

**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

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|---|-----------------------------------|---------------------------------------|--|
| Permittee/ Person BLUESTONE COAL CORP | Permit Number S-4013-01 | Field Visit Date 11/29/2024 | State Program Continuation Page |
|---|-----------------------------------|---------------------------------------|--|

28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited, 7=Permit Defect

| | | |
|---|--|--|
| <p>A. Administrative</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Mining within Valid Permit 2. <input type="checkbox"/> Mining within Bonded Area 3. <input checked="" type="checkbox"/> Terms & Conditions of Permit 4. <input type="checkbox"/> Liability Insurance 5. <input type="checkbox"/> Ownership and Control 6. <input type="checkbox"/> Temporary Cessation 7. <input type="checkbox"/> AML Rec. Fees - Non-Respondent 8. <input type="checkbox"/> AML Rec. Fees - Failure to Pay <p>B. Hydrologic Balance</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Inspections & Certifications 3. <input type="checkbox"/> Siltation Structures 4. <input type="checkbox"/> Discharge Structures 5. <input type="checkbox"/> Diversions 6. <input type="checkbox"/> Effluent Limits 7. <input type="checkbox"/> Ground Water Monitoring 8. <input type="checkbox"/> Surface Water Monitoring 9. <input type="checkbox"/> Drainage - Acid-Toxic Materials 10. <input type="checkbox"/> Impoundments 11. <input type="checkbox"/> Stream Buffer Zones <p>C. Topsoil & Subsoil</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Removal 2. <input type="checkbox"/> Substitute Materials 3. <input type="checkbox"/> Storage and Protection 4. <input type="checkbox"/> Redistribution | <p>D. Backfilling & Grading</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Exposed Openings 2. <input type="checkbox"/> Contemporaneous Reclamation 3. <input type="checkbox"/> Approximate Original Contour 4. <input type="checkbox"/> Highwall Elimination 5. <input type="checkbox"/> Steep Slopes (includes downslope) 6. <input type="checkbox"/> Handling of Acid and Toxic Materials 7. <input type="checkbox"/> Stabilization (rills and gullies) <p>E. Excess Spoil Disposal</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Placement 2. <input type="checkbox"/> Drainage Control 3. <input type="checkbox"/> Surface Stabilization 4. <input type="checkbox"/> Inspections & Certifications <p>F. Coal Mine Waste (Refuse Piles/Impoundments)</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Drainage Control 2. <input type="checkbox"/> Surface Stabilization 3. <input type="checkbox"/> Placement 4. <input type="checkbox"/> Inspections & Certifications 5. <input type="checkbox"/> Impounding Structures <p>G. Use of Explosives</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Blaster Certification 2. <input type="checkbox"/> Distance Prohibitions 3. <input type="checkbox"/> Blast Survey/Schedule 4. <input type="checkbox"/> Warnings & Records 5. <input type="checkbox"/> Control of Adverse Effects | <p>H. <input type="checkbox"/> Subsidence Control Plan</p> <p>I. Roads</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Road Construction 2. <input type="checkbox"/> Certification 3. <input type="checkbox"/> Drainage 4. <input type="checkbox"/> Surfacing and Maintenance 5. <input type="checkbox"/> Reclamation <p>J. Signs & Markers</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Signs 2. <input type="checkbox"/> Markers <p>K. <input type="checkbox"/> Distance Prohibitions</p> <p>L. Revegetation</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> Vegetative Cover 2. <input type="checkbox"/> Timing <p>M. <input type="checkbox"/> Postmining Land Use</p> <p>N. Other</p> <p>General Performance Category</p> <p>_____</p> <p>_____</p> <p>_____</p> |
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Performance Standard Categories 30 CFR Counterparts

