

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

TEN-DAY NOTICE

Number X24-111-440-004 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 Citizen Information - Multiple Permits
(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: SOUTH FORK COAL COMPANY

County: NICHOLAS

Surface

(Or Operator if No Permit)

Mailing Address: 1295 ASHFORD HILL RD, , ASHFORD, WV 25009

Underground

Permit Number: S-3012-19

Mine Name: ROCKY RUN SURFACE MINE

Other

(Multiple Permits See Remarks)

01 NATURE OF VIOLATION AND LOCATION:

NOVs for multiple permits have been extended beyond the allowable timeframes and circumstances provided in the regulations. 38 CRS 2- 20.2.c , 38 CRS 2- 20.2.e and 38 CRS 2-20.2.g

Section of State Law, Regulation or Permit **Reg 38-2- 20.2.c**
Condition believed to have been violated: **Reg 38-2- 20.2.e**

02 NATURE OF VIOLATION AND LOCATION:

Permittee failed to protect the hydrologic balance and prevent material damage offsite.

Section of State Law, Regulation or Permit **Reg.38-2- 14.5**
Condition believed to have been violated:

03 NATURE OF VIOLATION AND LOCATION:

Permittee failed to reclaim the permit within 180 days of final coal removal

Section of State Law, Regulation or Permit **Reg 38-2-14.15.b.5**
Condition believed to have been violated:

Remarks or Recommendations:

Date of Notice: **01/08/2025**

Signature of Authorized Representative:

MARK CARTER Digitally signed by MARK CARTER
Date: 2025.01.10 13:32:44 -05'00'

Page 1 of 2

Print Name and ID: **Mark Carter ID# 440**

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Office of Surface Mining
Reclamation and Enforcement

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US DOI, Office of Surface Mining
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Beckley, West Virginia 25801
Telephone Number: (304) 255-5265

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

04 NATURE OF VIOLATION AND LOCATION:

WVDEP has failed to promptly review, identify, and act on patterns of violations for the enforcement actions issued by WVDEP within previous 12 months on the permits listed in the TDN.

Section of State Law, Regulation or Permit **Reg. 38-2- 20.4**
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
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NATURE OF VIOLATION AND LOCATION:

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

Date of Notice: **01/08/2025**

Signature of Authorized Representative:

MARK CARTER

Digitally signed by MARK CARTER
Date: 2025.01.10 13:33:50 -05'00'

Page 2 of 2

Print Name and ID: **Mark Carter ID# 440**



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



<p>1. Permittee/Person SOUTH FORK COAL COMPANY</p> <p>2. Address 1295 ASHFORD HILL RD</p> <p>3. City ASHFORD 4. State WV</p> <p>5. Zip Code 25009 6. Phone Number</p> <p>7. Operator Name, if Different than Permittee</p> <p>8. Mine Name ROCKY RUN SURFACE MINE</p>	<p>9. Permit Number S-3012-19</p> <p>10. Permit Type PP</p> <p>11. Field Visit Date 7/30/2024 12. Purpose CCR 13. SRA Present N <small>mm - dd - yyyy</small></p> <p>14. Permit Status A 15. Site Status AP 16. Facility Type A</p> <p>17. OSM Office # 111 18. CCID # CC24-111-006 19. Land Code S</p> <p>20. M.S.H.A. ID # 46-06870 21. State Abbrev. WV 22. County/Burrough NICHOLAS</p> <p>23. AVS Permittee Entity ID Number 144983 24. State Office Oak Hill</p>
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<p>25. Hours</p> <table style="width:100%;"> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">85.0</td><td>a. Permit Review</td></tr> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">0.0</td><td>b. Site Visit Time</td></tr> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">0.0</td><td>c. Travel Time</td></tr> <tr><td style="border: 1px solid black; width: 50px; text-align: center;">30.0</td><td>d. Report Writing</td></tr> </table>	85.0	a. Permit Review	0.0	b. Site Visit Time	0.0	c. Travel Time	30.0	d. Report Writing	<p>26. Signature Block</p> <p align="center">MARK CARTER <small>Digitally signed by MARK CARTER Date: 2025.01.10 13:35:01 -0500'</small></p> <p align="center">Signature:</p> <p align="center" style="border: 1px solid black; padding: 2px;">Mark Carter, ID#440</p> <p align="center">Inspector's Name:</p> <p>Date: 1/10/2025</p>	<p>27. Reviewing Official:</p> <p align="center">JOHN FLESHER <small>Digitally signed by JOHN FLESHER Date: 2025.01.10 13:43:22 -0500'</small></p> <p align="center">Signature:</p> <p align="center" style="border: 1px solid black; padding: 2px;">John Flesher</p> <p align="center">Reviewer's Name:</p> <p>Date: 1/10/2025</p>
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0.0	b. Site Visit Time									
0.0	c. Travel Time									
30.0	d. Report Writing									

