Failer to prevent spoil erosion and movement.. moving equipment on site to work on diversion ditches and erosion. and installed in accordance with the working on erosion that has caused working on erosion that has caused (REM) Remedial Measures: Submit Page 4 of 10 the approved pre-plan. **Violation Activity Text** drainage area issues.. drainage area issues. approved pre-plan. Certifications. erosion. 02/15/2024 12:30 NOV Issued 18 NOV Design Certification 02/15/2024 11:45 NOV Issued Eval. Desc. 03/15/2024 08:48 Extended 02/26/2024 10:00 Extended 02/26/2024 10:25 Extended 03/15/2024 08:45 Extended For the period 1/1/2023 To 10/29/2024 Vio.Act.Date Violation History Details Report For PERMIT: S401301 NOV Permit Conditions 02/15/2024 12:00 19 NOV Backfill / Grading V.No. Type Enf Std Desc. 20 02/15/2024 12:30 02/15/2024 11:45 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR S401301

(REM) Remedial Measures: Submit GPP

# **VIOLATION HISTORY**

PERMITTEE BLU	JESTONE COAL	CORPORATION	PERMIT NO.	S401301

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

<sup>\*</sup>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.

Revised 01/2020

If willful or unwarranted, describe:

# 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 #: 19	DATE OF VIOLATION: 2/15//2024
Description of Violation: Nov 19. Failed to certify that the accordance with the approved pre-plan.	e drainage system was constructed and installed in
If the law was an and describer This violation was ob	ovious and/or no action was taken by the operator to prevent the
problem. Final assessment ratings: Seriousness 1, Negligence 2	2, Good Faith 4.
VIOLATION #: FTACO # 32	DATE OF VIOLATION: 5/30//2024
ditches are used to prevent spoil erosion and movement	
If willful or unwarranted, describe: This violation was ob problem.	ovious and/or no action was taken by operator to prevent the
TYPOS A STORY II	DATE OF VIOLATION:
VIOLATION #:	DATE OF VIOLATION:
Description of violation:	

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	
VIOLATION #:	DATE OF VIOLATION:
If willful or unwarranted, describe:	
Supervisor Recommendation:	Show cause
I & E Supervisor	15-29-24 Date
Assistant Chic	10/36/24 Date

# ental Protection at of Enviro

Page	1	of	5

MR-6 (rev 4/20) ERIS	V		-6 MINE IN		onmental F V REPORT		1	Page	1015
						1	1	BLASTIN	G
PERMIT NUMBER	DATE	INSPECTA	REASON	TYPE	STATUS	PHOTOS	Last 3	0 Days? Ins.	_
\$401301	02/15/2024	09:00	RI	cs	A4	Yes	Y	<b>8</b> 5	Yes
PERMITTEE N	AME	BLUESTON	IE COAL COF	RPORATION		M	SHA#	46-03404	
OPERATOR NA		JUSTICE HIG	HWALL MININ	IG. INC		MR-19	DATE	02/27/2004	
NPDES #	WV1021079	NPDES EX		07/02/202	2 PEI	RMIT EXPR	R DATE	09/06/2020	
PERMIT	TOTAL	200.00	_	2.00	ANCIL- LARY	5.16	UNREC	LMD 19.1	6
ACRES 5	79.62 DISTED	200,00	RECLMD		-		-		
DATES: PHI	PH			ST AUG SEI	_		MR-8	CUR	_
LAST INSP	01/26/2024 TYP	E P	BOND		BONDED CRES	242,23	CUR IBR#5		4
EXPR DATES:			ESP PLAN		INS 0	6/15/2024	BLAST	AD	
	RS)=> PERMIT RE\			CT 6.00	TRAVE	L 1.50	RE	PORT 0.7	5
ailed to follow	have sediment countries the approved dra fill be issued, faile	nage plan v	which cause	d erosion	down valle	y fill 8, so	NOV wil	l be issued.	Also
NFORCEMENT	STANDARD	EVALUAT	ION VIO#	ENFOR	CEMENT ST	ANDARD		EVALUATIO	N VIC
	Prohibited .	Full Compl	iance	0200	Exceeding L	mits	**********	full Complian	
300 Signs and	Markers	Full Compl	iance	0400	Sediment Co			NOV Issued	
500 Design Co	rtification	NOV iss	ued 18	0600	Effluent Limi			Full Complian	
700 Surface V	/ater	•		0800	Ground Wat			Full Complian	
	rocedures	Comme		1000	Haul Roads Topsoil Hank			Full Complian	
	poundments	Not Applic		1200 1400	Reclamation			full Complian	
	Grading			1600	Disposal of			Full Complian	
<del></del>	tion Requirements			1800	Downslope S			ull Complian	ici
	g Land Use	-		2000	Ceased Min			ut Compliar	TC4
	ing /Toxic Material			2200	Method of O	-		Full Complian	ncı
	f Operator			2400	Permit Cond	itions	1-1 1714	NOV Issue	d 20
	and Drainage Contro		lancı	2600	Fugitive Dus	t Control		Full Complian	ncı
700 Subsiden	_	Full Comp	iancı	2800	Insurance C	urrent	***************************************	uli Compliar	
900 Bonding C	Current	Full Comp	iancı	3000	Other Condi	tions		full Complian	1CI
VATER QUALITY	TESTS								
In-Stream Stati		Mo	AI N	F Flow	Units	Temp	Units	Sp Cond	Unit

AUTH, COMPANY REPRESENTATIVE	Derrick Oneal	2/10/24
DELIVERY METHOD / DATE TIME	Hand 2/16/2024 00 00.00	
CERTIFIED MAIL NUMBER		
ADDRESS 302 SOUTH JEFFERSON	STREET, ROANOKE, VA 24011	72
WV DEP REP. Aaron J Barley		Ent.

the performance bond.

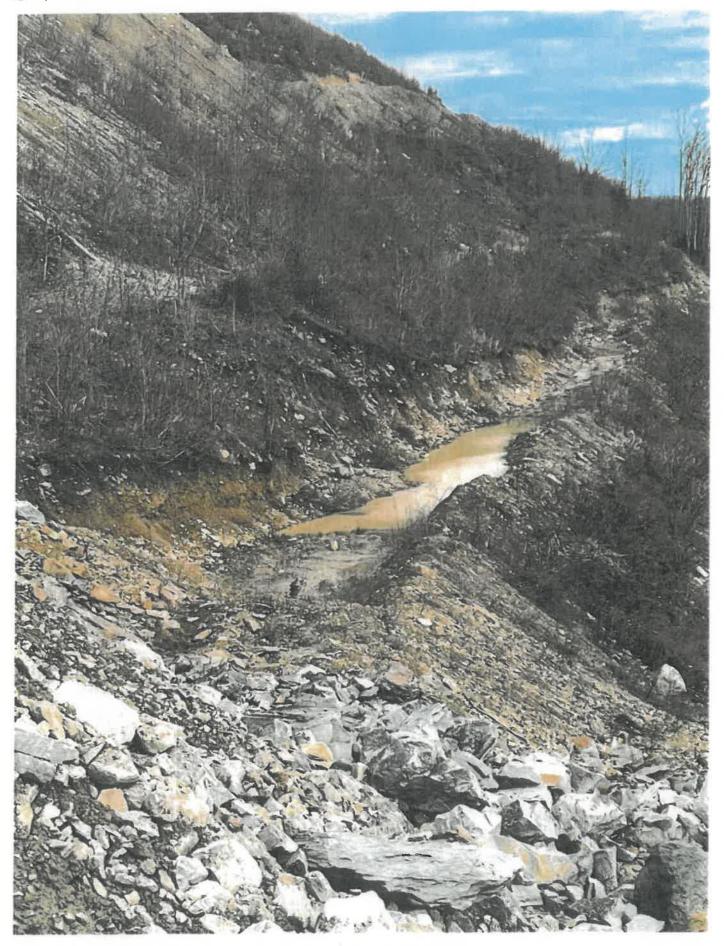
# West Virginia Department Of Environmental Protection

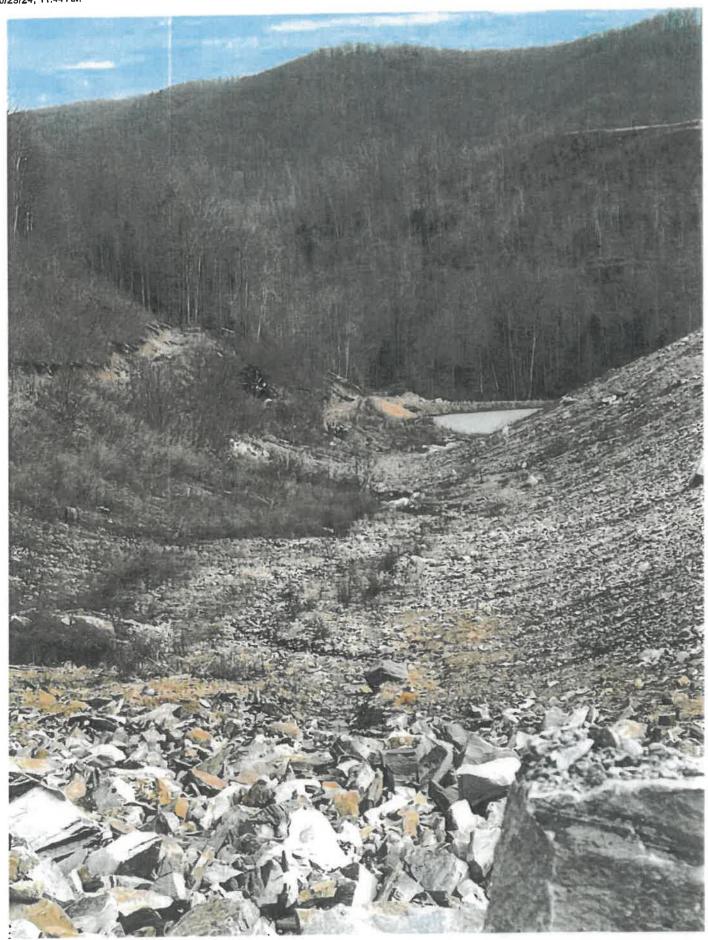
Page 1 of 1

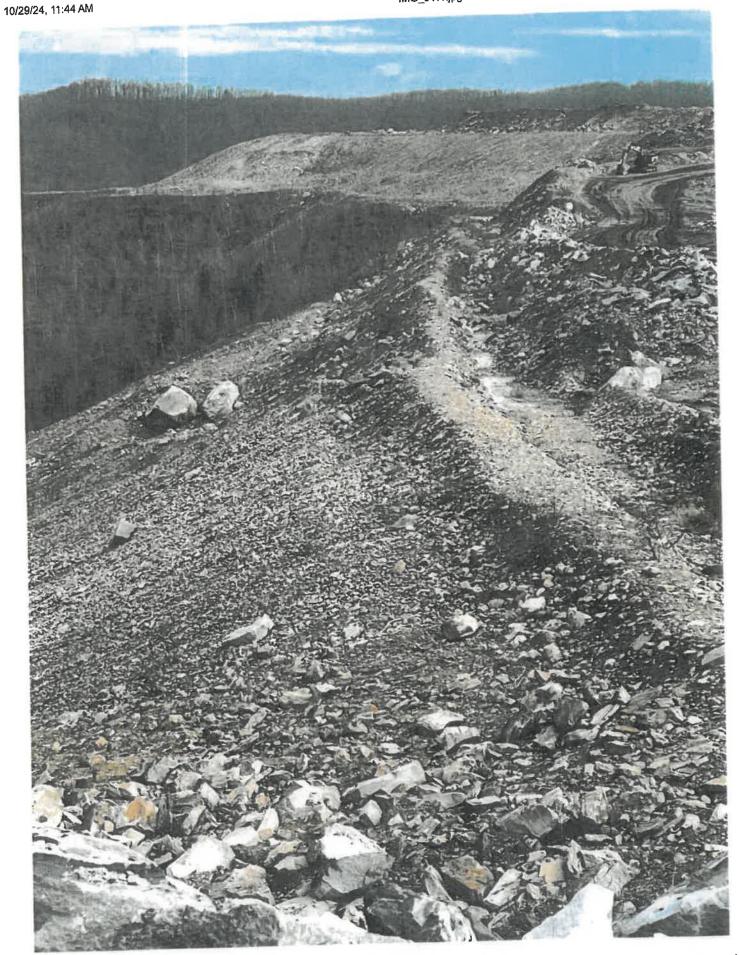
ERIS

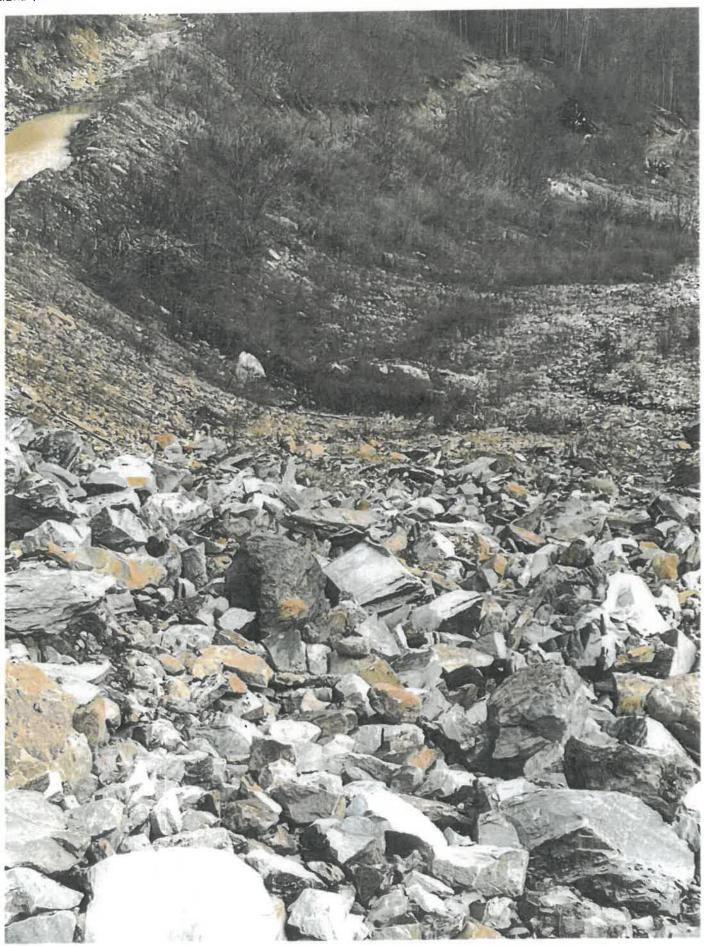
MR-15 NOTICE OF VIOLATION ENF STD DATA

PERMIT	ORIGINAL IN	SPECTION	ENF	STD DATA	N	VIOLATION ACTIVITY			INSP ID
NUMBER	DATE	TIME	FORM#	FACI	ENF STD	DATE	TIME	VIOLATION#	NUMBER
\$401301	02/15/2024	09:00	6 (rev 4/20)		1300	02/15/2024	12:00	19	1142
PERMITTEE NAMI	BLUESTONE	COAL CORF	PORATION						
OPERATOR NAME				TICE H	GHWALL N	IINING, INC			
MSHAID#	6-03404		NPDES#	-					
OWNER/CONTRO	LLER								
CONTRACT BLAS									
BLASTER NAME (CERT #)									=
Whereas an insp completed on th Article 3 of the C	a detta day of E	abelbar 202	A The inchect	ION TRVR	aled a Viol	ation of the pr violation of t	OAISINIE	OI CHOPIEL FE	•
WV CODE 22,	Art. 3, Sect.					Reg 38-2-			
14.14.a.b						22-3-13(22)(	C)		
[ DOV ] Descript Failer to mainta	tion of Violation	n: n ditches ar	re used to prev	ent spo	il erosion a	and movemen	nt		
Failer to mainta	in the diversio	n ditches ar		vent spo				dified to NOV	
Failer to maints	in the diversio	n ditches ar		vent spo	✓ NOV isa		CO Mod	dified to NOV	
Failer to mainta  [ REM ] Remedia  Fix erosion  MUST BE CORR  AUTH. COMPANY  DELIVERY METH	ECTED BY DATE TIME	n ditches ar	24 12:00 Oneal	vent spo	✓ NOV isa	sued	CO Mod	diffied to NOV	
Failer to mainta  [ REM ] Remedia  Fix erosion  MUST BE CORR  AUTH. COMPANY  DELIVERY METH  CERTIFIED MAIL	ECTED BY DAT REPRESENTATION / DATE TIME NUMBER	TE 02/23/202 VE Derrick Hand 2/16	24 12:00 Oneal /2024 12:00:00		✓ NOV ise Resulte	sued	CO Mod	diffed to NOV	
Failer to mainta  ( REM ) Remedia  Fix erosion  MUST BE CORR  AUTH. COMPANY  DELIVERY METH	ECTED BY DATE TIME NUMBER SOUTH JEFFE	TE 02/23/202 VE Derrick Hand 2/16	24 12:00 Oneal /2024 12:00:00		✓ NOV ise Resulte	sued	CO Mod	diffed to NOV	
Failer to mainta  [ REM ] Remedia  Fix erosion  MUST BE CORR  AUTH. COMPANY  DELIVERY METH  CERTIFIED MAIL  ADDRESS 302	ECTED BY DATE TIME NUMBER SOUTH JEFFE	TE 02/23/202  VE Derrick  Hand 2/16	24 12:00 Oneal /2024 12:00:00		✓ NOV ise Resulte	sued	CO Mod	diffied to NOV	0024











10/29/24, 11:45 AM IMG\_0113.jpg





Page 1 of 1

# MR-16

# West Virginia Department Of Environmental Protection

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

EKIS			JUNION FOLL					
PERMIT NUMBER			INSPECTION AN			ORIGINAL VIOL#	NEW VIOLATIO	N ACTIVITY TIME
S401301	DATE 02/15/2024	09:00	6 (rev 4/20)	FAUT E	1300	19	03/15/2024	08:48
PERMITTEE NAM	E BLUESTON	E COAL COR	PORATION					
Violation is hereby.	Termina	ated 🔲	Withdrawn	Remain	s in forc	e as written	Show Cause s	ubmitted
Extended to	03/11/202	4 at _	12:00	NOV modif	fied to C	:o# 🗆	CO modified to NO	DV#
Action taken to a	bate:							
Company is worl	cing on fixing di	version ditche	s and erosion.					
	INSPEC	TOR'S CIVIL	PENALTY ASS	ESSMENT	RECO	MMENDATION (	check)	
Seriousness: 1							3 4 5 6	7 8
			6 7 8				ect? Yes	
Comments:	الما الما الما	10[[] 4[[] 0[	7,57,57	•			Springer Statement	,
Comments.								
				,				
			00	A				
AUTH, COMPANY	REPRESENTAT	IVE	CXV C					
DELIVERY METHO	DD / DATE TIME							
CERTIFIED MAIL	NUMBER							
ADDRESS 302	SOUTH JEFFE	RSON STREE	ET, ROANOKE,	VA 24011				
WV DEP REP.	Aaron J Barley							
MA DEL KEL						120	/	
					R	2155	3	5-24
Harold D. War	partment of En	vironmental P	Protection	-		EP Representati		ate
[Oddicially, Do	puttition of act							
Names of individuals at informal Conference:								
Results: CO w	as: U	pheld	Modified		Ten	minated	Withdrawn	
Comments:								
O IDER HOOD				DATE: _		TIME:		
SUPERVISOR:								
COMPANY REPRESENTATIVE DATE								

Page 1 of 1

# MR-16 ERIS

# West Virginia Department Of Environmental Protection

# MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT		ORIGINAL	INSPECTION AN	D VIOLA	TION DATA		NEW VIOLATIO	N ACTIVITY
NUMBER	DATE	TIME	FORM#			ORIGINAL VIOL#	DATE	TIME
S401301	02/15/2024	09:00	6 (rev 4/20)		1300	19	05/30/2024	12:15
			POD ATION	•				
PERMITTEE NAM	E BLUESTONI	E COAL COR	PORATION					
Violation is hereby:	Termina	ited	Withdrawn	Rem	ains in for	ce as written	Show Cause s	ubmitted
Extended to		at		NOV mo	odified to C	0# 32 🗌	CO modified to NO	)V#
Action taken to a	bate:							
Failer to maintain		ditches are us	sed to prevent s	poil eros	ion and m	ovement		
	INSPEC	TOR'S CIVIL	PENALTY ASS	ESSMEI	NT RECO	MMENDATION (	check)	
Serioueness: 1	Z 2 3 4		7 8 9 1	10 1	Negligence	e: 0 1 7 2	3 4 5 6	]7 8
							ect? Yes	
	012	3 4 4 5	6 7 8		Consent	Agreement in ene	100	, ,,,
Comments:								
AUTH. COMPANY	REPRESENTATI	ve Derrick	Oneal					
DELIVERY METHO	D / DATE TIME	Hand 5/31/2	2024 12:00:00					
CERTIFIED MAIL N	JUMBER							
			ET DOANOVE	V/A 2404	4			
ADDRESS 302 S	OUTH JEFFEI	RSON STREE	EI, RUANUNE,	VA 240 I	1			
WV DEP REP.	Aaron J Barley							
WY DEI NEI								
Harold D. War		.:	l-stantian1	-	DAN/ D	EP Representativ	rel D	ate
[Secretary, De	partment of Env	vironmentai F				- Representativ		
Names of individuals at informal Conference:								
Names of molvio	uais at intornia	ii Quillei erioe	•					
			Modified		Torr	ninated	Withdrawn	
Results: CO wa	is: U	pheld	[ aviounted		icii	Innated	77,074,077	
Comments:								
				DATE:		TIRATE		
SUPERVISOR:				DAIC.				
COMPANY REPRE	SENTATIVE:					DATE:		

# West Virginia Department Of Environmental Protection

Page 1 of 1

INSP ID

VIOLATION ACTIVITY

ERIS

# MR-15A CESSATION ORDER

PERMIT	ORIGINAL IN	SPECTION	ENF	STD DAT	A	VIOLATION ACTIVITY			INSP ID
NUMBER	DATE	TIME	FORM#	FACE	ENF STD	DATE	TIME	VIOLATION	NUMBER
S401301	02/15/2024	09:00	6 (rev 4/20)		1300	05/30/2024	12:15	32	1142
PERMITTEE NAMI	E	COAL COR							
	46-03404		NPUES#	_					
OWNER/CONTRO					والمرسطة والمراقع في	ad Banasant	ntion of t	he Director w	
	spection of the the 15th day of Code of West \	Cabaran, 20	34 The intege	MIAR REL	MASHATA VIC		TO A COLUMN	I UI VIIMPIMI A	- CO A .
WV CODE 22	, Art. 3, Sect.					Reg 38-2-			
22-3-17(a)						20.3.b			
causing Harm C The perm	The condition, pratice 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.								
Cease all mini erosion and m  [ REM ] Remed Fix erosion	ijai Measures:	ntenance on	ly. Failure to m	naintain	the diversi	on ditches are			L
MUST BE CO	RRECTED BY D	ATE: 08/29/	2024 12:00		(In s	Kesumed in	On-alle	Inipact	
	Y REPRESENTAT			(	U DI	4			
CERTIFIED MAIL									
	SOUTH JEFFER	SON STREE	T, ROANOKE,	VA 2401	1				
WV DEP REP.	WV DEP REP. Aaron J Barley								
Haroid D. W	ard				E	12	2_	05/30/	2024
[Secretary,	Department of E	Environment	al Protection]			[MA DE	Rep/Dat	te)	
WAIVER The Cessation Ord	undersigned d er.	oes hereby	walve, pursuar	nt to WV	Code 22-3		rmal cor	ference on a	
	BENT SIGNATURI	:				DATE:			
Contact measures with	Aaron J Ba in the above tir	riey ne period m	at (304) ay result in rev	574-440 ocation	of the peri	completion. Fa nit and forfeit	illure to d ure of the	complete the a performance	bond.



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 \$401301, 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.ww.gov/ess/Pages/default.aspx

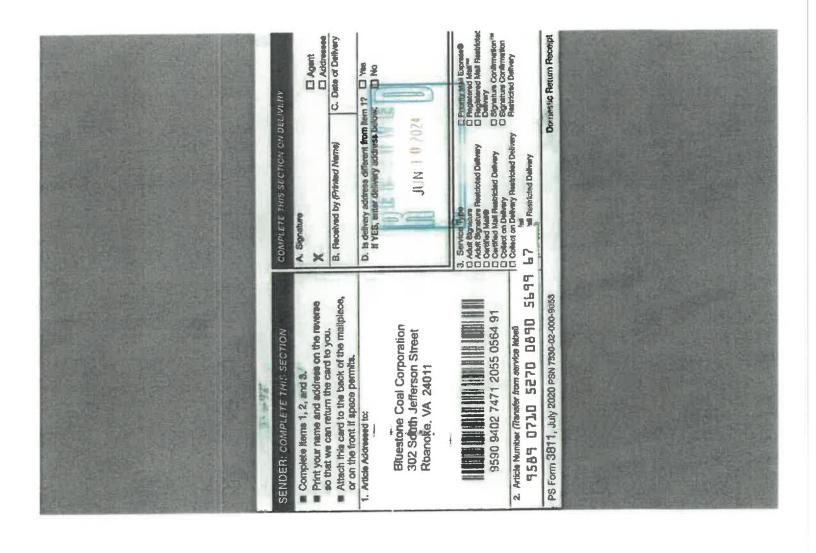
The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.

Regional Assistant Directo

Date

Ce:







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:

10002 SHELBYVILLE RD STE

100, LOUISVILLE, KY 40223

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 SC 2310 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:

L wells

Address of Recipient:

3815/1

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<sup>®</sup> 475 L'Enfant Plaza SW Washington, D.C. 20260-0004

5401301

30 Day letters for:

SC#'S 2308

2309

2310

2311



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 Digitally signed by: Nicki Taylor or Digitally signed by: Nicki Taylor or Digitally signed by: Nicki Taylor or Digitally signed by: Nic

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.