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|---|---|
| <p>A. Administrative 773.11</p> <ol style="list-style-type: none"> 1. Valid Permit 773.11 2. Mining within Bonded Area 773.11 3. Terms & Conditions of Permit 773.17 4. Liability Insurance 800.60 5. Ownership and Control 778.13 6. Temporary Cessation §42.11(e) & §16/§17.131 7. AML Rec. Fees - Non-Respondent §70.15(b) 8. AML Rec. Fees - Failure to Pay §70.15(a) <p>B. Hydrologic Balance (816/§17.41-57)</p> <ol style="list-style-type: none"> 1. Drainage Control 45 2. Inspections & Certifications 49(a)(10) 3. Siltation Structures 46 4. Discharge Structures 47 5. Diversions 43 6. Effluent Limits 42 7. Ground Water Monitoring 41(c) 8. Surface Water Monitoring 41(e) 9. Drainage - Acid - Toxic Materials 41(f) 10. Impoundments 49 11. Stream Buffer Zones 57 <p>C. Topsoil & Subsoil (816/§17.22)</p> <ol style="list-style-type: none"> 1. Removal 22(a) 2. Substitute Materials 22(c) 3. Storage and Protection 22(c) 4. Redistribution 22(d) <p>D. Backfilling & Grading §16/§17.95-107</p> <ol style="list-style-type: none"> 1. Exposed Openings §16/§17.13, 14, 15, & §23.11 & 21 2. Contemporaneous Reclamation 100 3. Approximate Original Contour 102(a)(1) 4. Highwall Elimination 102(a)(2) 5. Steep Slopes (includes downslope) 107 6. Handling of Acid & Toxic Materials 102(c) 7. Stabilization (rills and gullies) 95(b) | <p>E. Excess Spoil Disposal (816/§17.71-74)</p> <ol style="list-style-type: none"> 1. Placement 71(e) 2. Drainage Control 71(f) 3. Surface Stabilization 71(g) 4. Inspections & Certifications 71(h) <p>F. Coal Mine Waste (Refuse Piles/Impoundments) §16/§17.81-84</p> <ol style="list-style-type: none"> 1. Drainage Control 83(a) 2. Surface Stabilization 83(b) 3. Placement 83(c) 4. Inspections and Certifications 83(d) 5. Impounding Structures 84 <p>G. Use of Explosives (816/§17.61-68)</p> <ol style="list-style-type: none"> 1. Blaster Certification 61(c) 2. Distance Prohibitions 61(d) 3. Blast Survey/Schedule 62-64 4. Warnings & Records 66 & 68 5. Control of Adverse Effects 67 <p>H. Subsidence Control Plan (817.121-122)</p> <p>I. Roads (816/§17.150-151)</p> <ol style="list-style-type: none"> 1. Road Construction 150(c) 2. Certification 151(a) 3. Drainage 150(b)-151(d) 4. Surfacing and Maintenance 150(e)-151(d) 5. Reclamation 150(f) <p>J. Signs & Markers §16/§17.11</p> <ol style="list-style-type: none"> 1. Signs 11(a),(b), & (c) 2. Markers 11(a),(b),(d),(e), & (f) <p>K. Distance Prohibitions (761.11)</p> <p>L. Revegetation (816/§17.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/§17.133)</p> |
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

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|--|---------------------------------|-------------------------------------|---------------------------------|
| Permittee/Person: BLUESTONE COAL CORP | Permit Number: S-4013-01 | Field Visit Date: 11/29/2024 | State Program Continuation Page |
|--|---------------------------------|-------------------------------------|---------------------------------|

| <p>A. Specific State Law/Regulations Violated: WV Reg 38-2-20.4</p> <p>B. Description: WV DEP failure to identify patterns of violations.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-579-003 Viol#: 01</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0372858 J. Longitude: 0812405 K. Elevation: </p> | <p>L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <tr><td>Blasting</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Stability</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Other</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table> | | People | Land | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| <p>A. Specific State Law/Regulations Violated: WV Reg 38-2-20.4.h.1</p> <p>B. Description: WV DEP Failure to revoke permit.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-579-003 Viol#: 02</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0372858 J. Longitude: 0812405 K. Elevation: </p> | <p>L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <tr><td>Blasting</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Stability</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Other</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table> | | People | Land | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| <p>A. Specific State Law/Regulations Violated: WV Reg 38-2-20.3.a</p> <p>B. Description: Permittee failure to abate IHCOs.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-579-003 Viol#: 03</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0372858 J. Longitude: 0812405 K. Elevation: </p> | <p>L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <tr><td>Blasting</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Stability</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Other</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table> | | People | Land | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| <p>A. Specific State Law/Regulations Violated: WV Reg 38-2-20.3.b</p> <p>B. Description: Permittee failure to abate FTACOs.</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-579-003 Viol#: 04</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0372858 J. Longitude: 0812405 K. Elevation: </p> | <p>L. Off-Site Impacts</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>People</th> <th>Land</th> <th>Water</th> <th>Structures</th> </tr> </thead> <tbody> <tr><td>Blasting</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Stability</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr><td>Other</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table> | | People | Land | Water | Structures | Blasting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stability | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Hydrology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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| Encroachment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation



Permit: S401301

Permittee: Bluestone Coal Corporation

Inspection Dates: 11/29/2024

Summary: This was an Oversight State Enforcement Follow-Up Inspection performed by James Kinser at the 39A Surface Mine in McDowell County, WV. No other personnel were present on inspection. Temperature was approximately 31 degrees, and the weather was scattered snowfall. No mining, reclamation, or violation abatement has occurred since my last inspection on 11/15/2024. No attempt to abate any of the on-ground violations listed below has been made by the company since the violations were issued.

Enforcement Federal Cessation Order C24-111-579-001 (Imminent Harm) was previously issued on 5/6/2024. The permittee was actively mining coal without a valid permit, as observed during inspection on 5/3/2024.

Nature of Violation: Permittee is engaging in surface mining activities without a valid permit which constitutes a condition or practice which causes or can reasonably be expected to cause significant imminent environmental harm to land, air, or water resources. A valid permit shall include a description of how, to the extent possible using the best technology currently available, the operator will minimize disturbances and adverse impacts on fish and wildlife and related environmental values, including compliance with the Endangered Species Act, during the surface coal mining and reclamation operations. This mining activity is in direct proximity to Pinnacle Creek of the Guyandotte River. Pinnacle Creek contains the endangered Guyandotte River Crayfish and its critical habitat. An operator shall not disturb any surface areas, succeeding increments or operations prior to acceptance by the regulatory authority of the required performance bond.

Abatement Action Required: Permittee shall submit a complete application for a mining permit and obtain a valid permit with the West Virginia Department of Environmental Protection.

Federal CO remains unabated. A renewal application had previously been submitted. The permittee has not responded to technical comments requested by WV DEP on 10/28/2024.

TDN X24-111-579-003:

Violation # 1: WVDEP failed to comply with WV Reg 38-2-20.4 by failing to promptly review, identify, and act on patterns of violations for the enforcement actions listed below issued by WVDEP within previous 12 months.

Violation # 2: WVDEP failed to comply with WV Reg 38-2-20.4.h.1. to revoke permit S401301 due to the company's failure to initiate abatement measures for FTACO's # 21, 24, 30, 31, 32, 37, 38, 39, 40, 41, 42, & 43 and IHCO's # 27, 33, & 44.

Violation # 3: Bluestone Coal Corporation failed comply with WV Reg 38-2-20.3.a. by failing to abate IHCO # 27, 33, and 44.

Violation # 4: Bluestone Coal Corporation failed comply with WV Reg 38-2-20.3.b. by failing to abate FTACO's # 21, 24, 30, 31, 32, 37, 38, 39, 40, 41, 42, and 43.

WV DEP Enforcement Actions:

- IHCO 44 - Issued 11/27/2024 – Drainage control on unreclaimed areas previously permitted as U401587 and U401687. Drainage control maintenance at Fill 3 and Ponds 1, 2, and 3.
- FTACO 43 (NOV 36) - Issued 10/1/2024 – Article 3 surface water and groundwater monitoring.
 - Abatement due 11/1/2024. Remains unabated.
- FTACO 42 (NOV 35) - Issued 10/1/2024 – Valley Fill Construction and Certification.
 - Abatement due 11/1/2024. Remains unabated.
- FTACO 41 (NOV 34) - Issued 10/1/2024 – Disturbing unpermitted area prior to submittal of bond.
 - Abatement due 11/1/2024. Remains unabated.
- FTACO 40 (NOV 29) - Issued 10/1/2024 – Backfill and Regrading.
 - Abatement due 11/1/2024. Remains unabated.
- FTACO 39 (NOV 26) - Issued 10/1/2024 – Expired NPDES Permit.
 - Abatement due 11/1/2024. Remains unabated.
- FTACO 38 (NOV 25) - Issued 10/1/2024 – Drainage control.
 - Abatement due 11/1/2024. Remains unabated.
- FTACO 37 (NOV 23) - Issued 10/1/2024 – Pit water accumulation.
 - Abatement due 11/1/2024. Remains unabated.
- IHCO 33 - Issued 6/17/2024 – Offsite disturbance from erosion at Outlet 008.
 - Abatement due 7/17/2024. Remains unabated.
- FTACO 32 (NOV 19) – Issued 5/30/2024 - Diversion ditch maintenance.
 - Abatement due 6/29/2024. Remains unabated.
- FTACO 31 (NOV 17) - Issued 5/30/2024 - Sediment control structure maintenance.
 - Abatement due 6/29/2024. Remains unabated.
- FTACO 30 (NOV 18) - Issued 5/30/2024 - Drainage system construction certification.
 - Abatement due 6/29/2024. Remains unabated.
- IHCO 27 – Issued 5/30/2024 – Disturbing permitted area prior to submittal of bond.
 - Abatement due 6/29/2024. Remains unabated.
- FTACO 24 (NOV 22) – Issued 5/6/2024 – Runoff from coal stockpile area.
 - Issued 5/6/2024. Abatement due 6/6/2024. Remains unabated.
- FTACO 21 (NOV 15) – Issued 2/15/2024 – Expired Article 3 Permit.
 - Abatement due 3/18/2024. Remains unabated.



Figure 1 – Coal Stockpile Area



Figure 2 – Highwall at Doughnut Hole Area



Figure 3 - Last Mining Area



Figure 4 – Valley Fill 8



Figure 5 – Disturbed Mining Area (Increment 8)

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Number X24-111-579-003 TV 4

Originating Office: Beckley Area Office
US DOI, Office of Surface Mining
313 Harper Park Drive
Beckley, West Virginia 25801

Telephone Number: (304) 255-5265

Ten-Day Notice to the State of **West Virginia**

You are notified that, as a result of Federal Inspection- Single Permit
(e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521 (a)(1) of the Act will be taken.

Permittee: BLUESTONE COAL CORP

County: MCDOWELL

Surface

(Or Operator if No Permit)

Mailing Address: 302 SOUTH JEFFERSON STREET, , ROANOKE, VA 24011

Underground

Permit Number: S-4013-01

Mine Name: 39A SURFACE MINE

Other

(Multiple Permits See Remarks)

01 NATURE OF VIOLATION AND LOCATION:

WV DEP failure to identify patterns of violations.

Section of State Law, Regulation or Permit **WV Reg 38-2-20.4**
Condition believed to have been violated:

02 NATURE OF VIOLATION AND LOCATION:

WV DEP Failure to revoke permit.

Section of State Law, Regulation or Permit **WV Reg 38-2-20.4.h.1**
Condition believed to have been violated:

03 NATURE OF VIOLATION AND LOCATION:

Permittee failure to abate IHCOs.

Section of State Law, Regulation or Permit **WV Reg 38-2-20.3.a**
Condition believed to have been violated:

Remarks or Recommendations:

See Attached MSE.

Date of Notice: **11/29/2024**

Signature of Authorized Representative:

James Kinser

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Print Name and ID: **James Kinser ID# 579**

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

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04 NATURE OF VIOLATION AND LOCATION:

Permittee failure to abate FTACOs.

Section of State Law, Regulation or Permit **WV Reg 38-2-20.3.b**
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION:

Section of State Law, Regulation or Permit
Condition believed to have been violated:

Date of Notice: **11/29/2024**

Signature of Authorized Representative:

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