Permit Type - Item 10 IP = Interim Program PP = Permanent Program NP = No Permit

Purpose Type Codes - Item 12
Oxx...Oversight **Rfx...**Reclamation Fees **CCR...**Citizen Complaint Referral (non-site visit)
Axx...Assistance **Fxx...**Federal Actions **CC...**Citizen Complaint (initial site visit)
CCF...Assistance

Joint Inspection - Item 13 A joint inspection is when a state inspector accompanies an OSM inspector at any time during the review of the mine site

Permit Status - Item 14

<p>A Active: Coal mining activities occurring or permitted but not yet disturbed.</p> <p>IN Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit): Coal mining completed and reclamation activities initiated.</p> <p>BR Bond Release: Reclamation completed and State Regulatory Authority(RA) has released all of the bond (Phase III Release).</p>	<p>AB Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840:11(g).</p> <p>AB1 Bond Forfeiture: Bond forfeiture officially in process or completed and reclamation in progress or not yet commenced.</p> <p>AB2 Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.</p> <p>AB3 Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.</p> <p>NA Not Applicable: When site is unpermitted.</p>
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Site Status - Item 15

<p>ND No Disturbance: No coal mining and reclamation operations have been started.</p> <p>EX Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.</p> <p>AP Active Coal Producing: Coal surface mining activities are occurring.</p> <p>AN Active Non-Producing: Active non-producing facility such as tipple or preparation plant.</p> <p>NM No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.</p>	<p>MC Mining Complete: No mining activity on site, site regraded and awaiting bond release.</p> <p>TC Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817:13(b).</p> <p>P1 Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.</p> <p>P2 Phase II Release: At least Phase II bond release for the entire permitted area.</p> <p>P3 Phase III Release: Reclamation completed and the RA has released all bond.</p>	<p>NS Non-Site Visit: Status of site not determined. Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.</p> <p>FP Forfeited and Reclaimed: Forfeiture reclamation completed.</p> <p>FR Forfeited and Reclaimed: Forfeiture reclamation completed.</p> <p>FO Abandoned Site: Abandoned site that is permitted but there is no bond.</p> <p>WC Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.</p>
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Facility Type Codes - Item 16

<p>A...Surface</p> <p>B...Underground</p> <p>C...Preparation Plant</p>	<p>D...Ancillary (Haulroad, Conveyor, and/or Rails</p> <p>E...Refuse and/or Impoundment</p> <p>F...Loading Facility and/or Tipple</p> <p>G...Stockpiles</p>	<p>H...Exploration Permits</p> <p>I...Notice of Intent to Explore</p> <p>J...Exempt 16 and 2/3</p> <p>K...Government Financed Construction Exemption</p> <p>L...Remining site permitted under 30 CFR 785.25</p>
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**Small Business Regulatory Enforcement Fairness Act (SBREFA)
Your Comments are Important**

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

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

Permittee/ Person	SOUTH FORK COAL COMPANY	Permit Number	S-3012-19	Field Visit Date	7/30/2024	State Program Continuation Page
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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 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 checked="" type="checkbox"/> 2 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 checked="" type="checkbox"/> 2 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> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">General Performance Category</td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;">A</td> <td style="text-align: center;">2</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">IMPROVIDENT EXTENSION OF NOV'S</td> </tr> <tr> <td></td> <td style="text-align: center;">N</td> <td style="text-align: center;">2</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">WVDEP FAILED TO TAKE APPROPRIATE ACTION</td> </tr> </table>	General Performance Category											A	2							IMPROVIDENT EXTENSION OF NOV'S		N	2							WVDEP FAILED TO TAKE APPROPRIATE ACTION
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Performance Standard Categories 30 CFR Counterparts

<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 (816/817.41-57)</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 (816/817.22)</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 §16/817.95-107)</p> <ol style="list-style-type: none"> 1. Exposed Openings §16/817.13, 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 (816/817.71-74)</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) §16/817.81-84)</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 (816/817.61-68)</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 (816/817.150-151)</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 §16/817.11)</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 (816/817.111-116)</p> <ol style="list-style-type: none"> 1. Vegetative Cover 111 & 116 2. Timing 113 <p>M. Postmining Land Use (816/817.133)</p>
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**U.S. DEPT. OF THE INTERIOR
OFFICE OF SURFACE MINING
Mine Site Evaluation**