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

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'

MR-6 (rev 4/20) ERIS

# West Virginia Department of Environmental Protection MR-6 MINE INSPECTION REPORT

Page 1 of 1

PERM			1	INSPECT	ION REASO	N E	TYPE	MINE	PHOTOS	Last 30 Days?	STING Ins. Req
NUMBE		DATE	26	09:15	RI		P	A4	No	No	No
\$4013	01	01/03/20	25	09,13	1						
PERMITT	EE NAME				NE COAL C					.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	3404
OPERAT	OR NAME		JL	JSTICE HI	SHWALL MI	INING,	NC		MR-19 [	2711	004
NPDES #	, w	/1021079		NPDES E	XPR DATE	0	7/02/202	2 PEI	RMIT EXPR	DATE 09/08	12023
PERMIT ACRES	579.62	TOT		200.00	RECLMD	2	.00	LARY	5.16	UNRECLMD	19.16
DATES:	PHI		PH II			LAST	AUG SEI	ED		WR-8	
LAST IN	3P	0/2024	TYPE	P	BOI			BONDED CRES		CUR CUI	/# 4
DATE	-		08/2018	EMER F	RESP PLAN		_	INS 0	6/15/2025	BLAST AD	
	NTES: INA	4				PECT	1.00	TRAVE	L 1.50	REPORT	0.25
TME US	ED (HRS)=	=> PEK#	I KEYIE	W 0.2	3 1110						
									ANDADD	FVA) i	JATION V
	IENT STAN			EVALUA	TION VIO	#	0200	Exceeding L			
_	ance Prohi					_	0400	Sediment Co			
	ns and Mad					_	0600	Effluent Limi			
	ign Certific					_	0800		er		
	face Water. sting Proce					=	1000				
	use impour						1200	Topsoil Hand	dling	- Amer	
	kfill / Gradi						1400		Schedule		
	regetation F						1600		Excess Spoil.		
	wat Elimir				i		1800		Spoil Dispose		
	tmining La					<del>politi</del>	2000		ing Temporar perations		
	t bearing //						2200 2400		litions		ments
	inge of Ope				_ }_		2600		t Control		
	ersions and				-	-	2800		urrent		
	sidence Planding Curre					_	3000	Other Condi	tions	Con	ments
	ALITY TES									A1 74 6 6	Cond Ur
	Station	рН	Fe	Mn	Al	NF	Flow	Units	Temp	Units Sp	Cond Un
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				D. wlab C	)			11/1	11		
UTH. CO	MPANY RI	PRESEN	TATIVE	Derrick C	neai	-		VI V			
ELIVERY	METHOD	I DATE TI	ME	Hand 1/7	/2024 09:00	0:00					
	D MAIL NU										
	3U3 6U	ITH JEFF	ERSON	STREET. F	ROANOKE,	VA 240	11		2		
	- 302 30										

MR-16

# West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

# MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

ERIS			LAHOR FOLL				NEW VIOLATIO	LACTIVITY
PERMIT		1	NSPECTION AND	VIOLAT	FNE CTO	ORIGINAL VIOL#	DATE	TIME
NUMBER	DATE	TIME	FORM # 6 (rev 4/20)	PAG#	1300	32	01/03/2025	09:15
S401301	02/15/2024	09:00			1000			
PERMITTEE NAM	E BLUESTON	E COAL CORI	PORATION					
Violation is hereby: ✓ Terminated								
Extended to		at		NOV mo	dified to C	0# 0	CO Wodilled to IAC	/ #
A - 45 - n Ankan An on	hatas							
Action taken to a  Company placed		rosion gulleys.						
COMPANY PLANTS								
							-bask)	
	INSPEC	TOR'S CIVIL I	PENALTY ASSI			MMENDATION (		
Seriousness: 1	2 3 4	<b>□</b> 5 <b>□</b> 6□7	7 8 9 1	0 🗌 1		e: 0 1 1 2 1 :		
			]6  7   8  <u> </u>		Consent	Agreement in effe	ct? 🗌 Yes 🗹	No
Comments:								
Commons.								
						0		
				-79	0 >	$\frac{1}{\sqrt{1}}$		
AUTH. COMPANY	REPRESENTAT	IVE Derrick	Oneal	IX	10	1		
					-			
DELIVERY METHO	DD / DATE TIME	Hand 1///24	125 09:00:00					
CERTIFIED MAIL	NUMBER							
ADDRESS 302		RSON STREE	T. ROANOKE,	VA 2401	11			
WV DEP REP.	Aaron J Barley							
					-	1100	. 0 0	ı
Harold D. War				_	- 0	2/2/)	int D	ate
[Secretary, De	partment of En	vironmental P	rotection		[vvv L	DEP Regresseriativ	ej D	
		10						
Names of individ	luais at informa	al Conterence.						
		lpheld	Modified		Ter	minated	Withdrawn	
Results: CO w	as:	pheid						
Comments:								
SUPERVISOR:				DATE:		TIME:		
COMPANY REPR						DATE:		
COMPANY REPR	ESENIATIVE: _							



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.laylor@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



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: Bl	LUESTONE COA	L CORPORAT	ION Permit I	Number: <b>S401301</b>
Mailing Address: 302	SOUTH JEFFERSON S	TREET		
Street Address (if maili				
City: ROANOKE	State: VA	Zip: 24011	Telephone No:	. 1-540-204-3992
Date Permit Issued:	9/8/2003	Current	Permitted Acres: 5	79.62
	Magiste	rial	Nearest	
County: McDowell	District	: Barkers Ridge	Post Offi	ce: Herndon
Surface Owner(s):	Pocahontas Land Com National Resources, IN	oany- 800 Princeton a C, 302 South Jefferso	venue Bluefield, WV on St, Roanoke, VA, 2	. 24701 24011
Date of Last Inspec	10/8/2024 tion:	Estimated at Last Ins		200
Has Mining Been Co Has Permit Been Ph		Yes Yes	No X No X	
and the second of the second o	tances Which Resul			
Nov#22 issued on 5/1/200 from entering ground or s	24. Permittee failed to p surface water.	revent the drainage fr	om acid producing or	toxic producing materials
FTACO#24 on 5/6/2024 prevent the drainage from	Permittee failed to remonacid producing or toxic	ove all coal from stock producing materials	c pile area within 72 h from entering ground	ours .Permittee failed to or surface water.
An assessment conference	ce was not requested to	r the violations.		
Inspector Signature: Supervisor Signature:	Date: No. 18	S N.	10-29-24 Date	e: 10-21-24
orbetation premuter.				

# **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

October 29, 2024

Page 5 of 10

Mining and Reclamation

Violation History Details Report

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

For PERMIT: \$401301

affected areas to an approved area within 72 (ATA) Action taken to abate: Company has paid fees as required. producing or toxic producing materials from coal from areas, clean up, treat, or haul off (DOV) Description of Violation: Permittee (REM) Remedial Measures: Remove all failed to prevent the drainage from acid entering ground or surface water. Violation Activity Text hours. NOV Acid bearing /Toxic | 05/01/2024 14:46 NOV Issued Eval. Desc. 02/23/2024 00:00 Terminated Vio.Act.Date NOV Permit Conditions V.No. Type Enf Std Desc. 20 22 05/01/2024 14:46 02/15/2024 12:30 **Violation Date** Responsible Party Name Permit Id BLUESTONE COAL COR S401301

failed to remove all coal from stock pile area 05/06/2024 12:00 Modified to C (ATA) Action taken to abate: Modified to CO Acid bearing /Toxic | 05/06/2024 12:00 FTACO Issur(DOV) Description of Violation: Cease all mining activity maintenance only. Permittee

္ပ

24

05/06/2024 12:00

producing materials from entering ground or within 72 hours . Permittee failed to prevent the drainage from acid producing or toxic surface water (REM) Remedial Measures: Remove all coal from stock pile areas. Ensure that the whole of drainage and sediment control structures stock pile area has the appropriate amount before entering any streams.

remove all water accumulation in the pits at (DOV) Description of Violation: Failed to least once in a 24 hour period whenever warter quality or spoil stability may be 05/13/2024 08:11 NOV Issued

NOV Surface Water

23

05/13/2024 08:11

(REM) Remedial Measures: Remove all water accumulation in both pits.

(ATA) Action taken to abate: Remove all water accumulation in both pits. 07/24/2024 10:00 Extended

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

Page 6 of 10

Mining and Reclamation

Violation History Details Report

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

For PERMIT: S401301

disturbed of site south east of outlet #35 and (ATA) Action taken to abate: Submit and pay (REM) Remedial Measures: Submit and pay disturbed INC 3,4,9 prior to submitting bond. system in which road ditch 22 and road ditch fling fees and diligently pursue corrections. filing fees and diligently pursue corrections. (ATA) Action taken to abate: Ensure all run run off and sediment ditch 20 and sediment (REM) Remedial Measures: Ensure all run 3 has break throughs in the berm causing (DOV) Description of Violation: Company 05/30/2024 09:00 IHCO Issued (DOV) Description of Violation: Cease all (ATA) Action taken to abate: Submit IBR properly maintain the approved drainage 10/01/2024 12:00 Modified to C (ATA) Action taken to abate: NOV will be (REM) Remedial Measures: Submit IBR (DOV) Description of Violation: Failed to ditch 21 has break throughs in the berm (DOV) Description of Violation: Expired NPDES permit. off is going through a sediment control off is going through a sediment control 10/01/2024 11:15 Modified to C (ATA) Action taken to abate: NOV 25 mining activity. Company mined and structure before leaving the permit. structure before leaving the permit. adding acers and update bond. adding acers and update bond. the area around the doughnut. modified to CO on this date. modified to co on this date. Eval. Desc. Violation Activity Text causing run off. 05/30/2024 09:30 NOV Issued 05/30/2024 08:30 NOV Issued NOV Method of Operation 05/30/2024 08:45 NOV Issued 07/24/2024 10:00 Extended 07/24/2024 10:00 Extended 07/24/2024 10:00 Extended Vio.Act.Date Permit Conditions NOV Sediment Control NOV Bonding Current V.No. Type Enf Std Desc. င္ပ 28 22 26 27 05/30/2024 08:45 05/30/2024 09:00 05/30/2024 09:30 05/30/2024 08:30 **Violation Date** Responsible Party Name Permit Id BLUESTONE COAL COR \$401301

(REM) Remedial Measures: Submit revision.

# **VIOLATION HISTORY**

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO.	S401301

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

<sup>\*</sup>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					
<b>Description of Violation:</b> Nov 22. Permittee failed to prevmaterials from entering ground or surface water.	vent the drainage from acid producing or toxic producing					
If willful or unwarranted, describe: This violation was of problem. Final assessment ratings: Seriousness 1, Negligence 2	bvious and/or no action was taken by the operator to prevent the 2, Good Faith 4.					
VIOLATION#: FTACO#24	DATE OF VIOLATION: 5/6/2024					
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						
If willful or unwarranted, describe: This violation was of problem.	bvious and/or no action was taken by operator to prevent the					
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: Protect wi	Show cause
I & E Supervisor	10 24-24 Date
Assistant Chie	10/30/24 ef Date

MR-6 (rev 4/20) ERIS

# West Virginia Department of Environmental Protection MR-6 MINE INSPECTION REPORT

Page 1 of 1

PERMIT NUMBER		WIRDCOTT	ON					BLASTA	NG
		INSPECTA	REASON	TYPE	STATUS	PHOTOS	1 ast 30	Days? in:	
	05/01/2024	14:45	RI	P	A4	No	No.	-	Yes
S401301	0380172024	14,40							_
PERMITTEE	NAME	BLUESTON	NE COAL CO	RPORATION		MS	HA#	46-03404	
OPERATOR I	NAME	JUSTICE HIG	HWALL MINI	NG, INC		MR-19	DATE	02/27/2004.	******
NPDES #	WV1021079	NPDES EX	PR DATE	07/02/2022	PEI	RMIT EXPR	DATE	0203/202	3
PERMIT ACRES	579.62 TOTAL DISTED	200.00	RECLMO	2.00	ANCIL- LARY	5.16	UNRECL	MD 19	.16
DATES: PHI		PH II	L/	AST AUG SEE	D		WR-6		
LAST INSP	01/26/2024 T	YPE P	BOND		BONDED CRES		BRM 5	CUR REV#	4
EXPR DATES	: INACT 08/08/2	018 EMER RI	ESP PLAN		INS 0	6/15/2024	BLAST A	w	
TIME HEED	HRS)==> PERMIT R	<b>EVIEW</b> 0.25	INSPE	CT 0.25	TRAVE	L 0.00	REP	ORT 0	.25
PECTION CO	OMMENTS								
rmittee fail	ed to prevent the	drainage from	acid produ	icing mater	ial from en	tering grou	and or su	rface wat	er, so
)V will be is	sued. Remove a	Il acid produci	ng materia	il from area	Within 72	iours.			
FORCEMENT	STANDARD	EVALUAT	TON VIO#		CEMENT ST			EVALUATION	ON VI
0 Distance	Prohibited				Exceeding Li				
O Signs as	nd Markers			- 100	Sediment Co				
0 Design	Certification	.,			Effluent Limit				
00 Surface	Water	******		0800	Ground Wate	f	.,,,,,,,,,,,,,,,,,		
0 Blasting	Procedures				Haul Roads				
O Refuse	Impoundments	1994107		1200	Topsoil Hand	ling			
00 Backfill	Grading	14.10111		1400	Reclemation	Schedule	4		
00 Revege	tation Requirements	4		1600	Disposal of E	ocess Spoil.	**********		
no Lümburuni	Elimination	******		1800	Downstope 5	poil Disposa	d		
	ing Land Use			2000	Conned Stini				
	KKU LIEKU U 20	14-1546			COSSEC MILE	ng Temporar	ily		
00 Postmin	-	1. ***	ued 22		Method of O		•		
00 Postmin 00 Acid ber	aring /Toxic Material	NOV 1881	ued 22	2200		perations	,,,45527974777	Commen	ts
00 Postmin 00 Acid bea 00 Change	of Operator	NOV ISS	ued 22	2200 2400	Method of O	perations	*************	Commen	ts
00 Postmin 00 Acid bea 00 Change 00 Diversio	of Operatorns and Drainage Cont	NOV ISSI	 ued 22	2200 2400 2600	Method of O	perations tions	***************************************		
OO Postmin OO Acid bea OO Change OO Diversio OO Subside	aring /Toxic Material of Operator ons and Drainage Control ons and Drainage Control	NOV ISSI	 ued 22	2200 2400 2600 2800	Method of Operate Cond Fugitive Dus	perations tions t Control	(**************************************		
00 Postmin 00 Acid bea 00 Change 00 Diversio 00 Subside	aring /Toxic Material of Operator ons and Drainage Continue Plan	NOV ISSI	ued 22	2200 2400 2600 2800	Method of Operating Conditions of Conditions	perations tions t Control	(**************************************		
900 Postmin 100 Acid ber 300 Change 500 Diversio 700 Subside 900 Bonding	aring /Toxic Material of Operator ons and Drainage Continue Plan	NOV ISSI	 ued 22	2200 2400 2600 2800	Method of Operating Conditions of Conditions	perations tions t Control	(**************************************		

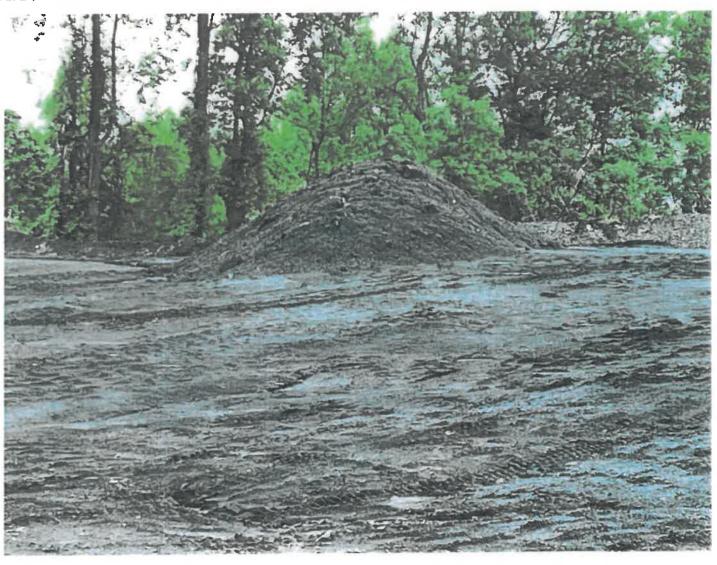
the performance bond.

Page 1 of 1

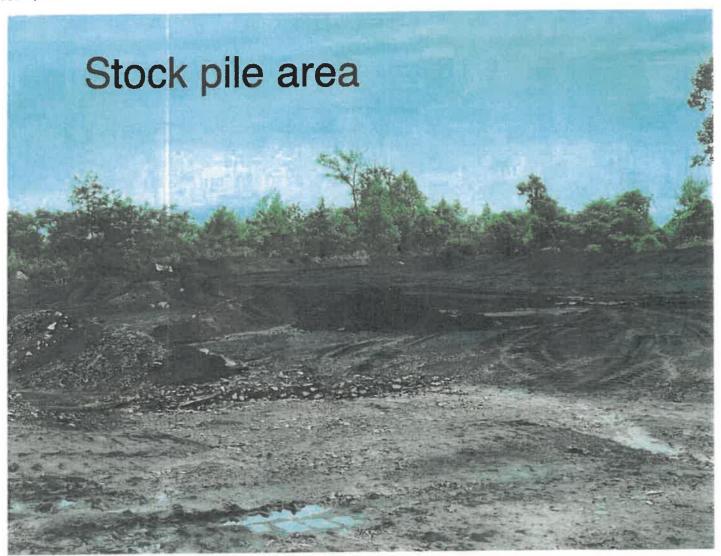
-	-	
9-		

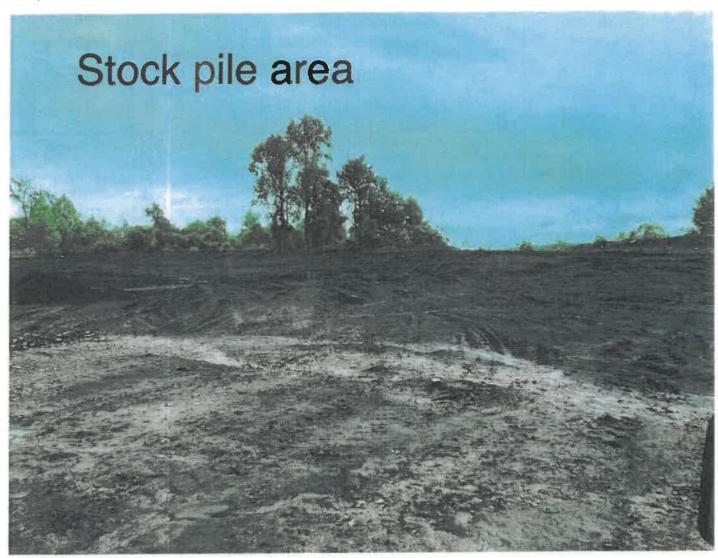
MR-15 NOTICE OF VIOLATION

PERMIT	ORIGINAL INSPECTION		ENF	STD DAT	A	VIOLATION ACTIVITY			INSP ID
NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATIONS	NUMBE
S401301	05/01/2024	14:45	6 (rev 4/20)		2100	05/01/2024	14:46	22	1142
ERMITTEE NAME	ALUESTONE	COAL COR	PORATION						
PERATOR NAME	JUSTICE HI	SHWALL MIN	IING, INC; JUS	STICE HI	GHWALL M	IINING, INC			
	6-03404								
WNER/CONTRO	LLER			0.6	- n	elic. va			
ONTRACT BLAS	TING FIRM								
LASTER NAME (CERT #)									
						150		- Diseases we	_
Vhereas an Insp ompleted on th	- Mare day of Bi	les 2024 Th	a incoertion r	<b>NABRAYS</b>	a violation	Of the Drovisi	ONS OI 6	HEDIGI AA, MIU	cie 3 o
ne Code of Wes	t Virginia. You	are hereby I	notified that yo	u are in	violation o	f the provision	ns listed	below.	
WV CODE 22.	Art. 3. Sect.					Reg 38-2-			
22-3-13(f)						14.6.a.			
DOV   Descript	ion of Violatio	n:							
Permittee faile	nd to prevent t	he drainans	from acid pro	nducina	or toxic pro	ducina mater	rials from	entering aro	und or
Permittee rain	ad to brevent	nie Oreniede	HOIH BOW PIC	JO GON IN	or toma pro				
urface water.									
REM ] Remedia	Measures:								
Remove all coa	l from space (	eloan un tre	et or haut off	affected	areas to	an approved a	area with	in 72 hours.	
Remove all coa	i ironi areas, c	Geam up, ue	at of Hadi Off	MITOUR	Group to				
						_		us- As- NOW	
UST BE CORR	ECTED BY DAT	TE 05/04/202	4 14:45		✓ NOV Isa	ued	CO Mod	diffed to NOV	
					✓ Resulte	d in Off-Site Imp	pact		
				0.1	1 /				
		- Dorrick	Oneal	VI	M/ /				
AUTH, COMPANY	REPRESENTATI	AE Dellick	Orical	4/1	V				
DELIVERY METH	DO / DATE TIME								
CERTIFIED MAIL	NUMBER								
ADDRESS 302	SOUTH JEFFE	RSON STRE	ET, ROANOKE	, VA 240	11				
WV DEP REP. A				1117					
						2/1			
	Harold D	Ward			The !		7	05/01/2	024
[Secretary, De	partment of E		al Protection)	_	0	[WV DEF	Rep/Dat		
Contact	Aaron J E	Barley	at (304)	574-446	5 ироп	completion.	Fallure to	complete the	above
measures with	in the above t	ime period r	nay result in a	Cessati	on Order o	r revocation o	the per	mit and fonsit	TLA OL









Page 1 of 1

# MR-16 ERIS

# West Virginia Department Of Environmental Protection

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT	ORIGINAL INSPECTION AND VIOLATION DATA NEW VIOLATION ACTIVI							
NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	ORIGINAL VIOL#		TIME
\$401301	05/01/2024	14:45	6 (rev 4/20)		2100	22	05/06/2024	12:00
PERMITTEE NAM	BLUESTONE	E COAL COR	PORATION					
Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted								
Extended to		at _	<b>_</b>	NOV mo	odified to C	0# 24	CO modified to NO	)V#
Action taken to al Modified to CO	pate:							
	INODEO:	ropie chai	DENALTY ACC	ECCHE	NT PECOI	MMENDATION (	check)	
								<b>1</b> → [ ] ∧ [ ]
Seriousness: 1	<b>7</b> 2 3 4 4	56	7 8 9	10 📗 1		_	3 4 5 6	
Good Faith:	0 1 2	3 4 5	6 7 8		Consent /	Agreement in effe	ect? Yes	No
Comments:								
ALITEL GOLDANY	AUTH. COMPANY REPRESENTATIVE Derrick Oneal							
AUTH. CUMPANY REPRESENTATIVE Detrick Official								
DELIVERY METHOD / DATE TIME								
CERTIFIED MAIL NUMBER								
ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011								
WV DEP REP. Aaron J Bariey								
WV DEP REP.	Maion 5 Daney							
Harold D. War	d			_				
[Secretary, Department of Environmental Protection] [WV DEP Representative] Date								
Names of individuals at informal Conference:								
-					,			
Results: CO wa	ıs: Uı	pheld	Modified		Terr	ninated	Withdrawn	
Comments:								
SUPERVISOR:				DATE:		TIME:		
COMPANY REPRE	SENTATIVE:					DATE:		

# West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

### MR-15A CESSATION ORDER

PERMIT	ORIGINAL INSPECTION		ENF STO DATA			VIOLATION ACTIVITY			INSP ID
NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	NUMBER
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.					Reg 38-2-			
22-3-17(a)						20.3.b			
The condition, pratice 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 #_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 og	erations to be	ceased imm	rediately:						
Cease all mining	activity main	tenance ont	y. Permittee fa	ailed to r	emove all	coal from stoo	k pile ar	ea within 72 I	TOUTS
.Permittee failed surface water	to prevent the	drainage f	rom acid prod	lucing of	toxic prod	lucino materia	ils from e	entering groui	nd or
Darrigoo Hoto.									
[ 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.									
grantage and se		3,,00,0,00	701020 10000		<u> </u>				
MUST BE CORRECTED BY DATE: 06/06/2024 12:00   ☐ Resulted in Off-Site Impact									
AUTH. COMPANY REPRESENTATIVE Derrick Oneal 5 23 24									
DELIVERY METHOD / DATE TIME									
CERTIFIED MAIL NUMBER									
ADDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA 24011									
WV DEP REP. Aaron J Barley									
Hand D Man					1	7//		05/22/2	024
Harold D. Ward		vironmenta	l Protection]		Long	(WV DEP	Rep/Date		324
WAIVER The ur Censation Order.	WAIVER The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a								
AUTHORIZED AGE	IT SIGNATURE:					DATE:			
Contact Aaron J Barley at (304) 574-4465 upon completion. Fallure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.									



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 \$401301, 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

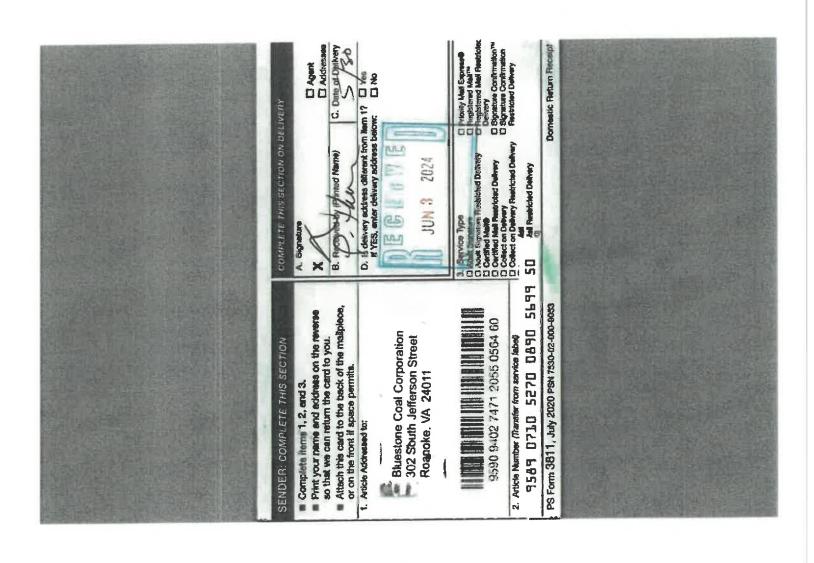
The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.

Regional Assistant Director

Date

Cc:

9 50	U.S. Postal Service™ CERTIFIED MAIL® RECEIPT  Domestic Mail Only
569	For delivery information, visit our website at www.usps.com*.
5270 0890	Certified Mall Fee \$
9589 0710	Bluestone Coal Corporation 302 South Jefferson Street Roanoke, VA 24011
	PS Form 3800, January 2023 PSN 7530-02-000-9047 See neverse for instructions





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:

10002 SHELBYVILLE RD STE 100, LOUISVILLE, KY 40223

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<sup>®</sup> 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® Certified Mail™

**Extra Services:** 

Return Receipt Electronic

Shipment Details

Weight:

4lb, 4.5oz

Recipient Signature

Signature of Recipient:

L Well

Address of Recipient:

3865/1

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

30 Day letters for:

SC#'s 2308

2300

2310

2311



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 # 42issued 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

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email =
picki.m.taylor@wv.gov C = AD O
= DEP OU = DMR
Date 2024.12.30 15:21:17 -05'00'

**Taylor** 

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



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 Ton: CN = Nicki Taylor enail = 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: BLU	JESTONE COA	L CORPORATION	ON Permit	Number: <b>S401301</b>
Mailing Address: 302 St	OUTH JEFFERSON S	TREET		
Street Address (if mailing a				
City: ROANOKE	State: VA	Zip: 24011	Telephone No	o:. 1-540-204-3992
Date Permit Issued: 9,	/8/2003	Current 3	Permitted Acres:	579.62
Date I children in	Magiste	rial	Nearest	
County: McDowell		: Barkers Ridge	Post Of	fice: Herndon
Surface Owner(s): Po	ocahontas Land Com lational Resources, IN	eany- 800 Princeton av C, 302 South Jefferson	enue Bluefield. W a St, Roanoke, VA,	V. 24701 , 24011
Date of Last Inspection	10/8/2024 on:	Estimated at Last Insp	Disturbed Acres pection:	200
Has Mining Been Con Has Permit Been Phas	npleted?	Yes Yes	No X No X	
Describe Circumstan	nces Which Resul	ted in Request for	Show Cause C	Order:
Nov#35 issued on 6/17/202 sediment deposited in the discorrectly, contributing to se	itch preventing the an	construct valley fill 8 and from functioning and	per plan and design s designed. The ber	n. The center drain has nches are not draining
FTACO#42 on 10/1/2024. I	Pursue corrections sub	mit bond of IBR6.		
An assessment conference	was not requested for	r violations.	1/ 1/	517
Inspector Signature: D	ate: Colf		11-4	ate: (1-08-24
Supervisor Signature:	V dlieble	N W	D	ate: 1

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

SC# 2336

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 6, 2024

Page 5 of 6

Mining and Reclamation

Violation History Details Report

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

For PERMIT: S401301

(REM) Remedial Measures: Construct valley company disturbed the doughnut hole, area fill 8 per plan and design. Once the work is from functioning as designed. The benches (DOV) Description of Violation: Permittee failed to construct valley fill 8 per plan and sediment ditch 24 prior to submitting bond. 10/01/2024 12:15 Modified to C (ATA) Action taken to abate: NOV is being deposited in the ditch preventing the ditch are not draining correctly, contributing to sediment in pond 8. complete, seed and certify construction. (ATA) Action taken to abate: Construct design. The center drain has sediment west of outlet 35, and the area below (ATA) Action taken to abate: Pursue (REM) Remedial Measures: Pursue (DOV) Description of Violation: The corrections submit bond of IBR6. corrections submit bond of IBR6. modified to CO in this date. Eval. Desc. Violation Activity Text 06/17/2024 12:45 NOV Issued 06/17/2024 12:30 NOV Issued 07/24/2024 10:00 Extended 07/24/2024 10:00 Extended Vio.Act.Date 35 NOV Other Conditions 34 NOV Bonding Current V.No. Type Enf Std Desc. 06/17/2024 12:30 06/17/2024 12:45 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR! \$401301

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

NOV Permit Conditions

ജ

07/24/2024 11:00

valley fill 8 per plan and design. Once the

work is complete, seed and certify

construction.

(REM) Remedial Measures: Submit all required QVVMRs, or restart sampling operations and submit subsequent results.

and surface water monitoring data has not

### 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

MR-10B

Revised 01/2020

### 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
Description of Violation: Nov 35. Permittee failed to constitute leposited in the ditch preventing the ditch from functioning as rediment in pond 8.	ruct valley fill 8 per plan and design. The center drain has sediment designed. The benches are not draining correctly, contributing to
If willful or unwarranted, describe: This violation was of problem. Final assessment ratings: Seriousness 2, Negligence	obvious and/or no action was taken by the operator to prevent the 4, Good Faith 1.
VIOLATION #: FTACO # 42	DATE OF VIOLATION: 10/1/2024
If willful or unwarranted, describe: This violation was oproblem.	obvious and/or no action was taken by operator to prevent the
VIOLATION #:	DATE 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:
If willful or unwarranted, describe:	
Supervisor Recommendation: Proceed which	ow cause
I & E Supervisor	11-5-24 Date
Nivi Jugl Assistant Chie	12-20-24 Date

MR-6 (rev 4/20) ERIS

### West Virginia Department of Environmental Protection MR-6 MINE INSPECTION REPORT

Page 1 of 1

NUMBER S401301	DATE 06/17/2024	TIME 02:00	REASON RI	TYPE	MINE STATUS A4	PHOTOS No	Last 30 Da	BLASTING nys? ins.	
		OI LIEOTON	E COAL COR			MS	HA#	46-03404	
PERMITTEE NAM		JUSTICE HIGH				MR-19 E	-	27/2004	
OPERATOR NAM						MIT EXPR			
	WV1021079	NPDES EXI	PR DAIL	07/02/202		UNIII EAFNI			
PERMIT ACRES 579	.62 DISTED	200.00	RECLMD	2.00	ANCIL- LARY	5.16	UNRECLMD	19.1	6
DATES: PHI	PH	1)		ST AUG SE			4R-8	0110	_
DATE 0	5/21/2024 TYPI	E CS	BOND		BONDED CRES		WIT .	CUR REV#	4
EXPR DATES: IN	ACT 08/08/2016	EMER RE	SP PLAN		INS		BLAST AD		
	PERMIT REV		INSPEC	T 1.50	TRAVE	L 0.25	REPOR	T 0.2	5
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Design Certi	fication	Commen	ita	0800	Effluent Limit Ground Wate	B			
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### West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

MR-15 NOTICE OF VIOLATION

NUMBER S401301 O6/17/2024  PERMITTEE NAME OPERATOR NAME OPERATOR NAME OPERATOR NAME OWNER/CONTROLLER CONTRACT BLASTING FIRM BLASTER NAME (CERT #)  Whereas an inspection of the acompleted on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the Code of West Virginia. You was completed on the 17th day of J of the 20th	SPECTION	ENF	STD DAT	Ά	VIOL	ATION ACT	HVITY	INSP (D
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ERTIFIED MAIL NUMBER  DDRESS 302 SOUTH JEFFE  W DEP REP. Aaron J Barley  Harold D	Hand 6/18	/2024 12:00:00						_
NODRESS 302 SOUTH JEFFE W DEP REP. Aaron J Barley Harold D								
Harold D	RSON STRE	ET, ROANOKE	, VA 240	11				
					110	-		_
	101			1	1,69	2	06/17/2	024
[Secretary, Department of E		tal Protection)	_	U	DIA DEI	Rep/Da		
Contact Aaron J I measures within the above t			574-44 <b>6</b>	5 upor	completion.	Failure to	complete the	above

MR-16

### West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS MR-15 VIOLATION FOLLOW-UP INSPECTION REPORT

PERMIT		ORIGINAL	INSPECTION AN	D VIOLAT	HON DATA		NEW VIOLATIO	NACTIVITY		
NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	ORIGINAL VIOLS	DATE	TIME		
\$401301	06/17/2024	02:00	6 (rev 4/20)		3000	35	07/24/2024	10:00		
PERMITTEE NAME	BLUESTON	E COAL COR	RPORATION							
Violation is hereby:	Violation is hereby: Terminated Withdrawn Remains in force as written Show Cause submitted									
Extended to	08/07/202	4 at	12:00	NOV mo	dified to C	o# []	CO modified to NO	N#		
	Action taken to abate:  Construct valley fill 8 per plan and design. Once the work is complete, seed and certify construction.									
	INSPECT	ror's civil	PENALTY ASSI	essmen	IT RECOI	IMENDATION (	check)			
Seriousness: 1	]2 <b> </b>  3  4	5e	7 8 9 1	10 🔲 N	legligence	: 0 1 2 :	3 4 5 6	] 7 🔲 8 🔲		
Good Faith:	0 1 2 2	3 4 5	678_		Consent /	Agreement in effe	ct? Yes 🗸	No		
Comments:										
AUTH, COMPANY F	EPRESENTATI	ve Demick	Oneal Oneal	- 1	Cea	4				
DELIVERY METHO			2024 12:00:00							
CERTIFIED MAIL N										
ADDRESS 302 S		DEON STREET	ET POANOKE 1	VA 24019						
		COON STREET	CI, NOAHONE,	WI E-TO I						
WV DEP REP.	laron J Barley				-/	7011	2			
Harold D. Ward					Red	18/	7			
(Secretary, Dep		ironmental P	rotection]		[WV D	EP Representativ	e) Da	ite		
Names of individuals at informal Conference:										
Results: CO wa	s: Up	oheld	[] Modified		Tem	ninated	Withdrawn			
Comments:										
SUPERVISOR:				DATE:		TIME:				
COMPANY REPRE	SENTATIVE:					DATE: _				

MR-16 ERIS

### West Virginia Department Of Environmental Protection

Page 1 of 1

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

ERIS			JEANON I OLI				NEW VIOLATIO	KI ACTIVITY
PERMIT		ORIGINAL	INSPECTION AN	D VIOLA	TION DATA	ODIONAL MOLE	DATE	TIME
NUMBER	DATE	TIME	FORM#	PAG#	3000	ORIGINAL VIOL#	10/01/2024	12:20
S401301	06/17/2024	02:00	6 (rev 4/20)		3000	00		
PERMITTEE NAM	E BLUESTONE	E COAL COR	PORATION					
Note that the second of	. Tasm!	tod 🗆	Withdrawn [	Rem	ains in forc	ce as written	Show Cause s	ubmitted
Violation is hereby	: Termina	ted [					_	
Extended to		at _		NOV mo	odified to C	0# 42 0	CO modified to NO	JV #
A - 12 4 - 14 - 14 - 15 - 15 - 15 - 15 - 1	hato:							
Action taken to a		his date.						
INOV WIII DE IIIO	onica to co on t	110 413501						
	INSPEC*	TOR'S CIVIL	PENALTY ASS	ESSME	NT RECO	MMENDATION (	heck)	
						e: 0  1  2  3		7 8
Good Faith	: 0 1 2 2	3 4 5	6[7[8[		Consent	Agreement in effec	ar ∐ ies <u>v</u>	] 140
Comments:								
		_			-			
AUTH. COMPANY	REPRESENTATI	ve Derrick	Oneal					
		Hend 10/2/	2024 12:00:00					
DELIVERY METH	OD / DATE TIME	TIGITO TOTAL	LOLY   ALOUIUS					
CERTIFIED MAIL	NUMBER							
ADDRESS 302	SOUTH JEFFEI	RSON STRE	ET. ROANOKE,	VA 240	11			
WV DEP REP.	Aaron J Barley			_				
Harold D. Wa	ırd							
[Secretary, De	epartment of En	vironmental F	Protection]		[WV E	EP Representativ	e] D	ate
Names of indivi	iduals at informa	l Conference	7				•	
s			1		1		10745	
Results: CO w	vas: 📗 U	pheld	Modified	1	Ter	minated	Withdrawn	
Comments:								
SUPERVISOR:				DATE				
COMPANY REPR	RESENTATIVE:					DATE: _		

### West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

### MR-15A CESSATION ORDER

000404	ORIGINAL INS	PECTION	ENF	STO DAT	A	VIOL	ATION ACT	IVITY	INSPI
PERMIT NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION	NUMBE
S401301	06/17/2024	02:00	6 (rev 4/20)		3000	10/01/2024	12:20	42	1142
	E BLUESTONE	COAL COR	PORATION						
PERATOR NAME	48-03404								
			WANTED &	100	erem Tool	V—i			
WNER/CONTRO	-						4324	ha Dimedahan	
	pection of the a he 17th day of J West Virginia. Y	100 2074 T	The inspection	i mevakin	LO II VIOLANIC	in of the bluy:	יע פונטופ	Attabas eet o	rticie 3
WV CODE 22	Art. 3. Sect.					Reg 38-2-			
22-3-17(a)	,					20.3.b			
causing Harm C. The perm NF within the	dition, pratice o or can reasons O.) hittee or operato he required abai ation is correcte	bly be expe r has falled tement date	ected to cause	signinci Inlation	int, immine Included ir	nt name to the Notice of Vic	lation #_	35_	19116
nie Aton	MON IS CONSCIO	<b>u.</b>							
ACI ] Area of o	perations to be	cessed im	mediately:						
ACI ] Area of o	perations to be	ceased im	mediately:						
Entire.				rik is co	mplete, se	ed and certify	construc	tion.	
Entire.  REM ] Remedi Construct valle	ai Mozeures:	and design	a, Once the wo	rk is co	mplete, se	ed and certify Resulted In			
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REM   Remedi Construct valid MUST BE COR AUTH. COMPANY DELIVERY METH CERTIFIED MAIL ADDRESS 302 S MV DEP REP. A Harold D. Wa (Secretary, D	isi Messures:  y fill 8 per plan :  RECTED BY DA  REPRESENTATIV  OD / DATE TIME  NUMBER  SOUTH JEFFERS  aron J Barley  and  lepartment of Erundersigned do	and design TE: 11/01/2 E Demick Hand 10/2/2 GON STREE	2024 12:00 Oneal 2024 12:00:00 ET, ROANOKE,	VA 2401	014	Resulted in	Off-Site	10/01/2	2024



### weti 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 Detrick 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 <u>\$401301</u>, with issued Cessation Order Number <u>FTACO 37,38,39,40,41,42,43 on 10/01/2024</u>.

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.

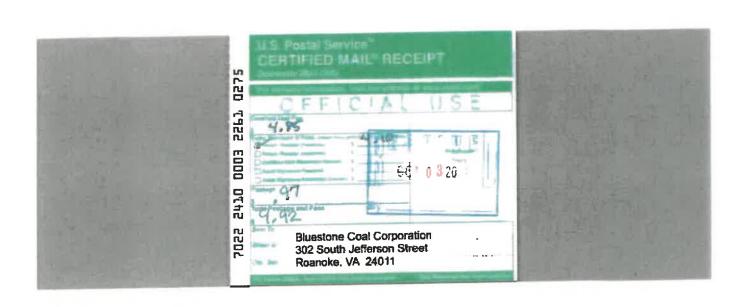
Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link: https://dep.wv.gov/ess/Pages/default.aspx

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

Ce:



# 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. 100
- Attach this card to the back of the mailpiece, or on the front if space permits.
- 1. Article Addressed to:

**Peration** 302 South Jefferson Street Roanoke, VA 24011 Bluestone Coal Coa



É

0275 2267 2. Article Number (Transfer from service lahed) 7022 2410 0003

### COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

B. Received by (Printed Name)

☐ Addressee C. Date of Delivery

D. Is delivery address different from item 1?

If YES, enter delivery address below:

Yes

3. Service Type

C Adult Signature
C Adult Signature Restricted Delivery
C Certified Mail®
C Certified Mail Restricted Delivery
C Collect on Delivery
C Collect on Delivery
C Collect on Delivery

CI Priority Mail Express to Registered Mail The Registered Mail Rectront Delivery

Signature Confirm
 Signatur Confirm
 Restrict Delivery

il Restricted Delivery

Domestic Return Receipt

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



### 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 Pon: 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 Polic CN = Nicki Taylor email = nicki mishror@wv gov C = AD O = DEP OD = 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: Bl	LUESTONE COAL	CORPORAT	ION Permit	Number: <b>S401301</b>
Mailing Address: 302	SOUTH JEFFERSON ST	REET		
Street Address (if mailir	ng address is a Post Office Box)			
City: ROANOKE	State: VA	Zip: 24011	Telephone No	o:. 1-540-204-3992
Date Permit Issued:	9/8/2003	Current	Permitted Acres:	579.62
	Magister	ial	Nearest	
County: McDowell		Barkers Ridge	Post Of	fice: Herndon
Surface Owner(s):	Pocahontas Land Comp. National Resources, INC	any- 800 Princeton a C, 302 South Jeffers	avenue Bluefield. Won St, Roanoke, VA	V. 24701 , 24011
Date of Last Inspect	10/8/2024 tion:	Estimated at Last In	l Disturbed Acres spection:	200
Has Mining Been Co Has Permit Been Ph	ompleted? ase I Released?	Yes Yes	No X No X	
	ances Which Result	ed in Request fo	or Show Cause C	Order:
		_		
Nov#34 issued on 6/17/20	024. The company disture submitting bond.	bed the doughnut ho	ole, area west of outl	et 35, and the area below
TACO#41 on 10/1/2024.	. Pursue corrections subr	nit bond of IBR6.		
n assessment conference	e was not requested for	violations.		
nspector Signature:	(170	/	4-24	
Supervisor Signature:	- Il the	J. 112-	Da	ate: 1 <u>1-5-</u> 24

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

SC# 233

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 6, 2024

Page 5 of 6

Mining and Reclamation

Violation History Details Report

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

For PERMIT: S401301

(REM) Remedial Measures: Construct valley from functioning as designed. The benches fill 8 per plan and design. Once the work is company disturbed the doughnut hole, area failed to construct valley fill 8 per plan and design. The center drain has sediment sediment ditch 24 prior to submitting bond. 10/01/2024 12:15 Modified to C (ATA) Action taken to abate: NOV is being deposited in the ditch preventing the ditch (DOV) Description of Violation: Permittee are not draining correctly, contributing to sediment in pond 8. complete, seed and certify construction. west of outlet 35, and the area below (ATA) Action taken to abate: Pursue (REM) Remedial Measures: Pursue (DOV) Description of Violation: The corrections submit bond of IBR6. corrections submit bond of IBR6. modified to CO in this date. Eval. Desc. Violation Activity Text 05/17/2024 12:45 NOV Issued 06/17/2024 12:30 NOV Issued 07/24/2024 10:00 Extended Vio.Act.Date NOV Other Conditions 34 NOV Bonding Current V.No. Type Enf Std Desc. 35 06/17/2024 12:45 06/17/2024 12:30 **Violation Date** Responsible Party Name Permit Id **BLUESTONE COAL COR! S401301** 

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

36 NOV Permit Conditions

07/24/2024 11:00

(ATA) Action taken to abate: Construct valley fill 8 per plan and design. Once the

07/24/2024 10:00 Extended

work is complete, seed and certify

construction.

(REM) Remedial Measures: Submit all required QWMRs, or restart sampling operations and submit subsequent results.

been submitted.

### 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

	Vio.Act.Date Eval. Desc. Violation Activity Text	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 FTACO Issur(DOV) Description of Violation: Entire.	(REM) Remedial Measures: Remove all water accumulation in both pits. 10/01/2024 11:30 FTACO Issut (DOV) Description of Violation: Entire.	(REW) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit.  Method of Operatior 10/01/2024 12:00 FTACO Issur(DOV) Description of Violation: Entire.	(REM) Remedial Measures:Submit and pay filing fees and diligently pursue corrections.	(REM) Remedial Measures: Submit bond revision and request for \$5,000/acre for variance. 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 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 FTACO Issur(DOV) Description of Violation: Entire.	(REM) Remedial Measures: Submit all required QWMRs, or restart sampling operations and submit subsequent results.
	V.No. Type Enf Std Desc. Vi	NOV Permit Conditions 10	Surface Water 1	Sediment Control 1	Method of Operation 1	Other Conditions 1	Bonding Current	Other Conditions	Permit Conditions	
-	Type	δ	8	8	8	00	8	8	8	
	.No.	36	37	38	38	6	4	4	43	
	Violation Date	07/24/2024 11:00	10/01/2024 11:00	10/01/2024 11:30	10/01/2024 12:00	10/01/2024 12:01	10/01/2024 12:15	10/01/2024 12:20	10/01/2024 12:25	
	Responsible Party Name Permit Id	BLUESTONE COAL CORI S401301								

### 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 sediment ditch 24 prior to submitting bond.	TO BE WELL THE THE THE THE TANK OF THE TREE TO SERVICE THE TREE THE
If willful or unwarranted, describe: This violation was of problem. Final assessment ratings: Seriousness 2, Negligence 2	bvious and/or no action was taken by the operator to prevent the 2, Good Faith 1.
VIOLATION #: FTACO # 41	DATE OF VIOLATION: 10/1/2024
Description of Violation: FTACO #41. Pursue corrections  If willful or unwarranted, describe: This violation was o problem.	
VIOLATION #:	DATE 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:
If willful or unwarranted, describe:	
Supervisor Recommendation: Proceed with show cause	
I & E Supérvisor	Date
Man Lugh	12-20-24
Assistant Chie	Date

### West Virginia Department of Environmental Protection MR-6 MINE INSPECTION REPORT

Page 1 of 1

PERMIT			INSPECTIO	IN		MINE		1	BLAS	TING	
NUMBE		DATE	TIME	REASON	TYPE	STATUS	РНОТОЗ	Last 30	Days?	ins. R	eq'd
\$40130	1 (	06/17/2024	02:00	- RI	. P	A4	No	N	0		10
PERMITTI	EE NAME		BLUESTON	E COAL COR	PORATION		MS	HA#	46-03	404	
OPERATO	_		JUSTICE HIGH	WALL MININ	3, INC		MR-19	DATE	02/27/20	04	
NPDES #		021079	NPDES EXP	R DATE	07/02/202	2 PE	RMIT EXPR	DATE			
PERMIT	579,62	TOTAL DISTED		RECLMD	2.00	ANCIL- LARY	5.16	UNREC	.MD	19.16	
		510100 PH		-	T AUG SEE			VIR-8			
DATES: P	***************************************	PA	•1	BOND		BONDED		UR	CUR	•	-
DATE	05/21/	2024 TYPE	cs	INC	4 A	CRES	242.23	BR#5	REVA	4	-
EXPR DAT	TES: INACT	08/08/2016	EMER RE	SP PLAN		_ INS		BLAST	ro		~~~~
TIME USE	D (HRS)	PERMIT REV	EW 0.25	INSPEC	T 1.50	TRAVE	L 0.25	RE	PORT	0.25	
alley fill 8	per plan a	l be an tHCC nd design. A	nother NOV	will be issu	ed for Col	mpany disi	uroing ine	gougna	ut noic	aica.	
NFORCEME	ENT STAND	ARD	EVALUATK	N VIO#		CEMENT ST			EVALUA	TIÓN	VIO
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300 Signs		8									
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		on	. Comment	ts.		Ground Wate	85				
700 Surfe	ce Water		. Commen	h\$	0800		3r	.,, ,,			
700 Şurfe 1900 Blast	ice Water ing Procedu	res		ha	0800	Ground Wate	3L				
900 Surfa 1900 Blast 100 Refu	ice Water ing Procedu se Impoundr		•	DS.	0800 1000 1200	Ground Wate Haul Roads.	er				
900 Surfe 1900 Blast 100 Refu 300 Back	ce Water ing Procedu se Impoundr fill / Grading	res	•	<b>13</b>	0800 1000 1200 1400 1600	Ground Water Haul Roads. Topsoil Hand Reclamation Disposal of E	Iling Schedule				
7700 Surfe 1900 Blast 100 Refu 300 Back 500 Reve	ice Water ing Procedur se Impoundr fill / Grading. getation Ret	res	•	<b>15</b> 8	0800 1000 1200 1400 1600	Ground Wale Hauf Roads. Topsoil Hand Reclamation Disposal of E Downslope S	Schedule Excess Spoil.				
7700 Surfa 1900 Blast 100 Refu 300 Back 500 Reve 700 High	ice Water ing Procedu se Impoundr fill / Grading. getation Rec wall Eliminati	nents		<b>15</b>	0800 1000 1200 1400 1600 1800 2000	Ground Water Hauf Roads. Topsoil Hand Reclamation Disposal of E Downslope S Ceased Mini	er	ily			
0700 Surfa 0900 Blast 1100 Refui 1300 Back 1500 Reve 1700 Hight	ice Water ing Procedur se Impoundr fill / Grading. getation Rec wall Eliminati mining Land	nents		<b>15</b>	0800 1000 1200 1400 1600 1800 2000 2200	Ground Water Hauf Roads. Topsoil Hand Reclamation Disposal of E Downslope S Ceased Mint Method of O	er	il			
1700 Surfe 1900 Blast 1100 Refui 1300 Back 1500 Reve 1700 Hight 1900 Poats 1100 Acid	ing Procedures to Impound the Impound of Imp	res quirements ion Use ic Melerial	•	<b>15</b>	0800 1000 1200 1400 1600 1800 2000 2200 2400	Ground Wate Hauf Roads. Topsoil Hand Reclamation Disposal of E Downslope S Ceased Min Method of O Permit Cond	Schedule Schedule Excess Spoil Spoil Disposa ing Temporar perations	il			
1700 Surfe 1900 Blast 100 Refu 300 Back 500 Reve 1700 High 1900 Posts 1100 Acid 1300 Char 1500 Diver	the Water the Procedure to Impound the Impound th	res quirements ion Use ic Malerial tor	-	<b>15</b>	0800 1000 1200 1400 1600 1800 2000 2200 2400 2600	Ground Water Hauf Roads. Topsoil Hand Reclamation Disposal of E Downslope S Ceased Mini Method of O Permit Cond Fugitive Dus	Schedule  Schedule  Excess Spoil.  Spoil Dispose  ng Temporar  perations  Itions  t Control	ily.			
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1700 Surfe 1900 Blast 100 Refu 300 Back 500 Reve 1700 High 1900 Posts 1100 Acid 1300 Char 1500 Subs	see Water ing Procedur se Impoundr fill / Grading, getation Rec wall Eliminat mining Land bearing /Tox age of Opera rations and D idence Plan. ling Current.	quirements	•		0800 1000 1200 1400 1600 1800 2000 2200 2400 2600 2800	Ground Water Hauf Roads. Topsoil Hand Reclamation Disposal of E Downslope S Ceased Mint Method of O Permit Cond Fugitive Dus Insurance C	Schedule  Schedule  Excess Spoil.  Spoil Dispose  Ing Temporar  perations  Itions  t Control  urrent	ily.	NOV is		t in its

### West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

### MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

	1	OPIGINAL	INSPECTION AN	D VIOLA	DON DATA		NEW VIOLATIO	NACTIVITY
PERMIT NUMBER	DATE	TIME	FORM#	FACE	ENF STD	ORIGINAL VIOL#	DATE	TIME
S401301	06/17/2024	02:00	6 (rev 4/20)		2900	34	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	08/07/202	24 at	12:00	NOV mo	odified to C	xo# 🗆	CO modified to No	OV#
Action taken to a	hata							
Pursue correction		of IBR6.						
1 2/000 00//000								
	INCDEC	TOR'S CIVIL	PENALTY ASS	ESSME	NT RECO	MMENDATION (	check)	
							3 4 5 6	7 8
Seriousness: 1							cd? Yes	
	0 1 2	3_4_5	6 7 8		Cousers	Agreement in one	id: [] 100 [	J ,40
Comments:								
						0		
		nur Demicl	( Oneal	1	100			
AUTH. COMPANY	REPRESENTAT			-				
DELIVERY METH	OD / DATE TIME	Hand 7/25	/2024 12:00:00					
CERTIFIED MAIL	WARER							
		DOAN STOP	ET POANOKE	VA 240	11			
ADDRESS 302	SOUTH JEFFE	KOUN S INC	EI, ROANORL,	1/12-10	1.4			
WV DEP REP.	Aaron J Barley					_	_	
					-	19		
Harold D. Wa				_	1.10	1	·	
[Secretary, De	epartment of En	vironmental	Protection]		[WV I	DEP Representati	ve) L	Date
Names of indivi	Names of individuals at informal Conference:							
Results: CO w	res: \	iph <del>el</del> d	Modified	di di	Ter	minated	Withdrawn	
Comments:								
Containerits.								
OUDED!#AAA				DATE		TIME:		
SUPERVISOR:						DATE:		
COMPANY REPF	resentative: _					DAIL.		