Permittee/ Person	SOUTH FORK COAL COMPANY	Permit Number	S-3012-19	Field Visit Date	7/30/2024	State Program Continuation Page
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<p>A. Specific State Law/Regulations Violated: Reg 38-2-20.2.c Reg 38-2-20.2.e Reg 38-2-20.2.g</p> <p>B. Description: NOVs for multiple permits have been extended beyond the allowable timeframes and circumstances provided in the regulations. 38 CRS 2-20.2.c, 38 CRS 2-20.2.e and 38 CRS 2-20.2.g</p> <p>C. Performance Standard: AN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-440-004 Viol#: 01</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0380949 J. Longitude: 0802449 K. Elevation: </p>	<p align="center">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 align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Stability</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Other</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><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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<p>A. Specific State Law/Regulations Violated: Reg 38-2-14.5</p> <p>B. Description: Permittee failed to protect the hydrologic balance and prevent material damage offsite.</p> <p>C. Performance Standard: BN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-440-004 Viol#: 02</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): Y</p> <p>I. Latitude: 0380949 J. Longitude: 0802449 K. Elevation: </p>	<p align="center">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 align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Stability</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center">D</td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Other</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><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"/>	D	<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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<p>A. Specific State Law/Regulations Violated: Reg 38-2-14.15 b.5</p> <p>B. Description: Permittee failed to reclaim the permit within 180 days of final coal removal</p> <p>C. Performance Standard: D2 D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-440-004 Viol#: 03</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0380949 J. Longitude: 0802449 K. Elevation: </p>	<p align="center">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 align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Stability</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Other</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><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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<p>A. Specific State Law/Regulations Violated: Reg. 38-2-20.4</p> <p>B. Description: WVDEP has failed to promptly review, identify, and act on patterns of violations for the enforcement actions issued by WVDEP within previous 12 months on the permits listed in the TDN.</p> <p>C. Performance Standard: NN D. Abated (Y/N): N</p> <p>E. OSM Action: 2 F. OSM Action Number: X24-111-440-004 Viol#: 04</p> <p>G. Optional: H. Any Off-Site Impacts (Y/N): N</p> <p>I. Latitude: 0381841 J. Longitude: 0805903 K. Elevation: </p>	<p align="center">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 align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Stability</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Hydrology</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Encroachment</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td></tr> <tr><td>Other</td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><input type="checkbox"/></td><td align="center"><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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Permit Number(s): S-3012-19, S-3005-11, S-138-78, S-3033-93, S-3010-16, S-3002-19, U-3019-91, O-3012-11, O-3022-11

Permittee: South Fork Coal Company

Inspection Date: 8/14/2024 Additional information 1/8/2025

Inspection Type: CCR

Participants: Mark Carter OSMRE

This Citizen Complaint Referral was initiated by a complaint received from the West Virginia Highlands Conservancy on July 24, 2024 to the Charleston Field Office.

Rocky Run Surface Mine (S-3012-19):

Citizen alleges that NOV's 16, 17, 18 have been extended beyond the allowable timeframes and circumstances provided in the regulations. *38CRS2- 20.2.c , 38CRS2- 20.2.e and 38CRS2- 20.2.g.*

NOV 16: Issued 9/27/23 for failing to revegetate backfilled and graded areas; extended eight times, partially due to inability to plant over winter; terminated 7/25/24 due to action taken to abate NOV.

NOV 17: Issued 12/07/23 for failure to protect offsite areas due to failure to construct sediment control and leaking ditches; extended once while work was ongoing; terminated 1/04/24 due to action taken to abate NOV.

NOV 18: Issued 3/13/24 for a cracked sediment ditch that is leaking; extended three times while waiting for drier weather; terminated 7/17/24 due to action taken to abate NOV.

Blue Knob Surface Mine (S-3005-11):

Citizen alleges that Notice of Violations have been extended beyond the allowable timeframes and circumstances provided in the regulations. *38CRS2- 20.2.c , 38CRS2- 20.2.e and 38CRS2- 20.2.g.*

Citizen also alleges persistent toxic mine drainage originating from this permit causing material damage to the hydrologic balance outside the permit area. *38CRS2- 14.5*

NOV 7: Issued 2/15/19 for failure to follow the approved mining plan for contemporaneous reclamation; Extended 18 times with supervisor approval before a Show Cause order was issued 3/24/21; Extended once more before the NOV entered into a Consent Order on 4/26/21; Extended seven more times while under the Consent Order; Terminated 9/28/23 due to action taken to abate.