Page 1 of 1

### MR-16

### West Virginia Department Of Environmental Protection

MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

ERIS			OLATION FOLL			ION REPORT		
PERMIT		ORIGINAL	INSPECTION AN	D VIOLA	TION DATA		NEW VIOLATIO	
NUMBER	DATE	TIME	FORM#	FAC#		ORIGINAL VIOL#	10/01/2024	12:15
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 a	bate:							
INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)								
Seriousness: 1	2 3 4	5 6	7 🗌 8 🔲 9 🗀 1	10 🔲 🛚	Negligence	e: 0 1 1 2 V	3 4 5 6	7 8 7
	0 1 2				Consent	Agreement in effe	ect? 🗌 Yes 🗹	] No
Comments:	·			_				
outilition.								
AUTH. COMPANY								
CERTIFIED MAIL								
ADDRESS 302	SOUTH JEFFE	RSON STREE	ET, ROANOKE,	VA 240	11			
WV DEP REP.	Aaron J Barley							
Harold D. Wa	rd epartment of En	vironmental F	rotection]	).——	[WV [	EP Representati	ve] D	ate
Names of indivi	Names of individuals at informal Conference:							
Results: CO w	ee:	ipheld	Modified		Ter	minated	Withdrawn	
Comments:	as. L	prov						
CUDED///COD				DATE		TIME:		
SUPERVISOR:								
COMPANY REPR	RESENTATIVE:					UAIE		

### West Virginia Department Of Environmental Protection

Page 1 of 1

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### MR-15A CESSATION ORDER

RIS									
PERMIT	ORIGINAL IN	SPECTION	ENF	STD DAT	Ά	VIOLA	TION ACT		INSP II
NUMBER	DATE	TIME	FORM®	FAC#	ENF STD	DATE	TIME	VIOLATION#	NUMBI
8401301	06/17/2024	02:00	6 (rev 4/20)	<u> </u>	2900	10/01/2024	12:15	41	1142
PERMITTEE NAME	BLUESTONE	COAL COR	PORATION						
OPERATOR NAME									
,	3-03404		NPDES#						
WNER/CONTROL									
Whereas an insp completed on the of the Code of W	a 47th day of 1	100g 2024	The inexaction	t neveale	id a violatic	ווייסיום פודד זם חו	PICKIE OF	Citahna ee' w	rticle 3
WV CODE 22,	Art. 3. Sect.					Reg 38-2-			
22-3-17(a)						20.3.b			
the violet [ACI] Area of op	ion is corrects	d.	e. A minimum c						
the violate [ACI] Area of opentire.	erations to be	ceased im	mediately:						
MF within the the violet the violet [ACI] Area of open tire.  [REM] Remedia Pursue correction	erations to be	ceased im	mediately:						
the violate [ACI] Area of op Entire.	erations to be  Measures: as submit bor	ceased Imi	mediately:			Resulted in	Off-Site	Impact	
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the violet  [ACI ] Area of op Entire.  [REM ] Remedial Pursue correction  MUST BE CORR  AUTH. COMPANY F DELIVERY METHO CERTIFIED MAIL M ADDRESS 302 SC  WV DEP REP. Asr  Harold D. Ware	erations to be  Measures: AS SUBMIT DOT  RECTED BY DA  REPRESENTATION D / DATE TIME OUTH JEFFERS OUTH JEFFERS on J Barley I partment of Endersigned do	nd of IBR6.  ATE: 11/01/2 /E Demick ( Hand 10/2/2	mediately:  2024 12:00  Oneal  2024 12:00:00  ET, ROANOKE,	\ \ \		(WV DEP	Repidat	10/01/2	

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 \$401301, 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.

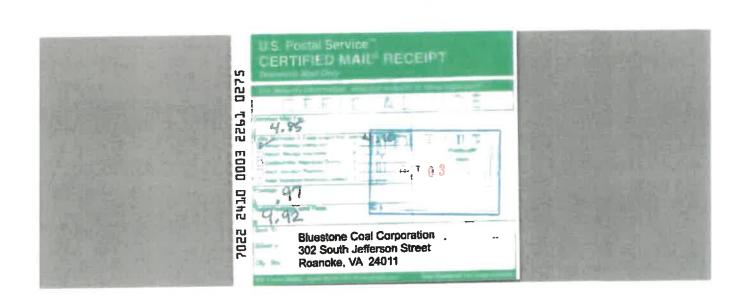
Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link: https://dep.wv.gov/ess/Pages/default.aspx

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

10-1-2
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:

ration 302 South Jefferson Street Roanoke, VA 24011 Bluestone Coal Co



1

7022 2410 0003 2261 0275 2. Article Number (Transfer from service lahed)

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

### COMPLETE THIS SECTION ON DELIVERY

A. Signature

×

☐ Addressee C. Date of Delivery

☐ Agent

B. Received by (Printed Name) 1. NACS

D. Is delivery address different from item 17 If YES, enter delivery address below:

Service Type
 Adult Signature

☐ Priority Mail Expres ☐ Registered Mail™ ☐ Registered Mail Restricted

C Signature Confirmation

Delivery

Restricted Delivery

Adult Signature Restricted Delivery

Certified Mali®
 Certified Mali Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery

il 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

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

**Taylor** 

lor MS

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. 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

Digitally signed by: Nicki Taylor

Digitally signed by: Nicki Taylor

Micki Taylor

Digitally signed by: Nicki Taylor

Micki Taylor

Digitally signed by: Nicki Taylor

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

SOUTH JEFFERSON S		
State: VA	Zip: 24011	Telephone No:. 1-540-204-3992
)/8/2003	Current	Permitted Acres: 579.62
		Nearest Post Office: <b>Herndon</b>
Pocahontas Land Comp National Resources, IN	oanv- 800 Princeton a C, 302 South Jefferso	venue Bluefield. WV. 24701 n St, Roanoke, VA, 24011
10/8/2024 On:		Disturbed Acres 200 pection:
npleted? se I Released?	Yes Yes	No X No X
nces Which Result	ed in Request for	Show Cause Order:
mit that deal with the ti turbed and un-reclaim Submit bond revision a	ming and sequence o ed area versus undist and request for \$5,000	
ate:		-30de
Olk )	M.	Date: Ollos 125
~		
	Magiste District Pocahontas Land Commational Resources, IN  10/8/2024  on:  10/8/2024  on:  4. Permittee failed to fomit that deal with the titurbed and un-reclaimes	State: VA Zip: 24011  2/8/2003 Current  Magisterial District: Barkers Ridge  Pocahontas Land Company- 800 Princeton avolational Resources, INC, 302 South Jefferso  10/8/2024 Estimated at Last Inspectors  Inpleted? Yes  Inces Which Resulted in Request for Yes  A. Permittee failed to follow contemporaneous that deal with the timing and sequence of turbed and un-reclaimed area versus undistricted to the sequest of \$5,000/2 was not requested for violations.

VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS
ļ i				
			1	
				n
1				
	1			

<sup>\*</sup>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

Page 3 of 6 November 6, 2024

Mining and Reclamation

For the period 5/6/2024 To 11/6/2024 **Violation History Details Report** 

For PERMIT: S401301

: COAL COR: S401301 Party Name Permit Id Violation Date V.No. Type Enf Std Desc. Vio.Act.Date

05/30/2024 10:15 29 NOV Other Conditions

Evai, Desc. Violation Activity Text

05/30/2024 10:15 NOV Issued (DOV) Description of Violation: Permittee guidelines set for in the permit that deal with the timing and sequence of back filling and regrading operations. Which will minimize reclamation standard. By not following the failed to follow contemporaneous versus undisturbed and reclaimed area. the ratio of disturbed and un-rectaimed area

(REM) Remedial Measures: Submit bond revision and request for \$5,000/acre for

10/01/2024 12:00 Modified to C (ATA) Action taken to abate: NOV will be modified to CO on tis date.

Design Certification 05/30/2024 12:00 FTACO Issux (DOV) Description of Violation: Cease all

05/30/2024 12:00

30

င္ပ

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

Certifications. (REM) Remedial Measures: Submit

10/29/2024 12:00 Remains in F (ATA) Action taken to abate: Show Cause submitted. Remains in force.

05/30/2024 12:15 FTACO Issut (DOV) Description of Violation. Cease all mining activity maintenance only. Failure to maintain the diversion ditches are used to prevent spoil erosion and movement..

05/30/2024 12:16

83

8

Backfill / Grading

10/29/2024 12:00 Remains in F (ATA) Action taken to abate. Show Cause (REM) Remedial Measures: Fix erosion

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	No.	Type	V.No. Type Enf Std Desc.	Vio.Act.Date Eval.	Eval. Desc. Violation Activity Text
E COAL CORI \$401301	8		ó.	NOV Permit Conditions	10/01/2024 12:25 Modi	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	8	Surface Water	10/01/2024 11:00 FTA	10/01/2024 11:00 FTACO Issus (DOV) Description of Violation: Entire.
	10/01/2024 11:30	38	8	Sediment Control	10/01/2024 11:30 FTA	(REM) Remedial Measures: Remove all water accumulation in both pits. 10/01/2024 11:30 FTACO Issur(DOV) Description of Violation: Entire.
	10/01/2024 12:00	ဒ္ဓ	39 CO	Method of Operation	10/01/2024 12:00 FT/	(REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit. Method of Operatior 10/01/2024 12:00 FTACO Issue (DOV) Description of Violation: Entire.
	10/01/2024 12:01	40	8	Other Conditions	10/01/2024 12:01 FT/	(REM) Remedial Measures:Submit and pay filing tees and diligently pursue corrections. 10/01/2024 12:01 FTACO Issui (DOV) Description of Violation: Entire.
	10/01/2024 12:15	4	6	Bonding Current	10/01/2024 12:15 FT	(REM) Remedial Measures: Submit bond revision and request for \$5,000/acre for variance.  10/01/2024 12:15 FTACO Issur(DOV) Description of Violation: Entire.
	10/01/2024 12:20	42	8	Olher Conditions	10/01/2024 12:20 FT	(REM) Remedial Measures:Pursue corrections submit bond of IBR6. 10/01/2024 12:20 FTACO Issut (DOV) Description of Violation: Entire.
	10/01/2024 12:25	43	8	Permit Conditions	10/01/2024 12:25 FT	(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 FTACO Issur (DOV) Description of Violation: Entire.
						(REM) Remedial Measures: Submit all required QWMRs, or restart sampling operations and submit subsequent results.

VIOLATION #: 29

VIOLATION #:

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 eclaimed 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 vioranou.		THE RESERVE OF THE PARTY.
		4
If willful or unwarranted, describe:		

Violation History for Show Cause - Page 1 of 4

PERMITTEE BLUESTONE COAL CO	REPORATION PERMIT NO. S401301
VIOLATION#:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	
VIOLATION #:	DATE OF VIOLATION:
Description or vanation:	
If willful or unwarranted, describe:	
Supervisor Recommendation:	Proleed with show cause

Supervisor Recommendation:	Proleed	wih	show o	(uuse	
I & E Supervisor			olle	Date	
Vice gr	Assistant Chi	ief	1-	Z-25 Date	

Violation History for Show Cause - Page 4 of 4

PERMIT	AE	09:30	OS	TYPE C\$	STATUS A4	PHOTOS Yes		ki Daye? Ine. Yo	No No
OPERATOR NAM NPDES #		BLUESTONE C	OAL CORP	ORATION		N	SHA#	46-03404	
NPDES #	II. SI	ISTICE HIGHWA				MR-19	DATE	02/27/2004	
PERMIT	WV1021079	NPDES EXPR		07/02/202		ERMIT EXPR	DATE -		
	TOTAL	HPDES EXPRE	7,51,6	O170ZJZOZ	ANCIL-	MICHIEL MAY			
ACRES 579	62 DISTED	200.00 REC	CLMD	2 00	LARY	5.16	UNREC	LMD 19.1	6
DATES: PHI	PHI		LAS1	r aug se	ED		MR-8		
DATE 0	5/13/2024 TYPE	Р	BOND		BONDED		CUR IBR#	CUR REV#	3
EXPRIDATES: IN	IACT 08/08/2018	EMER RESP	PLAN		INS	06/15/2024	BLAST	AD	
TIME USED (HRS	j=> PERMIT REVIE	W 1.00	INSPECT	10.00	TRAV	EL 1.50	RE	PORT 1.00	٠
ch 2 and road and sediment	for mining without ditch 3 there is bre ditch 21has break	ak throughs in the	n berms o he ber <u>m o</u>	ausing r ausing r	unoff off i un off.	he bonded	seoimeni Larea. A	liso sedimer	t ditch
FORCEMENT ST		EVALUATION	VIO#		CEMENT S			EVALUATION	Vio
00 Distance Pro	hibited			0200	Exceeding			NOV Issued	25
XO Signs and M				0400		its		MOA SPRING	47
00 Design Certi				0600		ter			
	<b>0</b> [	Dames naka		1000					
	adures	Comments Not Applicable		1200		ndling			
	undments	MOI Applicable		1400		n Schadule			
	Requirements			1600		Excess Spor			
	nination			1800		Spoil Dispos			
-	and Use			2000	Cessed Mi	ning Tempora	rily		
-	/Toxic Material			2200	Method of	Operations		NOV issued	28
				2400	Pennit Con	ditions	***********	IHCO Issued	27
	0018(W			2500	Fugitive Du	st Control			
00 Change of C	nd Drainage Control								
O Change of CO Diversions a	•			2800	Insurance (				
Change of C Diversions a Subsidence	nd Drainage Control	NOV Issued	26	2800 3090	Insurance ( Other Core	Coment		NOV Issued	29

NUMBER	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 30 Days?	ins. Regid?
\$401301	05/21/2024	09:30	os	C\$	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#	NUMBE
\$401301	05/21/2024	09:30	8 (rev 4/20)		3000	05/30/2024	10:15	29	1142
ERMITTEE NAME	BLUESTONE	COAL COR	PORATION	-				_	
	JUSTICE HIG			TICE HI	GHWALL N	IINING, INC			
	16-03404		NPDES #						
WNER/CONTRO						<u> </u>	-		
ONTRACT BLAS LASTER NAME (CERT#)	IING FINA								
Vheress an insp ompleted on the se Code of Wes	a 21st riev of Ma	w. 2024. Th	e inspection n	vealed:	noitaion	of the provision	ons of Cr	lapter 22, Artii	n cl <del>o</del> 3 of
WV CODE 22,	Art. 3. Sect.					Reg 38-2-			
22-3-13(18)	, , , , , , , , , , , ,					14.15			
		_							
	ECTED BY DATE	- neual/180	M 47:00		✓ NOV iss	und	CO Med	lified to NOV	
US! BE CORK	CIEU BI DAI	2 (0) (3)202	12.00			in Off-Site Imp	-		
UTH. COMPANY	REPRESENTATIV	E Demick	Oneal		(1)	M			
ELIVERY METHO	D / DATE TIME	Hand 5/31	2024 12:00:00						
ERTIFIED MAIL I		A1							
	TUMBER								
		SON STOP	ET ROANOKE	VA 2401	1		_		
N DEPREP. AB	SOUTH JEFFER	SON STRE	ET, ROANOKE,	VA 2401	1				
		SON STRE	ET, ROANOKE,	VA 2401	1				
	SOUTH JEFFER	SON STRE	ET, ROANOKE,	VA 2401	1				
	SOUTH JEFFER iron J Barley Harold D \	Ward		VA 2401	1	a Familia		05/30/20	024
	SOUTH JEFFER iron J Badey	Ward		VA 2401	1 F	(Mac ber	Z- Rep/Dat		024

S401301	05/21/2024 09	9:30 6 (rev 4/20)	3000	29	10/01/2024	12:00
PERMITTEE NAME	BLUESTONE COA	AL CORPORATION				
Violation is hereby:	Terminated		Remains in force	****	Show Cause su modified to NC	
Action taken to aba NOV will be modifi		2.				
Seriousness: 1√		CIVIL PENALTY ASSI		#ENDATION (che		7 🔲 8[
Good Faith: 0	1 2 3 4	¥ <b>[</b> 7 5 6 7 7 8 6 7 8 6 7 8 6 7 8 6 7 8 6 7 8 6 7 8 6 7 8 6 7 8 6 7 8 8 6 7 8 8 6 7 8 8 8 8	] Consent Ag	reement in effect?	Yes 🗹	No
ERTIFIED MAIL NU	/ DATE TIME Hand	1 10/2/2024 12:00:00 STREET, ROANOKE, V	√A 24011			
DELIVERY METHOD CERTIFIED MAIL NU ADDRESS 302 SO NV DEP REP. Aa	DATE TIME Hand	1 10/2/2024 12:00:00 STREET, ROANOKE, V				
DELIVERY METHOD CERTIFIED MAIL NU ADDRESS _ 302 SO NV DEP REP Aa Harold D. Ward	DATE TIME Hand	1 10/2/2024 12:00:00 STREET, ROANOKE, <sup>1</sup>		P Representative]	Dal	de
DELIVERY METHOD CERTIFIED MAIL NU ADDRESS 302 SO NV DEP REP. Aa Harold D. Ward [Secretary, Depart	DATE TIME Hand MBER  UTH JEFFERSON  ron J Barley  rtment of Environm	street, ROANOKE, vental Protection]		-	Dal	de
DELIVERY METHOD CERTIFIED MAIL NU ADDRESS 302 SO WY DEP REP. Aa Harold D. Ward [Secretary, Depail Names of individual Results: CO was:	MBER  UTH JEFFERSON  ron J Barley  rtment of Environmal Confe	street, ROANOKE, vental Protection]		P Representative]	Dal Withdrawn	le
CERTIFIED MAIL NU: ADDRESS _ 302 SO  WV DEP REP Aa  Harold D. Ward	MBER  UTH JEFFERSON  ron J Barley  rtment of Environmals at informal Confe	ental Protection] erence:	[WV DE	P Representative]		

Whereas an inspicompleted on the the Code of West WV CODE 22, A 23-3-17(a)	6-03404 ER ection of the a 2 21st day of M t Virginia. You Art. 3, Sect.	bove operi	NPDES#	revenie	i a violetioi	10/01/2024	12:01	40	1:42
OPERATOR NAME  MSHA ID# 46  OWNER/CONTROLL  Whereas an inspicompleted on the the Code of West  WV CODE 22, A 23-3-17(a)	6-03404 ER ection of the a 2 21st day of M t Virginia. You Art. 3, Sect.	bove operi	NPDES#	revenie	i a violetioi	ad Regresents	egi en		
DPERATOR NAME  MSHA ID# 46  DWNER/CONTROLL  Whereas an inap- completed on the the Code of West  WV CODE 22, A  23-3-17(a)	6-03404 ER ection of the a 2 21st day of M t Virginia. You Art. 3, Sect.	bove operi	NPDES#	revenie	i a violetioi	ad Regresents			
MSHAID# 46 OWNER/CONTROLL Whereas an inspecompleted on the the Code of West WV CODE 22, A 23-3-17(a)	ection of the a 21st day of M t Virginia. You Art. 3, Sect.	av 2024 T	ation by the ur	revenie	i a violetioi	ad Represent			
Whereas an inap- completed on the the Code of West WV CODE 22, A 23-3-17(a)	ection of the a 21st day of M t Virginia. You Art. 3, Sect.	av 2024 T	ation by the ur	revenie	i a violetioi	ad Represents			
completed on the the Code of West WV CODE 22, A 23-3-17(a)	21st day of M t Virginia. You Art. 3, Sect.	av 2024 T	he inenaction	revenie	i a violetioi	ad Represent			
23-3-17(a)					n violation (	of the provisio	iduz oi a	IXENTO: YE! VO	as ticle 3 oi
*	ition, pratice o					Reg 38-2- 29.3.b			
The condi	tion, pratice o					20.3.0			
[ ACI ] Area of ope Entire	erations to be	ceased imi	mediately:						
[ REM ] Remedial Submit bond revi		est for S5.	000/acre for v	/ariançe					
MUST BE CORR	ECTED BY DA	TE: 11/01/2	2024 12:00			Resulted in	Off-Site	Impact	-
AUTH. COMPANY R	EPRESENTATIV	E Demick	Oneal	J.					
DELIVERY METHOL								_	
CERTIFIED MAIL N	UMBER							<u> </u>	
ADDRESS 302 SO	UTH JEFFERS	ON STREE	T, ROANOKE,	VA 2401	1				
WV DEP REP. Agre	on J Barley								
						121	AT TES	10/01/2	2024
Harold D. Ward [Secretary, Dep		vironment	al Protection)			[WV 0EP	RepiDat		
WAIVER - The ur Cessation Order.	ndersigned do				Code 22-3-	16(a), the info	rmal con	ference on a	
AUTHORIZED AGEN				_		DATE:			
THE RESTREE AND ADDRESS AND ADDRESS.									



Division of Mining and Reclamation 1159 Nick Rahall Grammay Fayeneville, WV, 25840 Phone (304) 574-4465 Fax (304) 574-4477 Harold D. Ward, Cobinet Secretary dep.wv.gov

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

RE—NOTICE TO UPDATE OWNERSHIP AND CONTROL INFORMATION

Blue Stone Coal Corporation holding permit number <u>\$401301</u>, 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.

Order (MR-19C) application, via the Electronic Submission System (eSS) at this link; https://dex.wc/pow/ess/Pages/default.aspx

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

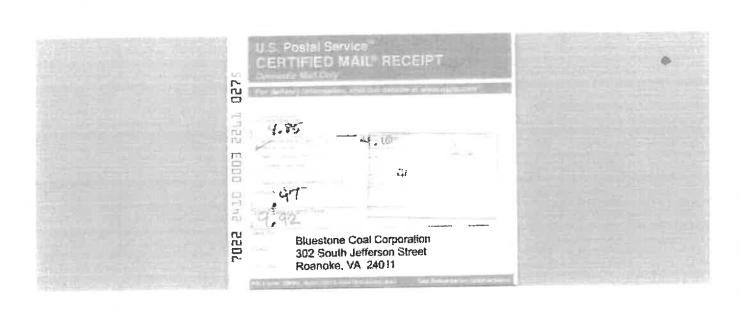
10-3-25

Date

- Regional Assistant Director

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. 20
- Attach this card to the back of the mallpiece, or on the front if space permits.
- Arrele Addressed

Bluestone Coal Compration 302 Sout Jefferson Street Roancke, VA 2401



272 2. Adicle Number (Transfer from service lahed) 24 J.D 705

## COMPLETE THIS SECTION ON DELIVER!

A. Signature

×

B. Received by (Printed Name)

D. Is delivery address different from (en) 17 If YES, enter deliver, address pelow

3. Service Type

C. Adult Signature

C. Adult Signature Restricted Delivery

C. Certified Mail Restricted Delivery

C. Collect on Delivery

C. Collect on Delivery

Signature Co. Prestricted D

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Restricted Dameny

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

Dorpestic Retui



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

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

**Taylor** 

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



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; ON = Nicki Taylor email = nicki.m., Individual = Nicki Taylor email = Nicki Taylor email = Nicki Taylor email = Nicki Taylor email = nicki.m.

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

Street Address or mailing:			
City: ROANOKE	State: VA	Zip: 24011	Telephone No:. 1-540-204-3992
Date Permit Issued: 9,	/8/2003	Cutrent	Permitted Acres: 579.62
County: McDowell	Magisto Distric	erial t: Barkers Ridge	Nearest Post Office: <b>Herndon</b>
Surface Owner(s): Po	ocahontas Land Com ational Resources, Iv	pany- 800 Princeton av NC, 302 South Jefferson	venue Bluefield, WV. 24701 n St, Roanoke, VA, 24011
Date of Last Inspection	10/8/2024 n:	Estimated at Last Ins	Disturbed Acres 200 ection:
·F			
Has Mining Been Com Has Permit Been Phase	I Released?	Yes Yes	No X No X
Has Mining Been Com Has Permit Been Phase Describe Circumstan	I Released?  ces Which Resul  . Failed to properly r	Yes ted in Request for	No X Show Cause Order:  drainage system in which road ditch 22 and
Has Mining Been Com Has Permit Been Phase Describe Circumstan  w#25 issued on 5/30/2024 dd ditch 3 has break throug oughs in the berm .causing	e I Released?  ces Which Resul  . Failed to properly r  ths in the berm causing run off.	Yes ted in Request for naintain the approved on grun off and sedimen	No X Show Cause Order:  drainage system in which road ditch 22 and t ditch 20 and sediment ditch 21 has break
Has Mining Been Com Has Permit Been Phase Describe Circumstan  w#25 issued on 5/30/2024 dd ditch 3 has break throug oughs in the berm .causing	e I Released?  ces Which Resul  . Failed to properly r  ths in the berm causing run off.	Yes ted in Request for naintain the approved on grun off and sedimen	No X Show Cause Order:  drainage system in which road ditch 22 and
Has Mining Been Com Has Permit Been Phase Describe Circumstan  w#25 issued on 5/30/2024 dd ditch 3 has break throug oughs in the berm .causing	e I Released?  ces Which Resul  . Failed to properly r this in the berm causing run off.  sure all run off is go	Yes ted in Request for maintain the approved on grun off and sediment ing through a sediment	No X Show Cause Order:  drainage system in which road ditch 22 and t ditch 20 and sediment ditch 21 has break
Has Mining Been Com Has Permit Been Phase Describe Circumstan  w#25 issued on 5/30/2024 ad ditch 3 has break throug oughs in the bern .causing ACO#38 on 10/1/2024. En assessment conference w spector Signature: Date	E I Released?  ces Which Resul  Failed to properly r this in the berm causing run off.  Issure all run off is go that and requested for	Yes ted in Request for maintain the approved on grun off and sediment ing through a sediment	No X Show Cause Order:  drainage system in which road ditch 22 and t ditch 20 and sediment ditch 21 has break to control structure before leaving the permit
Has Mining Been Com Has Permit Been Phase Describe Circumstan  w#25 issued on 5/30/2024 ad ditch 3 has break throug oughs in the bern .causing ACO#38 on 10/1/2024. En	E I Released?  ces Which Resul  Failed to properly r this in the berm causing run off.  Issure all run off is go that and requested for	Yes ted in Request for maintain the approved on grun off and sediment ing through a sediment	No X Show Cause Order:  drainage system in which road ditch 22 and t ditch 20 and sediment ditch 21 has break t control structure before leaving the permit
Has Mining Been Com Has Permit Been Phase Describe Circumstan  w#25 issued on 5/30/2024 ad ditch 3 has break throug oughs in the bern .causing ACO#38 on 10/1/2024. En assessment conference w spector Signature: Date	E I Released?  ces Which Resul  Failed to properly r this in the berm causing run off.  Issure all run off is go that and requested for	Yes ted in Request for maintain the approved on grun off and sediment ing through a sediment	No X Show Cause Order:  drainage system in which road ditch 22 and t ditch 20 and sediment ditch 21 has break to control structure before leaving the permit
Has Mining Been Com Has Permit Been Phase Describe Circumstan  w#25 issued on 5/30/2024 ad ditch 3 has break throug oughs in the bern .causing ACO#38 on 10/1/2024. En assessment conference w spector Signature: Date	E I Released?  ces Which Resul  Failed to properly r this in the berm causing run off.  Issure all run off is go that and requested for	Yes ted in Request for maintain the approved on grun off and sediment ing through a sediment	No X Show Cause Order:  drainage system in which road ditch 22 and t ditch 20 and sediment ditch 21 has break to control structure before leaving the permit

### VIOLATION HISTORY

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. <u>\$401301</u>

VIOLATION DATE	VIOLATION NUMBER	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS
		1	-
		1	
		<u>.</u>	
	mager as		

<sup>\*</sup>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 6, 2024 Page 1 of 6

Mining and Reclamation

Violation History Details Report

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

For PERMIT: S401301

falled to remove all coal from stock pile area within 72 hours. Permittee falled to prevent the drainege from acid producing or toxic producing materials from entering ground or mining activity maintenance only. Permittee 05/06/2024 12:00 24 CO Acid bearing /Toxic | 05/06/2024 12:00 FTACO Issur(DOV) Description of Violation: Cease all Eval, Desc. Violation Activity Text Vio.Act.Date V.No. Type Enf Std Desc. **Violation Date** Responsible Party Name Permit Id BLUESTONE COAL COR; \$401301

(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.

surface water

10/29/2024 12:00 Remains in F (ATA) Action taken to abate: Show Cause submitted. Remains in force.

05/13/2024 08:11 NOV Issued (DOV) Description of Violation: Falled to remove all water accumulation in the pits at least once in a 24 hour period whenever warter quality or spoil stability may be affected.

NOV Surface Water

23

05/13/2024 08:11

(REM) Remedial Measures: Remove all water accumulation in both pits.

(ATA) Action taken to abate: Remove all water accumulation in both pits. 07/24/2024 10:00 Extended

10/01/2024 11:00 Modified to C (ATA) Action taken to abate: NOV is being modified to a FTACO

25 NOV Sediment Control

properly maintain the approved drainage system in which road ditch 22 end road ditch 3 has break throughs in the bern causing run off and sediment ditch 20 and sediment ditch 21 has break throughs in the bern 05/30/2024 08:30 NOV Issued (DOV) Description of Violation: Falled to causing run off.

(REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit.

05/30/2024 08:30

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 6, 2024 Page 2 of 6

Mining and Reclamation

Violation History Details Report

For the period 5/6/2024 To 11/6/2024 For PERMIT: \$401301

Eval. Desc. Violation Activity Text	07/24/2024 10:00 Extended (ATA) Action taken to abate: Ensura 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.	06/30/2024 08:45 26 NOV Method of Operation 05/30/2024 08:45 NOV Issued (DOV) Description of Violation: Expired NPDES permit.
Eval. Desc.	:00 Extended	:15 Modified to	3:45 NOV Issue
Vio.Act.Date	07/24/2024 10	10/01/2024 11	05/30/2024 08
Type Enf Std Desc.	NOV Sediment Control		NOV Method of Operation
V.No.	25		92
Violation Date	05/30/2024 08:30		05/30/2024 08:45
Responsible Party Name Permit (d. Violation Date. V.No. Type Enf Std Desc.	BLUESTONE COAL COR! \$401301 05/30/2024 08:30 _25 NOV Sediment Control		

					(REM) Remedial Measures: Submit and pay filing fees and diligently pursue corrections.
				07/24/2024 10:00 Extended	(ATA) Action taken to abate: Submit and pay filing fees and diligently pursue corrections.
				10/01/2024 12:00 Modified to	10/01/2024 12:00 Modified to C (ATA) Action taken to abate:NOV will be modified to CO on this date.
30/2024 09:00	27	8	30/2024 09:00 27 CO Permit Conditions	05/30/2024 09:00 IHCO Issue	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

Ob/30/2024 UB:00 InCO Issued (CO) Description of Visional Section in initial sellvity. Company rithed and disturbed of site south east of outlet #35 and	ווופ פנפפ פונסתוות נווב מסתפוווית:
05/30/2024 09:00 27 CO Permit Conditions	
ဗ	
27	
05/30/2024 09:00	

(REM) Remedial Measures: Submit IBR adding acers and update bond.	(ATA) Action taken to abate: Submit IBR adding acers and update bond.
	07/24/2024 10:00 Extended

(REM) Remedial Measures: Submit revision. 06/17/2024 12:00 Withdrawn (ATA) Action taken to abate: Wrote in era.

## 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

Vio.Act.Date Eval. Desc. Violation Activity Text 10/01/2024 12:25 Modified to C (ATA) Action taken to abale: NOV is being modified to CO on this date. 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 FTACO issuu (DOV) Description of Violation: Entire.	(REM) Remedial Measures: Ensure all run off is going through a sediment control structure before leaving the permit.  Method of Operatior 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 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 FTACO Issur(DOV) Description of violation: Entite. (REM) Remedial Measures:Pursue	corrections submit bond of IBR6. 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.  10/04/2024 12:25 FTACO Issue(DOV) Description of Violation: Entire.	(REM) Remedial Measuras: Submit all required QWMRs, or restart sampling operations and submit subsequent results.
Enf Std Desc. Permit Conditions Surface Water	Sediment Control		Other Conditions		Bonding Current	Other Conditions	Permit Conditions	
NOV CO	8	8	8		8	8	00	
36 37	88	စ္တ	9		4	42	15 64	
Violation Date 07/24/2024 11:00 10/01/2024 11:00	10/01/2024 11:30 38, CO	10/01/2024 12:50	10/01/2024 12:01		10/01/2024 12:15	10/01/2024 12:20 42 CO	10/01/2024 12:25 43 GO	
Responsible Party Name Permit Id BLUESTONE COAL COR! S401301								

## 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
Pescription of Violation: Nov#25 issued on 5/30/2024. For hich road ditch 22 and road ditch 3 has break throughs in the berm causing	ailed to properly maintain the approved drainage system in n the berm causing run off and sediment ditch 20 and run off.
If willful or unwarranted, describe: This violation was of problem. Final assessment ratings: Seriousness 1, Negligence 2	ovious and/or no action was taken by the operator to prevent the 2, Good Faith 4.
VIOLATION #: FTACO # 41	DATE OF VIOLATION: 10/1/2024
refore leaving the permit.  If willful or unwarranted, describe: This violation was of problem.	are all run off is going through a sediment control structure
VIOLATION #:	DATE OF VIOLATION:
If willful or unwarranted, describe:	

Violation History for Show Cause - Page 1 of 4

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
VIOLATION#:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	
	D. DE OF VOYATION.
VIOLATION#:	DATE OF VIOLATION:
If willful or unwarranted, describe:	
Supervisor Recommendation: Protect with	L show cause
I & E Supervisor	Ol (o) (>1 Date
Assistant Ch	1-2-25 ief Date

Violation History for Show Cause - Page 4 of 4

MR-15	W	lest Virgin	ila Departmen MR-15 NOT				1	Page .	1 61 3
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OPERATOR NAM	E JUSTICE HIG	HWALL MI	NING, INC; JUS	STICE HI	GHWALL M	INING, INC			
MSHA (D#	46-03404		NPDES #						
OWNER/CONTR	OLLER								-
CONTRACT BLA	STING FIRM						_		
BLASTER NAME (CERT #)				_					
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WV CODE 2	2, Art. 3, Sect.					Reg 38-2-			
22-3-13(a)	-, ( , ,					5.4.a			
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DELIVERY MET	HOD I DATE TIME								
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WV DEP REP.	Aaron J Barley					/			
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(Canadan)	Harold D.		tal Protection		4	/- TWV DEI	Rep/Da	TEXAMO	30/2

Contact Aeron J Barley at (304) 574-4465 upon completion. Fallure 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.

MR-6 (rev 4/20) ERIS

### West Virginia Department of Environmental Protection MR-6 MINE INSPECTION REPORT

Page 2 of 2

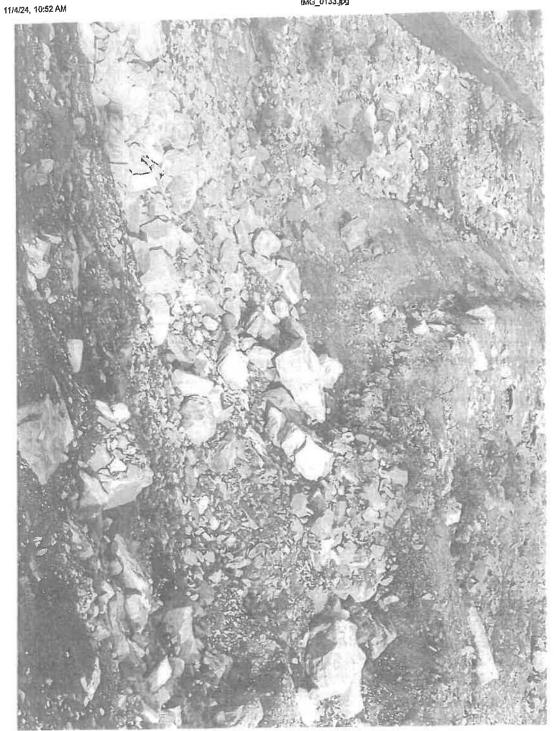
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PERMIT NUMBER	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 30 Days?	
S401301	05/21/2024	09:30	ōs.	CS	A4	Yes	No	No

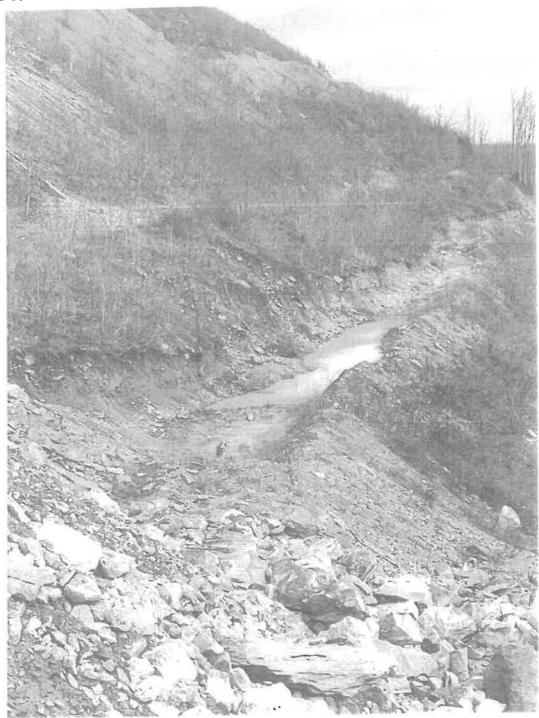
### COMMENT (cont.)

Another Nov will be issued for expired NPDES permit. Another NOV will be issued for contemperaneous reclamation. A SEV will be issued for Failure to submit weekly renitoring 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 #i5 and the area around the doughnut. Company also needs to stor 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 pend by valley fill 1 has mood starting to build up at smill way and will need to be cleaned up.

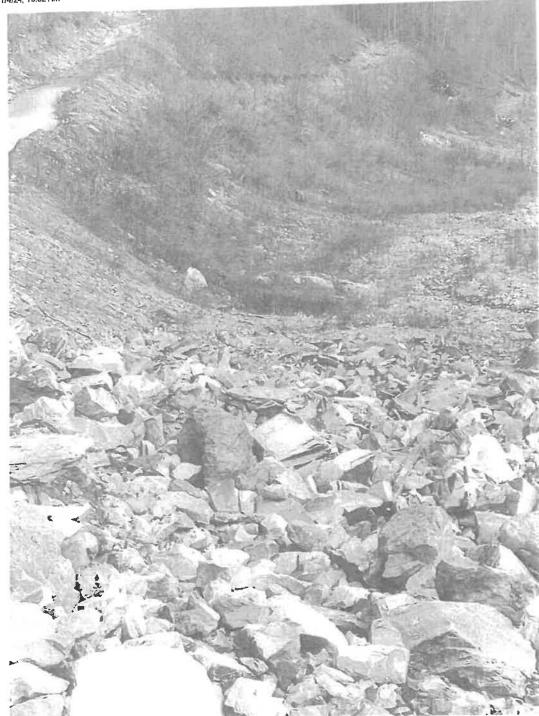
MR-6 MINE INSPECTION REPORT

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OPERATOR N				WALL MININ			MR-19	DATE	02/2	7/2004	
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PERMITTEE NAMI									
PERMITTEE NAME	E BLUESTONE	COALCON						1 or C	
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DATE:

SUPERVISOR:

COMPANY REPRESENTATIVE:

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COMPANY REPRESENTATIVE:

### West Virginia Department Of Environmental Protection

Page 1 of 1

RIS			OLATION FOL			ION REPORT	NEW VIOLATIO	N ACTIVITY
PERMIT		ORIGINAL	INSPECTION AN	ID VIOLA	TION DATA	opioniai MOL#	DATE	TIME
NUMBER	DATE	TIME	FORM#	FAC#		ORIGINAL VIOL#	10/01/2024	11:15
S401301	05/21/2024	09:30	6 (rev 4/20)	1	0400	23	,0,0	
PERMITTEE NAM	E BLUESTONE	COAL COF	RPORATION	and the	Long-William Company			
Violation is hereby:	: Termina	ted	Withdrawn			ce as written [	Show Cause a	
Extended to		at	<b>_</b>	NOV m	odified to C	0# <u>38</u>	CO modified to N	OV#
Action taken to a	bate:							
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AV DEP REP.	Aaron J Barley							
Harold D. Wa				_				)-la
[Secretary, De	epartment of En	vironmental	Protection]		[WV i	DEP Representati	vej L	Date
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### West Virginia Department Of Environmental Protection

Page 1 of 1

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NUMBER	DATE	TIME	FORME	FACE	ENF STD	DATE	TIME	VIOLATION#	NUMBE
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PERMITTEE NAME	BLUESTONE	COAL COR	PORATION						
OPERATOR NAME									
	8-03404		NPDES #						
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OWNER/CONTROL								64	
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WV CODE 22.	Art. 3. Sact.					Reg 38-2-			
22-3-17(a)						20.3.b			
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Division of Mining and Reclamation 1159 Nick Rahall Greenway Fayetteville, WV. 25840 Phone (304)574-4465 Fax (304) 574-4477 Harold D. Ward, Cabinet Secretory 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 <u>\$401301</u>, with issued Cessation Order Number <u>FTACO 37.38.39.40.41.42.43 on 10/01/2024</u>.

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.

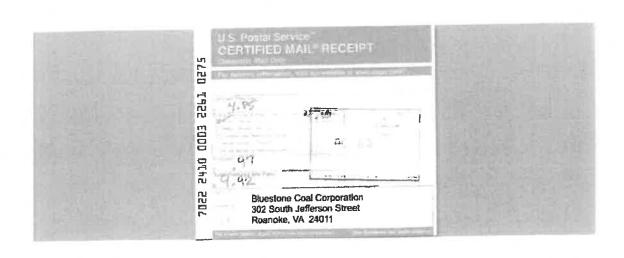
Updated ownership and control information should be submitted on the Result of Cessation Order (MR-19C) application, via the Electronic Submission System (eSS) at this link: <a href="https://dep.wv.gov/ess/Pages/default.aspx">https://dep.wv.gov/ess/Pages/default.aspx</a>

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 Assistable Director

10-1-27 Date

Ce:



### Priority Mail Exp. Registered Mail\*\* Registered Mail Restr Delivery Domestic Region Receipt ☐ Addressee C. Date of Delivery Signature Confirmati Signature Confirmati Restricted Drivery ☐ Agent D. Is delivery address different from tem 1? 0 COMPLETE THIS SECTION ON DELIVERY If YES enter delivery address below: 3. Service Type C. Adult Signature C. Adult Signature Restricted Delivery C. Certified Mail® Certified Mail Restricted Delivery C. Collect on Delivery B. Received by (Printed Name) iil Restricted Delivery し、とはしら A. Signature 0275 PS Form 3811, July 2020 PSN 7530-02-000-9053 Attach this card to the back of the mailplece, Print your name and address on the reverse 7022 2410 0003 2261 9590 9402 7230 1284 5354 99 Bluestone Coal Compration 2. Article Number (Transfer from service label) SENDER: COMPLETE THIS SECTION so that we can return the card to you. 302 South Jefferson Street or on the front if space permits. Roanoke, VA 24011 Complete items 1, 2, and 3. 1. Article Addressed to: s



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,

Digitally signed by: Nicki Taylor
DN: CN = Nicki Taylor email = nicki.m.
faylor@ww.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



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

Digitally signed by: Nicki Taylor DN: CN = Nicki Taylor email = picki.m.taylor@wv.gov C = AD O = DEP OU = DMR Date: 2025.01.02 13:21:38 -

Taylor

Nicki Taylor, M.S.

Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

## REQUEST FOR SHOW CAUSE ORDER

_	2 SOUTH JEFFERSON S uiting address is a Post Office Box)		
City: ROANOKE	State: VA	Zip: 24011	Telephone No:. 1-540-204-3992
Date Permit Issued	l: 9/8/2003	Current	Permitted Acres: 579.62
	Magisto	erial	Nearest
County: McDowell	District	t: Barkers Ridge	Post Office: Herndon
Surface Owner(s):			venue Bluefield, WV. 24701 n St, Roanoke, VA, 24011
Data of Last Last	10/8/2024 ction:	Estimated at Last Ins	Disturbed Acres 200
Date of Last Inspec			
Has Mining Been C Has Permit Been Pl	Completed? hase I Released?	Yes Yes	No X No X : Show Cause Order:
Has Mining Been C Has Permit Been Pl Describe Circums ————————————————————————————————————	Completed? hase I Released? stances Which Resul	Yes Yes ted in Request for	No X No X Show Cause Order:
Has Mining Been C Has Permit Been Pl Describe Circums ————————————————————————————————————	Completed? hase I Released? stances Which Resul 2024. Expired NPDES po	Yes Yes ted in Request for ermit.	No X No X Show Cause Order:
Has Mining Been C Has Permit Been Pl Describe Circums ————————————————————————————————————	Completed? hase I Released? stances Which Resul 2024. Expired NPDES por 8. Submit and pay filing for the was not requested for	Yes Yes ted in Request for ermit.	No X No X Show Cause Order:
Has Mining Been C Has Permit Been Pl Describe Circums   Dv#26 issued on 5/30/2  TACO#39 on 10/1/2024  assessment conferences  spector Signature:	Completed? hase I Released? stances Which Resul 2024. Expired NPDES por 8. Submit and pay filing for the was not requested for	Yes Yes ted in Request for ermit.	No X No X Show Cause Order:

PERMITTEE	RLUE 2	UNE	UUML	COLVI	VIV	
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/IOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS
	1			
		b		

<sup>\*</sup>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.

November 6, 2024

Page 2 of 6

Mining and Reclamation

Violation History Details Report

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

For PERMIT: S401301

Eval. Desc. Violation Activity Text  Extended (ATA) Action taken to abate: Ensure £ off is going through a sediment contro 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.  26 NOV Method of Operation 05/30/2024 08:45 NOV Issued (DOV) Description of Violation: Expire NPDES permit.	(REM) Remedial Measures: Submit a filing fees and diligently pursue correstended (ATA) Action taken to abate: Submit filing 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 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 adding acers and update bond.  07/24/2024 10:00 Extended (ATA) Action taken to abate: Submit adding acers and update bond.	disturbed INC 3,4,9 prior to submitting (REM) Remedial Measures: Submit
10:00 E	11:15 N 08:45 N	10:00	12:00	00:60	10:00	9 08:30 06:30
Vio.Act.Date Eval. Desc 07/24/2024 10:00 Extended	10/01/2024	07/24/2024 10:00 Extended	10/01/2024	05/30/2024	07/24/2024 10:00 Extended	05/30/202
V.No. Type Enf Std Desc. 25 NOV Sediment Control	NOV Method of Operation			CO Permit Conditions		NOV Bonding Current
V.Na. 25				27		78
Violation Date 05/30/2024 08:30	05/30/2024 08:45			05/30/2024 09:00		05/30/2024 09:30 28
Responsible Party Name Permit Id BLUESTONE COAL CORI S401301						

06/17/2024 12:00 Withdrawn (ATA) Action taken to abate: Wrote

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: \$401301

Responsible Party Name Permit Id	Violation Date	V.No	Type	V.No. Type Enf Std Desc.	Vio.Act.Date Eval. Desc. Violation Activity Text
BLUESTONE COAL CORI \$401301	07/24/2024 11:00	တ္တ	Š	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	8	Surface Water	10/01/2024 11:00 FTACO Issur (DOV) Description of Violation: Entire.
	10/01/2024 11:30	88	8	Sediment Control	(REM) Remedial Measures: Remove water accumulation in both pits. 10/01/2024 11:30 FTACO Issu (DOV) Description of Violation: Entire
	10/01/2024 12:00 39 CO	စ္တ	8	Method of Operation 10/01/2024 12:00	(REM) Remedial Messures: Ensure ε off is going through a sediment contristructure before leaving the permit.
	10/01/2024 12:01 40	40	8	Other Conditions	(REM) Remedial Measures:Submit a filing fees and diligently pursue corre 10/01/2024 12:01 FTACO Issur (DOV) Description of Violation: Entire
	10/01/2024 12:15	4	8	Bonding Current	(REM) Remedial Measures: Submit I revision and request for \$5,000/acre variance. 10/01/2024 12:15 FTACO Issut (DOV) Description of Violation: Entire
	10/01/2024 12:20	45	8	Other Conditions	(REM) Remedial Measures:Pursue corrections submit bond of IBR6. 10/01/2024 12:20 FTACO Issur(DOV) Description of Violation: Entir
	10/01/2024 12:25	5 43	8	Permit Conditions	(REM) Remedial Measures: Construfil 8 per plan and design. Once the complete, seed and certify constructor 10/01/2024 12:25 FTACO Issue(DOV) Description of Violation: Entit

(REM) Remedial Measures: Submit required QWMRs, or restart samplit operations and submit subsequent

Description of Violation Nov#26 issued on 5/30/2024. Expired NPDES permit.

VIOLATION #: 26

DATE OF VIOLATION: 5/30/2024

If willful as unwarranted describes This	s violation was obvious and/or no action was taken by the operator to prevent the
problem. Final assessment ratings: Seriousnes	s violation was devicted and/or no action was taken by the operator to prevent the ss 1, Negligence 2, Good Faith 4.
VIOLATION #: FTACO # 39	DATE OF VIOLATION: 10/1/2024
	10/1/2024. Submit and pay filing fees and diligently pursue corrections.
If willful or unwarranted, describe: This problem.	violation was obvious and/or no action was taken by operator to prevent the
VIOLATION #:	DATE OF VIOLATION:
Description of Cionadon:	
If willful or unwarranted, describe:	

Violation History for Show Cause - Page 1 of 4

VIOLATION#:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	
VIOLATION #:	DATE OF VIOLATION:
trescription of violation.	
If willful or unwarranted, describe:	
Supervisor Recommendation:	
Proceed with	Show earre
1,000	STATE CAUST
I & E Supervisor	61 (02/25 Date
I & E Supervisor	
Dury	1-2-25
Assistant Chie	Date

Violation History for Show Cause - Page 4 of 4

NUMBER 8401301	24.00	TIME   REAL	SON   TYP	E STATUS	PHOTOS	Lest 30	Days? Ins. F	
	DATE 05/21/2024	09:30		A4	Yes	N	0	<b>4</b> 0
CHO (SO )	-	1	· ADDDODAT	ION	М	SHA#	48-03404	
PERMITTEE N		BLUESTONE COA				-	02/27/2004	
PERATOR N	AME J	ISTICE HIGHWALL		_	ERMIT EXPR			
NPDES #	WV1021079	NPDES EXPR DA	TE 07/02		EKMII CAFF	ENPIRE .		
PERMIT ACRES 5	79.62 DISTED	200.00 RECU	MD 2.00	ANCIL- LARY	5.18	UNREC	MD 19.16	_
DATES: PHI	PHI		LAST AUG		tyra a temperature	MR-8	CUR	
LAST INSP DATE	05/13/2024 TYPE		NC 4	INC BONDED ACRES		CUR IBR# 5	REV# 4	
EXPR DATES:	INACT 08/08/2018	EMER RESP PL	AN	INB	06/15/2024	BLAST	AD	
	RS) PERMIT REVI	=W 1.00 E	NSPECT 1	0.00 TRA	/EL 1.50	RE	PORT 1.00	
ah 2 and ms	was done on 5/21/20  IV for mining without  It ditch 3 there is broad ditch 21has breat	eak throughs in the	berm caus	ing run off.	are some	area. A	EVALUATION	
FORCEMENT	STANDARD	EVALUATION		FORCEMENT S	ITANDARO		ENTANION	WIQI
0 Distance	Prohibited		020		Control.		NOV Issued	25
O Signs and	Manuers	•	040		mis		(404 1121104	
	entification noiteaffine		790 780		ates			
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	Procedures		120		ndling			
	npoundmains		140		on Schedule			
	Grading		160		if Excess Spo	W		
-	Elynination		180		Spoil Dispo			
	ng Land Use.		201	00 Cessed M	ining Tempor	adly		
			44.	on Mathedal				
00 Postmini	-		220	NO MAINTING OF	Operations		NOV Issued	26
00 Postminii 00 Acid bear	ring /Toxic Materia)		249	00 Permit Co	nditions		NOV Issued IHCO Issued	
00 Postmini 00 Acid bear 00 Change (	-			00 Permit Co				
Postminio Acid bear Change Co Diversion	ring /Toxic Materia) of Operator		24	00 Permit Co 00 Fugitive D	nditions		IHCO Issued	41
Postminio Change Co Oversion Co Subalden	ring /Toxic Materia) of Operator		246 266	00 Permit Co 00 Fugitive 0 00 Insurance	nditions			
Postminio Acid bear Change C Diversion C Subalden	ring /Toxic Materia) of Operator s and Drainage Control. ice Plan Current		246 266 286	00 Permit Co 00 Fugitive 0 00 Insurance	nditions ust Control Current		IHCO Issued	41

		174077 6-40	10017		第177年	1		ton Docted
PERMIT	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 30 Days?	ins. regar Na
S401301	05/21/2024	09;30	os	ÇS	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 sumos 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.

S401301 05/21/ S401301 05/21/ PERMITTEE NAME BLUES OPERATOR NAME JUSTI MSHA IDM 46-0340/4 OWNER/CONTROLLER CONTRACT BLASTING FIR BLASTER NAME (CERT #)  Whereas an inspection of the Code of West Virgini WV CODE 22, Art. 3, 5 22-3-19(2)(3)	STONE COAL OS: STONE	CORPORATION L MINING, INC; NPDES #	USTICE HIG	Authorize	d Represent		26  Director wa	1142
PERMITTEE NAME BLUES DPERATOR NAME JUSTI ASHA ID# 46-0340M DWNER/CONTROLLER CONTRACT BLASTING FIR BLASTER NAME (CERT #)  Whereas an inspection of completed on the 21st die Code of West Virgini WV CODE 22, Art. 3, 8	STONE COAL ( ICE HIGHWAL  IOT the above of the above of they of they, 202 is, You are her	CORPORATION LIMINING, INC: NPDES #	USTICE HIG	Authorize	d Represent		e Director wa	
PERATOR NAME JUSTI SHA IDM 46-03404 WHER/CONTROLLER ONTRACT BLASTING FIR LASTER NAME (CERT #) Theress an inspection of the code of West Virgini WV CODE 22, Art. 3, 8	ICE HIGHWAL 4 of the above o lay of May, 202 is, You are her	L MINING, INC; NPDES #	undersigned	Authorize	d Represent		e Director wa	
PERATOR NAME JUSTI SHA IDM 46-03404 WHER/CONTROLLER ONTRACT BLASTING FIR LASTER NAME (CERT #) Theress an inspection of the code of West Virgini WV CODE 22, Art. 3, 8	ICE HIGHWAL 4 of the above o lay of May, 202 is, You are her	L MINING, INC; NPDES #	undersigned	Authorize	d Represent		e Director wa	
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ompleted on the 21st doe Code of West Virgini WV CODE 22, Art. 3, 8	lay of May, 202 is. You are her						e Director wa	
	Da. a.k				dio provide	one listed		s cle 3 of
					Reg 38-2-			
	JUCE				3.27			
REM ] Remedial Meass		ntly oursue com	ections.					
UST BE CORRECTED	BY DATE <u>08/1</u>	3/2024 12:00		NOV iss	ued I in Off-Site In		diffed to NOV	
			i.	Resulted			diffed to NGV	-
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UTH. GOMPANY REPRES	BENTATIVE DE		<u>L</u>	Resulted			diffed to NOV	
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UST BE CORRECTED IN THE COMPANY REPRESENTED MAIL NUMBER ADDRESS 302 SOUTH WY DEP REP. ABION J BI	BENTATIVE DE	errick Oneal I 5/31/2024 12:00	£.	Resulted	d in Off-Site in		diffed to NGV	024

NUMBER	DATE	LIME	FUNITE I	111102		26	07/2	4/2024	10:00
8401301	05/21/2024	09:30	6 (rev 4/20)		2200	20			_
PERMITTEE NAM	E BLUESTONE	COALCOR	PORATION						
Violation is hereby:  Extended to		ted	Withdrawn		nains in force	_		y Cause sul	
Action taken to a Submit and pay	iling fees and d								
	INSPEC	TOR'S CIVIL	PENALTY AS	SESSME	NT RECOR	MENDATION	(check)		
Seriousness: 1  Good Faith:  Comments:	<b>√</b> 2					: 0 1 2 2		] 5[_] 6[] ] Yes	
AUTH. COMPANY DELIVERY METHO CERTIFIED MAIL ADDRESS 302 WV DEP REP.	OD / DATE TIME	Hand 7/25			011		•		
Harold D. Wa	rd epartment of En	vironmental	Protection		[WV D	EP Represen	tative]	Da	ate
	duals at informa								
Results: CO w	eae:	lpheid	Modifie	ed	Ten	minated	V	Vithdrawn	
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SHDEDWSOD		10.00		DATE	:	TIMI	E:	-	
COMPANY REP						DAT	E:		
Action Clief Creek t	·								

S401301	05/21/2024 09:30	6 (rev 4/20)	2200	26	10/01/2024	12:00
	E BLUESTONE COAL COF	PORATION				
Violation is hereby		Withdrawn	Remains in force		Show Cause s	
Action taken to a				-		
Seriousness: 1	INSPECTOR'S CIVIL			MENDATION (0   0		7 8
	0 1 2 3 4 5		Consent A	greement in effec	ct? ∏ Yes ⊡	No
DELIVERY METH	OD / DATE TIME Hand 10/2 NUMBER SOUTH JEFFERSON STRE		A 24011			
Harold D. Wa [Secretary, De	rd epartment of Environmental	Protection]	[WV D	EP Representativ	e] [	Date
Names of indivi	duals at informal Conference	e:				
Results: CO w	as: Upheld	Modified	Tern	ninated	Withdrawn	
Comments:						
SUPERVISOR:			DATE:	TIME:		
COMPANY REPR	RESENTATIVE:			DATE:		

PERMIT	ORIGINAL IN	SPECTION	ERF	-		DATE	TIME	VIOLATION#	NUMBE
NUMBER	DATE	TIME	FORMS	FACE	ENF STD	10/01/2024	12:00	39	1142
5401301	05/21/2024	09:30	6 (rev 4/20)		2200	10/01/2024	12.00		,
PHITTEE NAM	E BLUESTONE	COAL COR	PORATION		_				
PERATOR NAM						ALC:			-
	46-03404		NPDES#						
WNERICONTRO	LLER	and the same and the same and							
Vhereas an inc completed on the he Code of We	spection of the the 21st day of eat Virginia, Yo	above oper May, 2024. I u are hereby	ation by the un The inspection y notified that y	dersigne revealed rou are it	ed Authori d a violetion n violation	zed Represent in of the provision of the provision	ative of t lions of t one lister	hapter 22, Ar I below.	is Hele 3 (
WV CODE 22	Art 3. Sect.					Reg 38-2-			
22.3.17(a)	d but of door					20,3.b			
VF within t	nittee or operation required ab	atement dat	e. A minimum	civil pen	alty of \$75	0 per day will I	DO STRUCK	ted tot an day	s unier
the viol	the required ab lation is correct operations to b	stement dat ted.	e. A minimum :	civil pen	alty of \$75	û per day will i	DO 884-914	eed for 30 day	s unier
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the viol  ACI J Area of a  Intire.  REM J Remed Submit and pa  MUST BE COL  AUTH. COMPAN DELIVERY METH DELIVERY METH ADDRESS 302  WV DEP REP. A  Harold D. W  [Secretary, 19	the required ablation is correct operations to b lia! Measures: by filing fees an RRECTED BY E Y REPRESENTA! HOD / DATE TIME NUMBER SOUTH JEFFE! Naron J Barley and Department of it	e ceased im  d diligently  DATE: 11/01/  TVE Derrick Hand 10/2/	pursue correct  2024 12:00  Oneal  72024 12:00:00  ET, ROANOKE,	tions.	alty or \$75	Resulted in	n Off-Site	10/01/ te]	



Division of Mining and Reclamation 1159 Nick Rahall Greenway Payerieville, WV, 23840

Phone (304 )574-1465 Fax (304) 574-447

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 \$401301, 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.ww.gov/est/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.

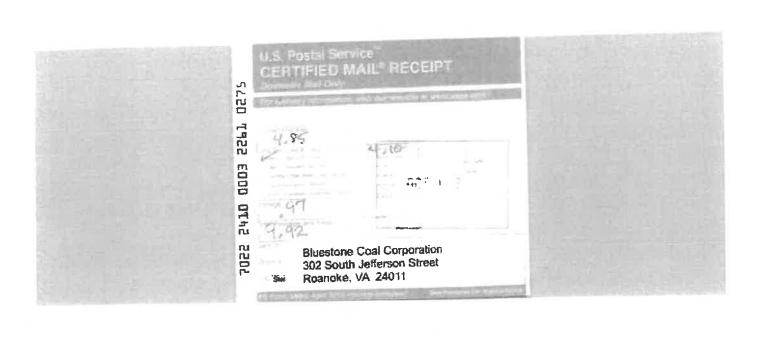
Regional Assistant Director

10-1-27

Date

Cc:

Promoting a healthy environment.



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

Domestic Retu

il Restricted Delivery

272

226

2410

7022

2. Articla Number Transfer from service Jehall



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 10/122024 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

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 -

**Taylor** 

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



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 Digitality signed by: Nicki Taylor or DN; CN = Nicki Taylor or mail = nicki.

Misylor@wv.gov C = AD 0 = DEP
00 = 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: B	LUESTONE COA	L CORPORATION	ON Permit Number: S401301
	<u> </u>		
_	2 SOUTH JEFFERSON ST	i I Manda i	
Street Address (# mai		Zip: 24011	Telephone No:. 1-540-204-3992
City: ROANOKE	State: VA	Zip: 24011	receptione 2 test
Date Permit Issued	l: 9/8/2003	Current l	Permitted Acres: 579.62
-	Magiste	rial	Nearest
County: McDowell		: Barkers Ridge	Post Office: Herndon
Surface Owner(s):	Pocahontas Land Comp National Resources, IN	canv- 800 Princeton av C, 302 South Jefferso	venue Bluefield. WV, 24701 n St, Roanoke, VA, 24011
Date of Last Inspe	10/8/2024 ction:	Estimated at Last Ins	Disturbed Acres 200 pection:
Has Mining Been (	Completed?	Yes	No X
Has Permit Been P		Yes	No X
		ted in Request for	r Show Cause Order:
Describe ontourn	7. Ennous = 1	1	
	mana 13 11° . f. f		o expiration. In that permit expired 9/08/202
lov#15 issued on 10/12	2/2023. Failing to obtain	permit renewal prior t	to expiration. In that permit expired 9/08/202
TACO#21 on 02/15/20	24. Activity gain approval	of permit renewal	
	nce was not requested for		
		· · ·	., 4
nspector Signature:	Date:	0/1	1 1
upervisor Signature:	Hall )	11/	Date: 01  01/24
	U,		

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

SC# 2341

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

<sup>\*</sup>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 - Page 1 of 4

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

(ATA) Action taken to abate: Com (ATA) Action taken to abate: Perm getting information to respond to n (REM) Remedial Measures: Obtai (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 # 02/14/2024 12:00 Modified to C (ATA) Action taken to abate: Pern failed to follow the PEP. In that the (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: Subm failed to submit WET and BAS for 001 and 003 resume BAS and WET testing (ATA) Action taken to abate: (ATA) Action taken to abate: Eval. Desc. Violation Activity Text renewal. 10/12/2023 10:52 NOV Issued 10/12/2023 10:13 NOV Issued 10/26/2023 03:00 Extended 02/08/2024 11:25 Extended 12/21/2023 08:45 Extended 10/26/2023 03:20 Extended Vio.Act.Date NOV Permit Conditions 10/12/2023 10:13 14 NOV Permit Conditions V.No. Type Enf Std Desc. 15 10/12/2023 10:52 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR S401301

16 CO Permit Conditions 02/14/2024 12:00 FTACO Issur(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

02/14/2024 12:00

02/15/2024 01:30 Modified to C (ATA) Action taken to abate: Modi

15 to a closer order.

(ATA) Action taken to abate:

12/21/2023 08:45 Extended

working to pay back taxes.

(REM) Remedial Measures: Subn and BAS testing data

to submit WET and BAS for outle

December 30, 2024 Page 2 of 3

Mining and Reclamation Violation History Details Report

For the period 10/12/2023 To 2/15/2024

For PERMIT: \$401301

Responsible Party Name Permit Id	Violation Date	V.No.	Type	V.No. Type Enf Std Desc.	Vio.Act.Date Eval. Desc.		Violation Activity Text
BLUESTONE COAL COR S401301	02/14/2024 12:00	9	8	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	77	8	Permit Conditions (	02/15/2024 01:30 FTACO	O Issur(DC min app exp	02/15/2024 01:30 FTACO Issur (DOV) Description of Violation: Cermining activity maintenance only. Fapply for permit renewal 120 prior texpiration
	02/15/2024 11;30	17	NOV	NOV Sediment Control	02/15/2024 11:30 NOV issued	(RE app app ssued (Dt cle the the	(REM) Remedial Measures: Activit: approval of permit renewal. (DOV) Description of Violation: Faclean out sediment control structur the sediment accumulation reache percent of the design capacity.
					02/26/2024 10:15 Extended		(REM) Remedial Measures: Clean designed Compacity and recertify. (ATA) Action taken to abate: Compmoving equipment on site to begin the pond
					03/15/2024 08:30 Extended		(ATA) Action taken to abate: Comp hired a contractor to clean pond ar equiptment is being moved to job s
					05/30/2024 00:00 Modif	ied to C (A	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	49		Design Certification	02/15/2024 11:45 NOV	Issued (D	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 accordate approved pre-plan.
						€0	(REM) Remedial Measures: Subm Certifications.

(ATA) Action taken to abate: Comp working on erosion that has cause drainage area issues.

02/26/2024 10:25 Extended

VIOLATION #: 15	DATE OF VIOLATION: 10/12/2023
Description of Violation: Nov#15 issued on 10/12/2023. permit expired 9/08/2023	Failing to obtain permit renewal prior to expiration. In that
If willful or unwarranted, describe: This violation was of problem. Final assessment ratings: Seriousness 2, Negligence	bvious and/or no action was taken by the operator to prevent the 5, Good Faith 1.
VIOLATION #: FTACO # 41	DATE OF VIOLATION: 10/1/2024
Description of Violation: FTACO#21 on 02/15/2024. Act	ivity gain approval of permit renewal
If willful or unwarranted, describe: This violation was ob problem.	ovious and/or no action was taken by operator to prevent the
VIOLATION #:	DATE OF VIOLATION:
Description of violation:	DATE OF VIOLATION.
If willful or unwarranted, describe:	

Violation History for Show Cause - Page 1 of 4

VIOLATION #:	DATE OF VIOLATION:					
Description of Violation:						
If willful or unwarranted, describe:						
II willing of anwaltanted, describe.						
VIOLATION #:	DATE OF VIOLATION:					
Description of violation:						
If willful or unwarranted, describe:						
Supervisor Recommendation:	- Show cause					
Truccoc at						
I & E Supervisor	OI let lay Date					
	12-25					
Assistant Chief						

¥3 E

10/12/2023 10:47   6 (rev 4/20)	2400 10/12/2023 10:52 15	114
PERMITTEE NAME BLUESTONE COAL CORPORATION		
OPERATOR NAME JUSTICE HIGHWALL MINING, INC; JUS  MSHA ID# 46-03404	TICE HIGHWALL MINING, INC	
MPDES#		
OWNER/CONTROLLER	If different from above	
CONTRACT BLASTING FIRM		
BLASTER NAME (CERT #)		
Whereas an inspection of the above operation by the unde completed on the 12th day of October, 2023. The inspection 3 of the Code of West Virginia. You are hereby notified that	n revealed a violation of the provisions of Chapter 22	s Articl
WV CODE 22, Art. 3, Sect.	Reg 38-2-	
22-3-19a	3.27	
I DOW! Description of Virginia		delper.
[ DOV ] Description of Violation:	A-1	
NOV is being issued on this day for company failing to ob expired 9/08/2023	tain sermit renewal crior to expiration. In that permit	
UST BE CORRECTED BY DATE 10/26/2023 10:54	NOV Issued CO Modified to NOV	
	Resulted in Off-Site Impact	
UTH. COMPANY REPRESENTATIVE Detrick Oneal		
ELIVERY METHOD / DATE TIME Mail 10/12/2023 10:54:00		_
ERTIFIED MAIL NUMBER		
DDRESS 302 SOUTH JEFFERSON STREET, ROANOKE, VA	24011	
V DEP REP. Aaron J Barley		_
Hard D. W.		-
Harold D. Ward  [Secretary, Department of Environmental Protection]	12/30/202	4
[Section 1, Department of Environmental Protection]	[WV DEP Rep/Date]	
Contact <u>Aaron J Barley</u> at (304) <u>574-</u> neasures within the above time period may result in a Ces the performance bond.	4465 upon completion. Failure to complete the abstation Order or revocation of the permit and forfeiture	ove of

PERMI				VIGLATION DATA			EW VIOLATI	CNACTO
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Violation of travelor	Terminated		Withdi wn	Remai in force as	written			notentiee
A Experience to	11/09/2023	ήl	10:54	Now modified to CO #		hiisi	teresament to N	OV#
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Company a worker		900						
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Fond Falm 0	1211 131	1 151	16' ] 1	Con ni		ect?		
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AUTH COMPANY REP	RESENTATIVE	Demick O	neal					
		of entering and Al-						
DELIVERY METHOD /	DATE THE							
CERTIFIED MAIL INJIN	SER .							
ADDRESS 302 SOL	THUEFFERSON	STREET	ROANCKE.	VA 24011				
WY DEP REP. Asro	n J Barley							
TO DUP NEP.								
Harold D. Ward	Secretary Control of the Control			4.1				
(Secretary, Departr	nent of Environm	ental Prot	laction)	{₩ ™ Rep	resental	fevrit	Da	to:
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Names of Indiviousis	at Informal Conf	BIRTHIA						
	11/000000					_		
lesulis: CO was:	Upheld		Modified	Terminated		. '	Withdrawn	
Comments:								
SUPERVISOR:				DATE:	TIME:			
				WET 18 BAIR				
COMMAN STREET,					DATE:			

MIK-10 VIULATION FOLLOW-UP INSPECTION REPORT

3.3.331	10/12/2023 1	0:47   8 (rev 4	/20)	2400	15	12/21/2	2023	08:45
PERMITTEE NAME	BLUESTONE CO.	AL CORPORATIO	N				-020	00,43
Violation is hereby:  Extended to	Terminated 01/27/2023	☐ Withdrawi		emains in force as		Show C		
Action taken to abate	B:	All Market Production of Marke						
	INSPECTOR'S	CIVIL PENALTY	ASSESSIV	ENT RECOMME	NDATION	(check)		
Seriousness: 1 2							<b>]</b> 6[]7	8
Good Faith: 0				Consent Agree				
Comments:								
AUTH. COMPANY REPR DELIVERY METHOD / D			00					_
CERTIFIED MAIL NUMB	ER							
ADDRESS 302 SOUT	H JEFFERSON S	TREET, ROANO	KE, VA 240	111				
NV DEP REPAaror	n J Barley			and the same of th				
Harold D. Ward				THE STATE OF THE S				
[Secretary, Departm	ent of Environme	ntal Protection]		[WV DEP Re	presentati	ve]	Date	
Names of individuals a	at informal Confer	ence:						
Results: CO was:	Upheld	[] Modifi	ied	Terminated	<u> </u>	Withdra	wn	
Comments:								
SUPERVISOR:			DATE:		TIME:			
COMPANY REPRESENT	ATIVE:				DATE:			_

1 .0.1212020 10	U:4/ 6 (rev 4/20)	2400	15	DAIE	TIME
PERMITTEE NAME BLUESTONE COA	AL CORPORATION			02/15/2024	01:30
Violation is hereby: Terminated					
Extended to	Withdrawn	Remains in force as		Show Cause su	ıbmitted
	at V NC	OV modified to CO #	Co	modified to NO	V#
Action taken to abate:					
Modifying NOV 15 to a closer order.					
INSPECTOR'S C	CIVIL PENALTY ASSESS	MENT DECOMINE	DATION		w/
Seriousness: 1 2 2 3 4 5	6 7 8 9 10 10 F				
Good Faith: 0 1 2 3 4					
Comments:		Consent Agreen	Tent in effect?	Yes V	4o
AUTH. COMPANY REPRESENTATIVE Del	rrick Oneal				, , , , , , , , , , , , , , , , , , ,
	710/2024 (2.00.00				
CERTIFIED MAIL NUMBER	DEET BOANGE NO				-
DDRESS 302 SOUTH JEFFERSON ST	REET, ROANOKE, VA 24	1011			
W DEP REP. Aaron J Barley					
Harold D. Ward					
[Secretary, Department of Environment	al Protection	[WV DEP Rep	resentativel	Doto	
to the state of th		[144 PEI 1/ch		Date	
Names of individuals at informal Conferen	nce:				
esults: CO was: Upheld	Modified	Terminated		\/:iib_al_a	
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UPERVISOR:	DATE	-	TIME:		
OMPANY REPRESENTATIVE:			DATE:		;
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NUMBER	- AND STREET (FE		ENF	STD DAT	A	VIOL	ATION ACT	P1 (1997	
\$401301	DATE	TIME	FORM	FAC#	ENF STD	DATE	TIME	VIOLATIONS	INSP
0401301	10/12/2023	10:47	6 (rev 4/20)		2400	02/15/2024	01:30	21	
PERMITTEE NAME	BLUESTONE (	COAL COR	ואראדאפרוס		-				1142
OPERATOR NAME		- WIL 001	ONAHON	-					
	-03404						w		
OWNER/CONTROLL			NPDES #	-	•	***Traverson**			
Whereas an inspectompleted on the 3 of the Code of V	Vest Virginia. Y	ove opera tober, 202 ou are he	ition by the und 3. The inspection reby notified that	ersigned On revea It you ar	Authorize led a violat e in violatio	d Representation of the pro	tive of the visions of islans lis	e Director was of Chapter 22, ted below.	s Article
WV CODE 22, A	t 3, Sect				R	leg 38-2-			
22-3-17(a)						0.3.Ь			
the violation	n is corrected.	ient date.	to abate the viol A minimum civi	l penalt	of \$750 pe	or day will be	assessed	for 30 days u	intess
the violation ACI ] Area of oper Cease all mining a REM ] Remedial M activity gain approve	ations to be ce ctivity mainten	ased imm	ediately:	el penalt	/ of \$750 pe	er day will be	<b>8856356</b> 0	for 30 days u	infess
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ACI] Area of oper Cease all mining a REM J Remedial M Activity gain approve MUST BE CORRECT UTH. COMPANY REP ELIVERY METHOD / ERTIFIED MAIL NUM DDRESS 302 SOUT IV DEP REP. Aaron Harold D. Ward [Secretary, Depar	easures: ral of permit re resentative DATE TIME Han BER H JEFFERSON I Barley tment of Environ	ased immental	ediately: Failure to app  24 09:00  est 4 12:00:00  ROANOKE, VA 2	y for pe	rmit renew	al 120 prior to	assessed D expirali	on  02/15/2024	



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 DN; CN = Nicki Taylor email = nicki.m.

Nicki Taylor PN; CN = Nicki Taylor email = nicki.m.

(aylor@wv.gov C = AD O = DEP OU = DNR

DNR

DNR

DNR

DNR

13:28:11 -06'00'

Nicki Taylor, M.S. Assistant Director of Operations

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



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 CN = Nicki Taylor email = picki.m.taylor@wv.gov C = AD O

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

Mailing Address: 302 S Street Address (1f mailing			the second secon
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 Magister  District:		erial :: Barkers Ridge	Nearest Post Office: <b>Herndon</b>
Surface Owner(s): P	ocahontas Land Com Jational Resources, IN	pany - 800 Princeton a IC, 302 South Jefferso	venue Bluefield. WV. 24701 n St, Roanoke, VA, 24011
Date of Last Inspection	10/8/2024 on:	Estimated at Last Ins	Disturbed Actes 200 pection:
Has Mining Been Con Has Permit Been Phas		Yes Yes	No X No X
Describe Circumstat	ices Which Result	ted in Request for	Show Cause Order:
ter monitoring reports, in ACO#43 on 10/1/2024. So	that both ground water ubmit all required QW	er and surface water m MRs, or restart sampl	onitoring data has not been submitted.
ter monitoring reports, in	that both ground water ubmit all required QW was not requested for	er and surface water m MRs, or restart sampl	onitoring data has not been submitted.
ter monitoring reports, in ACO#43 on 10/1/2024. So assessment conference values of Spector Signature: Da	that both ground water ubmit all required QW was not requested for	er and surface water m MRs, or restart sampl	ing operations and submit subsequent results

SC# 2342

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VIOLATION DATE	VIOLATION NUMBER	* DISP	DATE TERMINATED	VIOLATION TYPE/ ADDITIONAL COMMENTS
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<sup>\*</sup>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.

November 6, 2024

Page 5 of 6

Mining and Reclamation

Violation History Details Report

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

For PERMIT: S401301

tivity Text	(DOV) Description of Violation: The company disturbed the doughnut h west of outlet 35, and the area belc sediment ditch 24 prior to submittin	(REM) Remedial Measures: Pursue corrections submit bond of IBR6.	(ATA) Action taken to abate: Pursu corrections submit bond of IBR6.	(ATA) Action taken to abate:NOV is modified to CO in this date.	(DOV) Description of Violation: Per failed to construct valley fill 8 per pl design. The center drain has sedim deposited in the ditch preventing th from functioning as designed. The are not draining correctly, contribut sediment in pond 8.	(REM) Remedial Measures: Constr fill 8 per plan and design. Once the complete, seed and certify constru	(ATA) Action taken to abate: Const valley fill 8 per plan and design. Or work is complete, seed and certify construction.	(ATA) Action taken to abate: NOV modified to CO on this date.	(DOV) Description of Violation: Per has failed to follow permit condition
Violation Ac	(DOV) Deso company dis west of outle sediment dit	(REM) Rem corrections	(ATA) Action corrections	(ATA) Action modified to		(REM) Ren fill 8 per pla complete, s	(ATA) Action valley fill 8 pe work is comp construction.	C (ATA) Actic modified to	(DOV) Des has failed t
Vio.Act.Date Eval. Desc. Violation Activity Text	06/17/2024 12:30 NOV Issued (DOV) Description of Violation: The company disturbed the doughnut h west of outlet 35, and the area belt sediment ditch 24 prior to submittin		07/24/2024 10:00 Extended	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 NOV tssued		07/24/2024 10:00 Extended	10/01/2024 12:20 Modified to C (ATA) Action taken to abate: NOV modified to CO on this date.	07/24/2024 11:00 NOV Issued (DOV) Description of Violation: Per has failed to follow permit condition
te V.No. Type Enf Std Desc.	2:30 34 NOV Bonding Current				2:45 35 NOV Other Conditions				11:00 36 NOV Permit Conditions
Violation Date	06/17/2024 12:30				06/17/2024 12:45				07/24/2024 11:00
Responsible Party Name Permit Id	BLUESTONE COAL COR! \$401301				•				

(REM) Remedial Measures: Submi required QWMRs, or restart sampli operations and submit subsequent

moniforing reports, in that both groand surface water monitoring data been submitted.

failing to submit required quarterly

## 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

Vio.Act.Date Eval. Desc. Violation Activity Text 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 FTACO Issur(DOV) Description of Violation: Enti	(REM) Remedial Measures: Remov water accumulation in both pits. FTACO Issus (DOV) Description of Violation: Ent	(REM) Remedial Measures: Ensure off is going through a sediment corstructure before leaving the permit.  Method of Operatior 10/01/2024 12:00 FTACO issur(DOV) Description of Violation: Ent	(REM) Remedial Measures:Submit filing fees and diligently pursue cor FTACO Issur(DOV) Description of Violation: Ent	(REM) Remedial Measures: Submi revision and request for \$5,000/acr variance. FTACO Issur(DOV) Description of Violation: Ent	(REM) Remedial Measures:Pursue corrections submit bond of IBR6.	(REM) Remedial Measures: Constr fill 8 per plan and design. Once the complete, seed and certify constru- FTACO Issur(DOV) Description of Violation: Ent	(REM) Remedial Measures: Submi required QWMRs, or restart sampl operations and submit subsequent
Eval. 5 Modi	FIA	0 FTA					
Vio.Act.Date 10/01/2024 12:29 10/01/2024 11:00	10/01/2024 11:30	10/01/2024 12:0	10/01/2024 12:01	10/01/2024 12:15	10/01/2024 12:20	10/01/2024 12:25	
V.No. Type Enf Std Desc. 36 NOV Permit Conditions 37 CO. Surface Water	Sediment Control	Method of Operation	Other Conditions	Bonding Current	Other Conditions	Permit Conditions	
Type NOV CO.	8	8	8	8	8	8	
36 37	38	39	40	14	42	<b>4</b>	
Violation Date 07/24/2024 11:00 10/01/2024 11:00	10/01/2024 11:30	10/01/2024 12:00	10/01/2024 12:01	10/01/2024 12:15	10/01/2024 12:20	10/01/2024 12:25	
Responsible Party Name Permit Id BLUESTONE COAL COR. S401301							

VIOLATION #: 36	DATE OF VIOLATION: 7/24/2024
Description of Violation Nov#36 issued on 7/submit required quarterly water monitoring report been submitted.	/24/2024. Premittee has failed to follow permit conditions by failing to ports, in that both ground water and surface water monitoring data has
If willful or unwarranted, describe: This vio	lation was obvious and/or no action was taken by the operator to prevent the
problem. Final assessment ratings: Seriousness 1, 1	Negrigence 2, Good Faith 6.
VIOLATION #: FTACO # 43	DATE OF VIOLATION: 10/1/2024
submit subsequent results.	2024. Submit all required QWMRs, or restart sampling operations and
<b>If willful or unwarranted, describe:</b> This viola problem.	ation was obvious and/or no action was taken by operator to prevent the
VIOLATION #:	DATE OF VIOLATION:
иехстрион от упланов:	DATE OF VIOLATION:
frailful or unreasemental describer	

Violation History for Show Cause - Page  ${\bf 1}$  of  ${\bf 4}$ 

PERMITTEE BLUESTONE COAL CORPORATION	PERMIT NO. S401301
VIOLATION #:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	
VIOLATION #:	DATE OF VIOLATION:
VIOLATION#:	DATE OF VIOLATION:
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Supervisor Recommendation:	Proteed ul	Show	Cause	
I & E Supervi	, isor		Ollod d 5 Date	
July	Assistant Ch	niel	1-2-25 Date	***************************************

Violation History for Show Cause - Page  ${\bf 4}$  of  ${\bf 4}$ 

NUMBER	DATE	TIME	REASON	TYPE	STATUS		1	0 Days? Ins	-
5401301	07/23/2024	12:30	<u> </u>	Р	A4	No		VO OV	No
PERMITTEE NAM	IE	BLUESTO	NE COAL COR	PORATION		A	isha#	46-03404	
OPERATOR NAM	E	JUSTICE HK	SHWALL MININ	G, INC		MR-1	DATE	02/27/2004	
NPDES#	WV1021079	NPDES E	KPR DATE	07/02/202	2 PE	RMIT EXP	R DATE		
PERMIT ACRES 579	62 DISTED	200.00	RECLMD	2.00	ANCIL- LARY	5 16	UNREC	LMD 19	(6)
DATES: PH	PI	4 11	LA	ST AUG SE	ED		MR-8		
LAST INSP	5/17/2024 TYE	PE P	BOND		BONDED CRES	242.23	CUR IBR# 5	GUR REV#	4
EXPRIDATES: IN	ACT 08/98/201	8 EMERR	ESP PLAN		INS S	06/15/2025	BLAST	AD	
TIME HEED HEES	)=>> PERMIT REY	/IEW 0.66	INSPEC	T 0.50	TRAV	EL 0.5	D RE	PORT 0.2	25
OV will be issue ata.	d on this date t	or not subm	amang ground	water mi	ORRORING O	ala allu Si	mave we		119
NFORCEMENT ST	UNDARD	EVALUA	TION VIOR	ENFOR	CEMENT ST	ANDARD		EVALUATIO	N VIC
	hibited	7.9.1		0200	Exceeding L	imits			
	arkers			0400	Sediment C	ontrol			
00 Design Certif	icarion	•••		0600	Effluent Lim	īts			
00 Surface Wate	\$£.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	***		0800	Ground Wat	er			
00 Blasting Prod	odures	Not Appli	cable	1000	Haul Roads	*********			
00 Refuse Impo	undments	Not Appli	cable	1200	Topsoil Han	dling	********		
i00 Backfill / Gra	ding			1400	Reclamation	Schedule.			
00 Revegetation	Requirements	•••		1600	Disposal of	Excess Spo	il		
00 Highwall Elin	instion	•••		1800	Downslope :	Spoil Dispos	sal		
00 Postmining L	and Use			2000	Ceased Min	ing Tempor	arity		
00 Acid bearing	/Toxic Material			2200	Method of C	perations	**********		
00 Change of O	perator	• • •		2400	Permit Con	itions		NOV Issue	5 3
is anoistevid CG	nd Drainage Contro	ł.,		2600	Fugitive Du	it Control	,,,		
'00 Subsidence l	Plan			2800	Insurance C				
900 Bonding Cun	rent			3000	Other Cond	tions			
ATER QUALITY TE	STS								
in-Stream Station	pH Fe	Mn	AI NF	Ffow	Units	Temp	Units	Sp Cond	Unit
AUTH, COMPANY I	REPRESENTATIVE	Darrick O	neal	<u> </u>				-	
			neal 5/2024 12:00:00		- b				_
DELIVERY METHO	D / DATE TIME								_
DELIVERY METHO	D / DATE TIME	Hand 7/2	9/2024 12:00:00				-		_
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NUMBER	DATE	TIME	FORM#	FAC#	ENF STD	DATE	TIME	VIOLATION#	MUMBE
S401301	07/23/2024	12:30	6 (rev 4/20)		2400	07/24/2024	11 00	36	1142
ERMITTEE NAM	E BLUESTONE	COAL COR	PORATION						
	E JUSTICE HIG			STICE H	GHWALL N	INING, INC			
	46-03404		NPDES#					,	
WNER/CONTRO	ILLER								
	TING FIRM								
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	pection of the al le 23rd day of Ju Vest Virginia. Yo	.s. 2024 TI	ha inengation f	Noithve	a viniation	OF THE DROVES		SHEDDAN PERLUIP	s icle 3
WV CODE 22	. Art. 3. Sect.					Reg 38-2-			
22-3-15(b)(1)						14.7			
22-0-10(0)(1)									
	al Measures: ired QWMRs of ECTED BY DATE			tions and	✓ NOV iss		CO Mod	diffed to NOV	
			7-16-						
AUTH, COMPANY	REPRESENTATIV	E Demick	Oneal						
	OD / DATE TIME								
CERTIFIED MAIL									
_	SOUTH JEFFER	SON STRE	ET ROANOKE	VA 240	11				
		00,401110							Mileton A
NV DEP REP. A	aron J Baney					7			
			Mayor or referenced to the control of the control o			- San	egen transit (s)		
	Harold D.				- San Marie S	1 mar	y po <b>. D</b> -n=20-2	07/24/2	024
[Secretary, D	epartment of E	vironment	al Protection]		5-	{WV DEP	- Kebina	na l	
A	Aaron J B	nday.	or (204)	574-446! Cessati	upon on Order o	completion. F r revocation o	Fallure to f the pen	complete the mit and forfeit	abov ure o

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         ☐ Extended to       at       ✓ NOV modified to CO #43       ☐	Show Cause submitted CO modified to NOV#
Action taken to abate:  NOV is being modified to CO on this date.	
INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (	
Seriousness: 1 2 3 4 5 6 7 8 9 10 Negligence: 0 1 2 1 2 1 Good Faith: 0 1 2 3 4 5 6 7 7 8 Consent Agreement in effe	3 4 5 6 7 8 et? Yes V No
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 Representation]	ve] Date
Names of individuals at informal Conference:	
Results: CO was: Upheld Modified Terminated	Withdrawn
Comments:	
SUPERVISOR: DATE: TIME:	
COMPANY REPRESENTATIVE: DATE:	

	DAIL	TIME	FORM#	, FAC#	ENF STD	DATE	TIME	VIOLATION	INSP I
\$401301	07/23/2024	12-30	6 (rev 4/20)	j	2400	10/01/2024	12:25	43	1142
PERMITTEE NAM	E BLUESTONE	COAL COR	PORATION						
OPERATOR NAME									
MSHA ID#	46-03404		NPDES#						
OWNER/CONTRO	LLER					Military and American			
completed on the	pection of the al 18 23rd day of Ju Vest Virginia. Yo Art. 3. Sect.	ily, 2024. T	he inspection r	belseve	a violation in violation	of the provis	tions of C	hapter 27 Art	s icle 3
22-3-17(a)						20.3.b			
			to abate the vic	41	A A YEA	and all the standard for			
the violal	e required abate tion is corrected perations to be c	ment date.	. A minimum civ	ril penali	y of \$750 ;	er day will b			unless
the violal ACI   Area of op Entire.  REM   Remedia Submit all requir	ion is corrected perations to be c ! Measures: ed QWMRs or	ment date. eased imm	A minimum civ	And the second second		osegu <b>en</b> i res	e assesse	d for 30 days	uniess
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The violate ACI   Area of openitie.  REM   Remedia Submit all requirements BE CORE  AUTH. COMPANY FOR THE CORE MAIL NADDRESS 302 SC  MV DEP REP. Acid	ion is corrected practions to be constituted by the constitute of the constituted by the	ment date. eased imm restart sar E: 11/01/20 Derrick O and 10/2/20	A minimum civinediately: molina operatio 024 12:00 meal 024 12:00:00	ons and		Resulted in	e assesse	npact	
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Fayetteville, WV, 25946 Phone (204) 574-4465

Harold D. Ward, Cabinet Secretary depaytogov

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 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:

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

10-1-27 Date

Cc:

Promoting a healthy environment



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3, E
- Print your name and address on the reverse so hat we can return the card to you. in
- Attach this card to the back of the maliplece, or on the front if space permits. 福
- Article Addressed to.

, F 144

Bluestone Coal Compration 302 South Jefferson Street Roancke, VA 24011



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TI LI Article Number (Transfer from service label) 1 705

COMPLETE THIS SECTION ON DELIVER Is delivery address different from tem 12 If YES, lenter delivery address below: B. Received by (Panted Name) とろう Signature ۵ ×

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 Collect on Delivery Restricted Delivery D Adult Signature Restricted Deliver Certified Mail Restricted Delivery 3. Service Type Certified Mail

Signature Co.

Delivery

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> 220 PS Form 3811, July 2020 PSN 7530-02-000-9053

al Rechloted Duhyery



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.

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

Sincerely,

Nicki Taylor Digitally signed by: Nicki Taylor email = nicki.m.

Digitally signed by: Nicki Taylor email = nicki.m.

Digitally signed by: Nicki Taylor email = nicki.m.

Digitally signed by: Nicki Taylor email = nicki.m.

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



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 DN; CN = Nicki Taylor email = nicki m.taylor@ww.gov C = AD O = DEP Ou = DMR
Date: 2025.01.02 14:21:17-05'00'

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

NT:bs

## REQUEST FOR SHOW CAUSE ORDER

Permittee Name:	Bluestone Coal Corporation	on	Permit Number: S-4013-01
Mailing Address: B	luestone Coal Corporation		3 7073-01
Street Address (if mailing		302 South Jefferson	Street
City Roanoke	StateVA	Zip 24011	Telephone No. (540)-204-3992
Date Permit Issued:	9/08/2003	Current Pe	ermitted Acres: 579.62
County: McDowell	Magisteria District:		Nearest Post Office: Herndon
Surface Owner:	Pocahontas Land Compan National Resources, INC	у	Tops Office, Manager
Date of Last Inspecti	on: 12/13/2024	Estimated Di at Last Inspe	sturbed Acres ction: 200
Has Mining Been Co		Yes	⊠ No
Has Permit Been Pha	to the same of the	Yes	⊠No
Describe Circumsta	nces Which Resulted	in Request for S	Show Cause Order:
Pattern of Violations:			The state of the s
5-30-2024 IHCO #27 Perm	ittee mined off site south eas	t of outlet #35 and the	area around the doughnut
			f-site impact as sediment has been deposited in a
ributary for Little Pinnacle	Creek Permittee failed to m	rotect off site space and	ociated with the disturbed area north of coal
	s been deposited off-site due		octated with the disturbed area north of coal
			ocumentation to this report.
		- Trouble	to the lebut.
inspector Signature:			Date: /
Su pervisor Signature:	July &	<u></u>	Date: 01-62-25
Distribution: Head	quarters (original),	Company, Regio	onal File, Inspector

SC # 2343

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

January 2, 2025

Page 1 of 4

For the period 5/21/2024 To 6/17/2024 Violation History Details Report Mining and Reclamation

For PERMIT: \$401301

(REM) Remedial Measures: Submit. filing fees and diligently pursue corre mining activity. Company mined and disturbed of site south east of outlet # (REM) Remedial Measures: Submit If filing fees and diligently pursue corre 10/01/2024 11:15 Modified to C (ATA) Action taken to abate:NOV 2! modified to co on this date. 10/01/2024 12:00 Modified to C (ATA) Action taken to abate: NOV wil 05/30/2024 09:00 IHCO Issued (DOV) Description of Violation: Ceas. 3 has break throughs in the berm c run off and sediment ditch 20 and (ATA) Action taken to abate: Ensure off is going through a sediment con NOV Method of Operation 05/30/2024 08:45 NOV Issued (DOV) Description of Violation: Expi (ATA) Action taken to abate: Submit properly maintain the approved dra (REM) Remedial Measures: Ensure off is going through a sediment con (DOV) Description of Violation; Fa, structure before leaving the permit. structure before leaving the permit. system in which road ditch 22 and ditch 21 has break throughs in the adding acers and update bond. the area around the doughnut. modified to CO on this date. Eval. Desc. Violation Activity Text causing run off. NPDES permit. 05/30/2024 08:30 NOV Issued 07/24/2024 10:00 Extended 07/24/2024 10:00 Extended 07/24/2024 10:00 Extended Vio.Act.Date Permit Conditions 25 NOV Sediment Control V.No. Type Enf Std Desc. S 26 27 05/30/2024 08:45 05/30/2024 09:00 05/30/2024 08:30 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR S401301

(REM) Remedial Measures: Submit re

(ATA) Action taken to abate: Submit II

adding acers and update bond.

(DOV) Description of Violation: Compa disturbed INC 3,4,9 prior to submitting

05/30/2024 09:30 NOV Issued

05/30/2024 09:30 28 NOV Bonding Current

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

January 2, 2025

Page 3 of 4

Mining and Reclamation

Violation History Details Report

For the period 5/21/2024 To 6/17/2024

For PERMIT: S401301

V.No. Type Enf Std Desc. Violation Date Responsible Party Name Permit Id

Sediment Control

၀

05/30/2024 12:30 31

BLUESTONE COAL COR S401301

Vio.Act.Date

Eval. Desc. Violation Activity Text

mining activity maintenance only. F clean out sediment control structure the sediment accumulation reaches 05/30/2024 12:30 FTACO Issur (DOV) Description of Violation: Cer percent of the design capacity. (REM) Remedial Measures:Clean p designed Compacity and recertify.

10/29/2024 00:00 Remains in F (ATA) Action taken to abate: Show i

submitted. Remains in force,

outlet 008, erosion of the exit chann

caused off-site impact as sediment caused off-site impact as sediment I

06/17/2024 12:00 IHCO Issued (DOV) Description of Violation: Ceamining activities. Exit channel at por Sediment Control ္ပ 33 06/17/2024 12:00

completed as per design, seed and co (REM) Remedial Measures: Repair a prevent erosion. Establish erosion an sediment control on disturbed areas r the coal stockpile area to prevent sed re-establish the exit channel of outlet from leaving permitted areas. Once drainage control.

areas associated with the disturbed; north of coal stockpile areas. Sedime

deposited in a tributary for Little Pinr Creek. Permittee failed to protect off been deposited off-site due to erosio

prevent erosion. Establish erosion and the coal stockpile area to prevent sedi from leaving permitted areas. Once completed as per design, seed and ce (ATA) Action taken to abate: Repair a re-establish the exit channel of outlet sediment control on disturbed areas n

drainage control.

07/24/2024 10:00 Extended

PERMITTEE Bluestone Coal Corporation

PERMIT NO. S-4013-01

TYPOT .	
VIOLATION #:IHCO #27	DATE OF VIOLATION:5/30/2024
	DATE OF VIOLATION:5/30/2024
Description - CAT: 1	
Description of Violation: Permittee mined off site sou	th east of outlet #35 and the area around the down
If willful an annual	
If wanted of unwarranted, describe: This violation wa	as unwarranted. in that the permittee failed to prevent its
occurrence due to indifference, lack of diligence, or lack of	
and the state of t	of reasonable care.
Final Assessment Ratings: Seriousness Negligence Go	od Faith
VIOLATION #:IHCO #33	
The state of the s	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
Permit	TOO totaled to synchoot off all and the synchological transfer of
area north of coal stockpile area. Sediment has been depo	osited off-site due to erosion
If willful or unwarranted, describe: This violation wa	s unwarranted, in that the permittee failed to prevent its
occurrence due to indifference, lack of diligence, or lack o	f reasonable care.
Final Assessment Ratings: Seriousness Negligence Good	d Faith
VIOLATION #;	
VIOLATION#:	DATE OF VIOLATION:
Description of Violation:	
If willful or unwarranted, describe:	Į.
D 1 1	P)
Supervisor Recommendation: Proceed with	Show cause
all Na	
Alex M.	01-02-25
I & E Supervisor	Date
1 1	
Vian Jug	1-2-25
Assistan Chief	Date

S401301  PERMITTEE  OPERATOR I  NPDES #  PERMIT  ACRES	NAME	1 53.55	OS		STATUS	PHOTOS	Last 30	Days? Ins	. Rea
OPERATOR I	NAME	BLUESTO		CS	A4	Yes	N		No
NPDES#			NE COAL COR	RPORATION		MC		46.03404	_
PERMIT		JUSTICE HIS	SHWALL MININ			MR-19 I	1100		-
	WV1021079		XPR DATE	07/02/2022				02/27/2004	
ACRES	TOTA		AF IN DATE	01/02/2022		MIT EXPR	DATE		-
AANLO	579.62 DISTE	-	RECLMD	2 00	ANCIL- LARY	5.16	UNRECL	MD 19.1	6
DATES: PHI		PH II	LA	ST AUG SEE	D	N	IR-8		
LAST INSP DATE	05/13/2024	түрв Р	BOND		RES 2		UR SR# 5	CUR REV#	4
EXPR DATES	: INACT 08/08	/2018 EMER R	ESP PLAN		INS 06	/15/2024	BLAST A		
TIME HISEN (I	(R\$)==> PERMIT			T 40.00					
	nto) n crossiii	REVIEW 1.00	1113+20	T 10.00	TRAVEL	1.50	REP	ORT 1.0	
	int ditch 21has								
FORCEMENT			ION VIO#		EMENT STAR		E	EVALUATION	VI:
	Prohibited	***			xceeding Lim			NIDI CI	
	Markers				ediment Con			NOV Issued	2
~	ertification				Muent Limits.				
	Veter		-4-	111	round Water. laul Roads				
•	rocedures				opsoil Handiir				
	Grading	7.1			eclamation S	_			
	tion Requirements.			1600 D	isposal of Ex	cess Spoil			
	Elimination			1800 D	ownstope Sp	oil Disposal.			
9 Postminir	g Land Use			2000 C	essed Mining	Temporarily	lane mor		
O Acid bear	ing /Toxic Material.	********		2200 N	lethod of Ope	rations		NOV Issued	2
O Change o	f Operator				ermit Conditio			IHCO Issued	. 2
0 Diversion	s and Drainage Cor	ntrol.,			ugitive Dust (				
	ce Plan				Isurance Cun			NOV Issued	č
_		NOV 1881	MBC 28	3000 0	WHEI CONGRIG	/1a		1404 122000	-
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	on pr	re Mr	A) Ar	CIDM	unns re	mp c	HILLS	op sona	WINI,
00 Bonding G NTER QUALITY In-Stream State		NOV Issi	aed 28	3000 C	ther Conditio		Jolita	Sp Cond	

1 Minanes					MINE		BLASTING		ì
NUMBER	DATE	TIME	REASON	TYPE	STATUS	PHOTOS	Last 30 Days?	ins. Reo'd?	ł
\$401301	05/21/2024	09:30	OS	CS	A4	Yes	No	No	
									į.

### 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.

	DATE	TIME	FORME	FAC#	CHE OTO	May a finance	-	רועיזץ	INSPID
S401301	05/21/2024	09:30	6 (rev 4/20)	PAUN	ENF STD	DATE	TIME	VIOLATION	
		05.00	0 (154 4120)	<u> </u>	2400	05/30/2024	09:00	27	1142
PERMITTEE NAME	BLUESTONE	COAL COR	PORATION						
OPERATOR NAME									
WSHAID# 46	5 <u>-0</u> 140e		NPDES#						
OWNER/CONTROL	ER							_	
Whereas an insp completed on the the Code of West	21st day of Ma	ay. 2024. Ti	he inspection r	evealed	a violation	of the provisi	ons of Ci	hapter 22. Arti	s icle 3 of
WV CODE 22, A	irt. 3, Sect.					Reg 38-2-			
22-3-16						38-2-20.3.a			
within the	ee or operator required abate on is corrected	ment date.						ed for 30 days	unless
ACI ] Area of ope Dease all mining toughnut. REM ] Remedial	acti <u>vity. Compa</u>		*	of site s	south east	of outlet #35 a	and the a	icea around It	ne
Cease all mining toughnut.  REM ] Remedial Submit IER adding	acti <u>vity. Compa</u> Measures: g acers and ur	any mined	and disturbed	of site s					ne
Cease all mining loughnut.  REM ] Remedial submit IBR adding	acti <u>vity. Compa</u> Measures: g acers and ur	any mined	and disturbed	of site s	south east	of outlet #35 a			ne
Cease all mining oughnut.  REM ] Remedial outpoint IBR addinut.	Measures: g acers and use	odate bond	and disturbed	of site s					ne i
Cease all mining oughnut.  REM ] Remedial submit IBR addinumUST BE CORRE	Measures: g acers and un  CTED BY DATE	odate bond E: 06/29/20 Demick O	and disturbed	of site s	2				ne i
Cease all mining oughnut.  REM   Remedial submit IBR addin  MUST BE CORRE  UTH. COMPANY RE	Measures: G acers and un ECTED BY DATE PRESENTATIVE / DATE TIME Ha	odate bond E: 06/29/20 Demick O	and disturbed	of site s	2				ne i
Cease all mining toughnut.  REM ] Remedial submit IBR addin  MUST BE CORRE	Measures: G acers and un CTED BY DATE PRESENTATIVE / DATE TIME Ha	ec o6/29/20 Demick O and 5/31/20	and disturbed  1. 024 12:00 neal 024 12:00:00		2				ie
Cease all mining loughnut.  REM ] Remedial submit IER addin  MUST BE CORRE  LUTH. COMPANY RE  DELIVERY METHOD  ERTIFIED MAIL NU	Measures: G acers and un COTED BY DATE PRESENTATIVE DATE TIME HE MBER	ec o6/29/20 Demick O and 5/31/20	and disturbed  1. 024 12:00 neal 024 12:00:00		2				ne
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Cease all mining toughnut.  REM ] Remedial Submit IBR addin MUST BE CORRECT METHOD SERTIFIED MAIL NU LODRESS 302 SOL	Measures: G acers and un COTED BY DATE PRESENTATIVE DATE TIME HE MBER	ec o6/29/20 Demick O and 5/31/20	and disturbed  1. 024 12:00 neal 024 12:00:00		2			mpact	
Cease all mining loughnut.  REM ] Remedial Submit IBR addin MUST BE CORRECT METHOD BELIVERY METHOD BERTIFIED MAIL NU DORESS 302 SOLEMV DEP REP. Aaron Harold D. Ward	Measures: g acers and un ected by date presentative / date time Ha mber JTH JEFFERSO	odate bond E: 06/29/20 Demick Or and 5/31/20 DN STREET	and disturbed  1.  1.  1.  1.  1.  1.  1.  1.  1.  1			Resulted in C	Off-Site in	npact 05/30/20	
Cease all mining toughnut.  REM ] Remedial Submit IER addin  MUST BE CORRECT METHOD  CERTIFIED MAIL NU  CORRESS 302 SOL  WO DEP REP. Aground Harold D. Ward  [Secretary, Depart	Measures: g acers and un ected by DATI epresentative / DATE TIME Ha MBER ITH JEFFERSO IN J Barley artment of Envi	e: 06/29/20 Demick O	and disturbed  1.  24 12:00  neal  24 12:00:00  ROANOKE, W	A 24011		Resulted in C	Off-Site Ir	npact 05/30/20	
Cease all mining loughnut.  REM ] Remedial Submit IER addin  MUST BE CORRECT METHOD  CERTIFIED MAIL NU  CORRESS 302 SOL  W DEP REP. ABTOR  Harold D. Ward  [Secretary, Departments of the unit of the	Measures: g acers and un ected by DATI epresentative / DATE TIME Ha MBER ITH JEFFERSO IN J Barley artment of Envi	e: 06/29/20 Demick O	and disturbed  1.  24 12:00  neal  24 12:00:00  ROANOKE, W	A 24011		Resulted in C	Off-Site Ir	npact 05/30/20	
Cease all mining loughnut.  REM ] Remedial Submit IBR addin MUST BE CORRECT METHOD BELIVERY METHOD BERTIFIED MAIL NU DORESS 302 SOLEMV DEP REP. Aaron Harold D. Ward	Measures: g acers and un ected by date presentative / date time Ha MBER JTH JEFFERSO In J Barley artment of Envi	e: 06/29/20 Demick O	and disturbed  1.  24 12:00  neal  24 12:00:00  ROANOKE, W	A 24011		Resulted in C	Off-Site Ir	npact 05/30/20	

5401301	05/21/2024	09:30	6 (FOU 4/20)	1125		GINAL VIUL#	DATE	TIME
			6 (rev 4/20)		2400	27	07/24/2024	10:00
PERMITTEE NAME	BLUESTONE C	OAL COR	PORATION					
Violation is hereby:	Torring at a							
	Terminated	<u> </u>	Withdrawn	Rem	ains in force as	written	] Show Cause st	Jbmitted
Extended to	08/07/2024	at	12:00	NOV me	odified to CO#	[ ] c	O modified to NO	11/#
A - 52 - 1 - 1 - 1 - 1								· · · · · · · · · · · · · · · · · · ·
Action taken to aba								
Submit IBR adding	acers and updat	te bond.						
	INSPECTOR	'S CIVIL P	ENALTY ASSI	ESSMEN	T RECOMMEN	DATION (ch	eck)	
Seriousness: 1							]4[]5[]6[]	7 0 1
	1 2 3	]4[]5[_	6: 1/ 8	J	Consent Agreer	nent in effect?	Yes 🗹	No
Comments:								
AUTH. COMPANY REI	PRESENTATIVE	Derrick C	neal					
	anamana Ho	-4 7/25/2C	24 12:00:00					
DELIVERY METHOD /	DATE TIME TO	110 //25/20	124 12,00.00					
CERTIFIED MAIL NUM	IBER							
ADDRESS 302 SOL	ITH JEFFERSOI	N STREET	ROANOKE. V	/A 24011				
		TOTALE.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					
WV DEP REP. Aar	on J Barley	-						
Harold D. Ward					و المستقول	A CONTRACTOR		
[Secretary, Depart	tment of Environs	mental Pro	tection]		[WV DEP Ře	presentative]	Date	3
Names of individual	s at informal Con	ference:						i
Results: 'CO was:	[ ] Uphelo	ı İ	Modified		[ ] Terminated	I	Withdrawn	
	1 21 14 1313							
Comments:								
SUPERVISOR:				DATE:		TIME:		
**								
COMPANY REPRESE	MININE:					DATE:		

S401301	06/17/2	2024	02:00	RI		A4	. No	Last 30 Da		Νp
PERMITTEE NA	ME		BLUESTONE (	COAL CORP	ORATIO	N	MS	HA#	16-03404	
OPERATOR NAI	ME		STICE HIGHW	ALL MINING	, INC		MR-19 E		7/2004	
NPDES #	WV1021079	)	NPDES EXPR	DATE	07/02/20	22 P	ERMIT EXPR (	DATE		
PERMIT ACRES 579	\ ^^	TAL STBD 2	00.00 RE	CLMD	2.00	ANCIL- LARY	5.16	UNRECLMD	19.16	3
DATES: PHI_		PH II		LAST	AUG SE	ED	M	R-8		
DATE C	5/21/2024	TYPE	cs	BOND		BONDED	7/7/00		CUR REV# 4	
EXPRIDATES: II	NACT 08	V08/2018	EMER RESP	PLAN		INS		BLAST AD		_
TIME USED (HRS	5)==> PERN	HT REVIEW	/ 0.25	INSPECT	1.50	TRAV	EL 0,25	REPOR'	T 0.25	
this date then ey fill 8 per pla	an and des	sign. Anot	her NOV wil	l be issue	d for Co	ompany dis	turbing the o	doughnut h	ole area.	_
ORCEMENT ST			EVALUATION	VIO#	ENFOR	CEMENT ST			LUATION	VIC
Distance Pro					0200		imits			
<ul><li>Signs and M</li><li>Design Certification</li></ul>			ne.waned		0400 0600		ontrol its		O Issued	. 33
Design Certif Surface Wat			Comments		0800		er			1 2 2 3 3 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4
Blasting Pro					1000					
) Refuse Impo					1200		dling			
) Backfill / Gra					1400	Reclamation	Schedule			
) Revegetation	Requireme	rts			1600	Disposal of	Excess Spoil	,		
Highwall Elin	rination				1800	Downslope :	Spoil Disposal			
Pastmining L	and Use	*********			2000	Ceased Min	ing Temporarily	h	(6)	
Acid bearing	/Toxic Mater	ial			2200	Method of O	perations	*********		
) Change of O	perator	.,,,,,,,,,,			2400		litions			
) Diversions as	_				2600	•	st Control			
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ER QUALITY TE Stream Station	SIS pH	Fe	Mn F Al	NF	Flow	Units	Temp / U	Inits Sp	Cond :	Juits
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TH. COMPANY	REPRESENT	TATIVE C	errick Oneal	1/4	(11)	Y	,			
	D / DATE TI	ME	land 6/18/2024	12:00:00						
LIVERY METHO										
RTIFIED MAIL N	IUMBER									

	DATE	TIME	FORM#	FAC#	ENF STD	DATE			INSP
S401301	06/17/2024	02:00	6 (rev 4/20)	120	0400	DATE	TIME	VIOLATION#	NUMB
					U4UU	06/17/2024	12:00	33	1142
PERMITTEE NAM	E BLUESTONE	COAL COR	PORATION				-		
OPERATOR NAME									
MSHA ID#	46-03404		NPDES #						
OWNER/CONTRO	IIER		14023#						
								A STATE OF THE STA	
combinated out fi	pection of the aine 17th day of Ju	Ine. 2024. I	The inspection :	revealer	a violatio	n of the arouge	inne of C	hants- 22 4-	S tioto 2
of the Code of V	Nest Virginia. Yo	u are here	by notified that	you are	in violatio	n of the provis	ions liste	d below.	licie 3
WV CODE 22,	Art 3 Soci								
22-3-16(a)	Art. 9, 3ect.					Reg 38-2-			
						20.3.a	V-10-10-10-10-10-10-10-10-10-10-10-10-10-		
The cond	dition, pratice or	violation is	s creating an in	minent	danger to	the health or s	afety of t	he public or i	S
Harm C.	or can reasonab O. )	iy be expe	cted to cause s	gniicar	it, imminer	it narm to the	environm	ent. (Immin	ent
	ttee or operator								
within th	e required abate tion is corrected	ment date.	A minimum civ	il penali	y of \$750 <sub>l</sub>	oer day will be	assesse	d for 30 days	unless
THE MOIS	Corrected	•							
ACi I Area of or	perations to be c	eased imm	ediately:	-					
•	activities. Exit		-	008 en	nsion of th	e evit channel	has cau	sed off-site in	nnact
	caused off-site								
ermittee failed	to protect off-sit	le areas as	sociated with t						
as been depos	ited off-site due	to erosion							
REM ] Remedia	l Measures								
INCHES INCHIOUS	t menouico.					stablish sessio			
	tablish the avit	channel of	cuttet 008 to	revent i	ernsion F	eramien enist	n and se	ediment contr	ol on
Repair and re-es	stablish the exit	channel of I stockpile	outlet 008 to parea to preven	revent	erosion. E	siaolisti er <u>osid</u> eaving permitti	n and se	diment contr Once comp	ol on leted
Repair and re-es	stablish the exit north of the coa eed and certify	l stockpile	area to preven	revent	erosion. E ent from le	eaving permitte	n and se ed areas	ediment contr Once comp	ol on leted
Repair and re-es isturbed areas is per design s	north of the coa	l stockpile drainage c	area to preven ontrol.	revent t sedim	erosion. Es ent from le	Resulted in C	ed areas	Once comp	ol on leted
Repair and re-es isturbed areas s per design s MUST BE CORF	north of the coa eed and certify o	l stockpile drainage c E: 07/17/20	area to preven ontrol. 024 12:00	revent t sedim	ent from le	eaving permitte	ed areas	Once comp	ol on leted
Repair and re-es isturbed areas s per design s MUST BE CORF	north of the coa eed and certify o	l stockpile drainage c E: 07/17/20	area to preven ontrol. 024 12:00	revent It sedim	ent from le	eaving permitte	ed areas	Once comp	ol on leted
Repair and re-existurbed areas s per design someone MUST BE CORP	north of the coa eed and certify o	I stockpile drainage co E: 07/17/20 Derrick O	area to preven ontrol. 024 12:00 neal	revent of the sedim	ent from le	eaving permitte	ed areas	Once comp	ol on leted
Repair and re-es isturbed areas is per design is MUST BE CORF JUTH. COMPANY I	north of the coa eed and certify of RECTED BY DAT REPRESENTATIVE D / DATE TIME H	I stockpile drainage co E: 07/17/20 Derrick O	area to preven ontrol. 024 12:00 neal	revent of sedim	ent from le	eaving permitte	ed areas	Once comp	ol on leted
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Repair and re-esisturbed areas sper design some must be correctly believely methodicartified mail Nodress 302 SC	north of the coa	I stockpile drainage co E: 07/17/20 Derrick O and 6/18/20	area to preven ontrol. 024 12:00 neal 024 12:00:00	t sedim	ent from le	eaving permitte	ed areas	Once comp	leted
Repair and re-estisturbed areas is per design some MUST BE CORFOUTH. COMPANY IDELIVERY METHODICERTIFIED MAIL NODRESS 302 SCOUNT DEP REP. Aan Harold D. Warn	north of the coa	I stockpile drainage of E: 07/17/20 Derrick O and 6/18/20	area to preven ontrol. 024 12:00 neal 024 12:00:00	t sedim	ent from le	Resulted in C	ed areas	Once comp	leted
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Repair and re-estisturbed areasts per design some MUST BE CORFOUTH. COMPANY IN DELIVERY METHODICERTIFIED MAIL NO DORESS 302 SOME DEP REP. All Harold D. Warre [Secretary, Devalver - The universe of the control of the	north of the coa eed and certify of RECTED BY DAT REPRESENTATIVE D/DATE TIME HI UMBER DUTH JEFFERSO Ton J Barley d partment of Envi	I stockpile drainage of E: 07/17/20 Derrick O and 6/18/20 DN STREET	area to prevention trol.  024 12:00  neal 024 12:00:00  ROANOKE, VA	1 sedim	ent from le	Resulted in C	ed areas  Off-Site In	Once comp	eted
Repair and rees is per design so per design so must be correctly with company in the company in	north of the coased and certify of the certification and certi	I stockpile drainage of E: 07/17/20 Derrick O and 6/18/20 DN STREET	area to prevention trol.  024 12:00  neal 024 12:00:00  ROANOKE, VA	1 sedim	ent from le	Resulted in C	ed areas  Off-Site In	Once comp	leted

5407301	06/17/2024	73.00	0.4		- LIN 31U	UKIGINAL	VIOL#	DATE	TIME
			6 (rev 4/20)		0400	33		07/24/2024	10:00
PERMITTEE NAME	BLUESTONE CO	AL CORPO	PRATION						
Violation is hereby:	Terminated	□w	thdrawn	∏ Re	mains in forc	000000		01 0	
✓ Extended to	08/07/2024		:00	_				Show Cause st	
		al 12	.00	NOV	nodified to C	0#		modified to NC	)V#
Action taken to abat									
Repair and re-estabareas north of the co areas north of the co and certify drainage	lish the exit chang al stockpile area t control.	nel of outlet to prevent s	008 to pre sediment fro	vent ero om leavi	sion. Establi ng permitted	sh erosion a areas. Onc	ind sedir e comple	ment control on eted as per desi	disturbed 2n. seed
	INSPECTOR'S	CIVIL PEN	IALTY ASS	ESSME	NT RECOM	MENDATIO	N (chec		No. Allegar securines
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Harold D. Ward				,,,,,,,,,,	12-	J S.			
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OMPANY REPRESEN	ITATIVE:					DAT	E:		



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

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 -

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



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

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 13:16:51 -05'00'

Taylor 0500' Nicki Taylor, M.S.

Assistant Director of Operations
DMR - Inspection and Enforcement

NT:bs

DIATOTOM OF ""-

## REQUEST FOR SHOW CAUSE ORDER

~ ~			ON Permit	Number: \$401301
	UESTONE COAL		ON Tumber	
Mailing Address: 302	SOUTH JEFFERSON STE	REET		
Street Address (# maili	ag address is a Post Office Box)		m.I-nhone No	:. 1-540-204-3992
	State: VA	Zip: 24011	Telephone 140	
City: ROANOKE	0.2		t Permitted Acres:	579.62
Date Permit Issued:	9/8/2003	Cutten	Nearest	
Date Perilli 1550cu.	Magister	ial	Post Of	fice: Herndon
County: McDowell	Dietrict	Barkers Ridge		
	Pocahontas Land Comp	any- 800 Princeton	avenue Bluefield, W	24011
Surface Owner(s):	Pocahontas Land Comp National Resources, INC	C, 302 South Jeffer	son St, Roanoke, VA	, 21011
	7 (600)			
	- 10 10 00 6	Estimate	ed Disturbed Acres	200
es T.mo	10/8/2024	at Last I	nspection:	
Date of Last Inspe	сцон.		No X	
Has Mining Been	Completed?	Yes	No X	
Has Minnig Been Has Permit Been I	Phase I Released?	Yes		
Thas retime Doese	Phase I Releasedr stances Which Resu	ted in Request	for Show Cause	Older.
		at	on in the pits at least	once in a 24 hour period
whenever water quality	/2024. Failed to remove a or spoil stability may be			
FTACO#37 on 10/1/20	24. Remove all water acc	umulation in both p	its.	
An assessment confer	ence was not requested f	or violations.	12-3	) <b>(</b>
Inspector Signature	Unta	OR.		Date: 01/02/25
Supervisor Signatur	e:	0		

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

SC# 2344

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

<sup>\*</sup>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

(REM) Remedial Measures: Remove al (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 (DOV) Description of Violation: Failed t properly maintain the approved drainag system in which road ditch 22 and road 3 has break throughs in the berm caus run off and sediment ditch 20 and sedli ditch 21 has break throughs in the berr least once in a 24 hour period wheneve warter quality or spoil stability may be (DOV) Description of Violation: Failed to remove all water accumulation in the pi water accumulation in both pits. **Violation Activity Text** modified to a FTACO affected. 05/30/2024 08:30 NOV Issued 05/13/2024 08;11 NOV Issued Eval, Desc. 07/24/2024 10:00 Extended Vio.Act.Date NOV Sediment Control 23 NOV Surface Water V.No. Type Enf Std Desc. 22 05/30/2024 08:30 05/13/2024 08:11 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR \$401301

(REM) Remedial Measures: Ensure all off is going through a sediment control structure before leaving the permit.

causing run off.

07/24/2024 10:00 Extended (ATA) Action taken to abate: Ensure al 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.

NOV Method of Operation 05/30/2024 08:45 NOV Issued (DOV) Description of Violation: Expirer NPDES permit. 26 05/30/2024 08:45

(REM) Remedial Measures: Submit ar filing fees and diligently pursue correct 07/24/2024 10:00 Extended (ATA) Action taken to abate: Submit an

filing fees and diligently pursue correct 10/01/2024 12:00 Modified to C (ATA) Action taken to abate:NOV will to modified to CO on this date.

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

November 4, 2024 Page 5 of 6

Mining and Reclamation
Violation History Details Report
For the period 5/13/2024 To 11/4/2024

For PERMIT: \$401301

(REM) Remedial Measures:Submit a filing fees and diligently pursue corre (REM) Remedial Measures: Submit revision and request for \$5,000/acre required QWMRs, or restart sampling operations and submit subsequent re 10/01/2024 11:30 FTACO Issur(DOV) Description of Violation: Entire 10/01/2024 12:01 FTACO Issu (DOV) Description of Violation: Entire 10/01/2024 12:25 Modified to C (ATA) Action taken to abate: NOV is I modified to CO on this date. 10/01/2024 11:00 FTACO Issur(DOV) Description of Violation: Entire (REM) Remedial Measures: Remove (REM) Remedial Measures: Ensure a Method of Operatior 10/01/2024 12:00 FTACO Issur(DOV) Description of Violation: Entire (REM) Remedial Measures: Submit a off is going through a sediment contr has failed to follow permit conditions t falling to submit required quarterly wa monitoring reports, in that both ground and surface water monitoring data has (DOV) Description of Violation: Permit structure before leaving the permit. water accumulation in both pits. Eval. Desc. Violation Activity Text been submitted. variance. 07/24/2024 11:00 NOV issued Vio.Act.Date 07/24/2024 11:00 36 NOV Permit Conditions Sediment Control Other Conditions V.No. Type Enf Std Desc. Surface Water ဗ င္ပ 8 ဗ 37 38 4 38 10/01/2024 12:00 10/01/2024 12:01 10/01/2024 11:30 10/01/2024 11:00 Violation Date Responsible Party Name Permit Id BLUESTONE COAL COR S401301

(REM) Remedial Measures:Pursue corrections submit bond of IBR6.

10/01/2024 12:15 FTACO Issur (DOV) Description of Violation: Entir

**Bonding Current** 

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4

10/01/2024 12:15

OPPARTURE D	DI LIESTON COA	AL CORPORATION

**PERMIT NO. S401301** 

VIOLATION #: 23	DATE OF VIOLATION: 5/13/2024
	5/13/2024. Failed to remove all water accumulation in the pits at least ality or spoil stability may be affected.
If willful or unwarranted, describe: This very problem. Final assessment ratings: Seriousness I	iolation was obvious and/or no action was taken by the operator to prevent the I, Negligence 2, Good Faith 4.
VIOLATION #: FTACO #37	DATE OF VIOLATION: 10/1/2024
	/1/2024. Remove all water accumulation in both pits.
VIOLATION #:	DATE OF VIOLATION:
If willful or unwarranted, describe:	

Violation History for Show Cause - Page 1 of 4

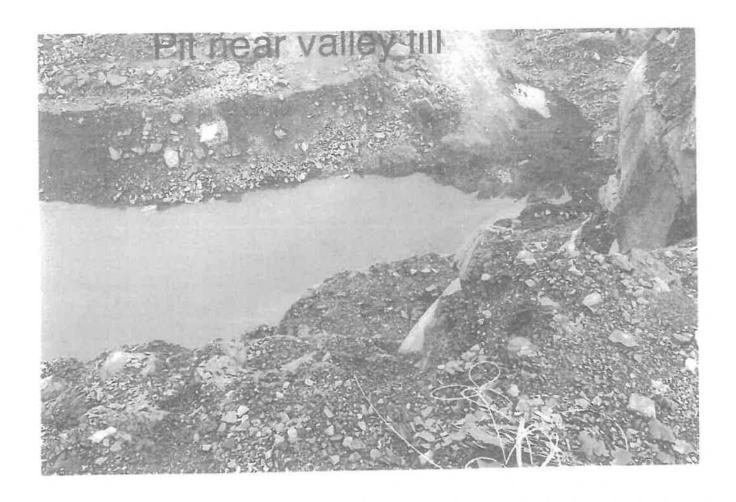
PERMIT NO. S401301
DATE OF VIOLATION:
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DATE OF VIOLATION:
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iet Date

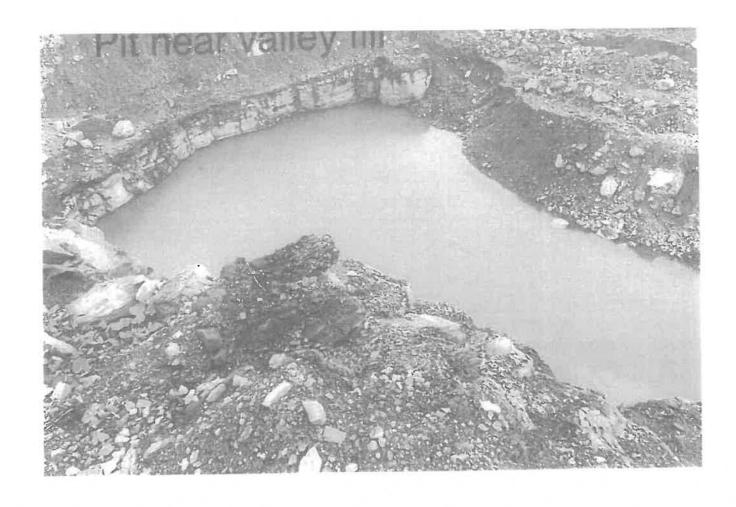
PERMIT NO. S401301

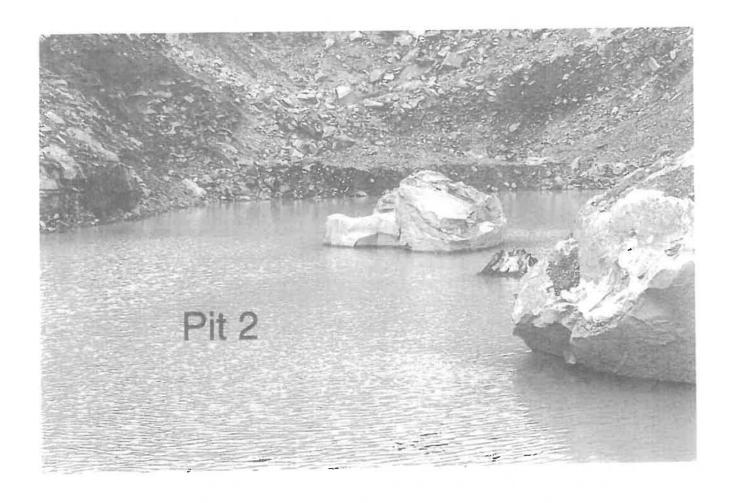
Violation History for Show Cause - Page 4 of 4

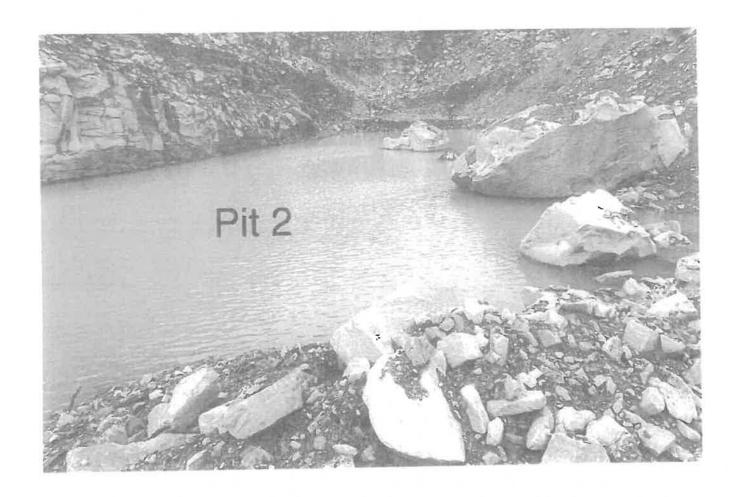
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OPERATOR NAME JUS	LUESTONE COAL CORPORATION						46-03404	
OPERATOR INTE	STICE HIGHWALL MINING, INC MI					R-19 DATE 02/27/2004		
NPDES# WV1021079 N	POES EXPR D		07/02/202	2 PE	RMIT EXPR	DATE		
NPDES# WV1021079 NPDES# TOTAL	. •		0.00	ANCIL-	5,16	UNRECL	MD 19.	16
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00 Subsidence Plan			3000	Other Cond	ENG/13:			
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PRINTTEE NAME	BLUESTONE	COAL COR	PORATION	STICE H	IGHWALL N	INING. INC		ال	
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WNER/CONTRO	LLER								
Laster Name (Cert #)									
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Division of Mining and Reclamation 1159 Nick Rahall Greenway Fayerreville, 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 <u>\$401301</u>, with issued Cessation Order Number <u>FTACO 37,38,39,40,41,42,43 on 10/01/2024</u>.

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: <a href="https://dep.wv.gov/ess/Pages/default.aspx">https://dep.wv.gov/ess/Pages/default.aspx</a>

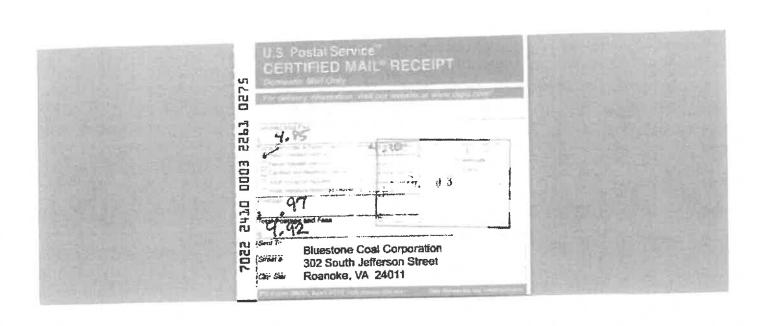
The required information must be submitted within 30 days from the receipt of the Cessation Order. Failure to submit complete and accurate information in the time allowed will result in further enforcement action.

Regional/Assistant Director

10-1-27 Date

Ce:

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 maliplece, or on the front if space permits.
- 1. Article Addressed to:

Bluestone Coal Comperation 302 South Jefferson Street Roanoke, VA 24011



2. Article Number (Transfer from service label)

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

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

₹ □

C. Date of

B. Received by (Printed Name)

1. とはい

D. Is delivery address different from item 17 If YES, enter delivery address below:

C Priority Mail E
C Registered M
C Registered M
Delivery

☐ Signature Col

Collect on Delivery Restricted Delivery 3. Service Type

D. Adult Signature
Cortified Maik®
Cortified Mail Restricted Delivery
Collect on Delivery
Collect on Delivery
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Domestic Return



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'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.

Je lathan Rorrer, Director

Dission of Mining and Reclamation

January 8, 2025

Date

cc: Nicki Taylor, Assistant Director Heather Rice, Inspector Supervisor Aaron Barley, Inspector