NOV 10: Issued 5/08/20 for failure to maintain sediment control and prevent offsite impacts; Extended 10 times with supervisor approval before entering Show Cause on 3/24/21; Extended

once more before the NOV entered into a Consent Order on 4/26/21; Extended six more times while under the Consent Order; Terminated 10/05/23 due to action taken to abate.

NOV 12: Issued 10/20/20 for failure to follow the mining plan and mining out of phase; Extended four times before entering Show Cause on 3/24/21; Extended once more before entering a Consent Order on 4/26/21; Extended six more times while under a Consent Order while awaiting approval of a permit revision; Terminated 4/12/22 due to approval of the permit revision.

NOV 13: Issued 10/28/20 for failure to maintain sediment control allowing offsite impacts to occur; Extended six times with supervisor approval before entering Show Cause on 3/24/21; Extended once more before entering a Consent Order on 4/26/21; Extended three more times while under the Consent Order; Terminated 9/28/21 due to action taken to abate.

NOV 14: Issued 1/27/21 for failure to remove accumulated water at least once in a 24-hour period; Extended twice before entering Show Cause on 3/24/21; Extended once more before entering a Consent Order on 4/26/21; Extended five more times with no work being completing; Terminated 11/02/21 due to action taken to abate.

NOV 15: Issued 3/01/21 for failure to bypass runoff through a sediment control system allowing offsite impacts to occur; Show Cause was issued 3/24/21; Extended once before entering a Consent Order on 4/26/21; Extended six times with some work occurring; Terminated 11/02/22 due to action taken to abate.

NOV 16: Issued 3/01/21 for failure to maintain sediment control allowing offsite impacts to occur; Show Cause was issued 3/24/21; Extended once before entering a Consent Order on 4/26/21; Extended six times with some work occurring; Terminated 9/28/23 due to action taken to abate. (2.5 years)

NOV 17: Issued 11/01/21 for failure to follow contemporaneous reclamation standards; Extended 12 times with a couple of winter weather justifications; Terminated 11/28/22 for action taken to abate.

NOV 18: Issued 11/01/21 for failure to complete backfilling and grading within 180 days following coal removal; Extended 21 times while the company was “working on remedial measures; FTACO #24 was issued 9/28/23 for failure to abate the NOV “in the given time period”; FTACO #24 was terminated 1/18/24 due to action taken to abate.

NOV 19: Issued 11/01/21 for failure to construct and maintain sediment control; Extended 21 times while the company was “working on remedial measures; FTACO #25 was issued 9/28/23 for failure to abate the NOV “in the given time period”; FTACO #25 was terminated 3/21/24 due to action taken to abate.

NOV 20: Issued 11/01/21 for failure to establish temporary vegetative cover at the end of the first growing season; NOV was withdrawn 11/03/21 and reissued as NOV #21.

NOV 21: Issued 11/03/21 for failure to establish temporary vegetative cover at the end of the first growing season and failure to plant trees by the end of the second growing season; Extended 21 times while the company was “working on remedial measures; FTACO #26 was issued 9/28/23 for failure to abate the NOV “in the given time period”; FTACO #26 was terminated 3/21/24 due to action taken to abate.

NOV 22: Issued 5/03/23 for failure to meet the requirements of the Consent Order, which expired 12/23/22; Extended three times with no justification; FTACO #23 issued 9/13/23; Terminated 9/28/23 due to action taken to abate.

FTACO 23: See NOV 22 above. Terminated 6/11/24 due to meeting remedial measures.

FTACO 24: See NOV 18 above. Terminated 1/18/24 due to meeting remedial measures.

FTACO 25: See NOV 19 above. Terminated 3/21/24 due to meeting remedial measures.

FTACO 26: See NOV 26 above. Terminated 3/21/24 due to meeting remedial measures.

Lost Flat #1 (S-138-78):

Citizen alleges that NOVs issued to this permit have been extended beyond the allowable timeframes and circumstances provided in the regulations. *38CRS2- 20.2.c , 38CRS2- 20.2.e and 38CRS2- 20.2.g.*

Citizen also alleges persistent toxic mine drainage originating from this permit causing material damage to the hydrologic balance outside the permit area. *38CRS2- 14.5*

NOV 29: Issued 11/17/15 for failure to protect offsite areas due to a leaking sediment ditch; Terminated 12/01/15 due to action taken to abate NOV.

NOV 30: Issued 3/18/2016 for failure to properly maintain sediment control causing offsite impacts; Extended five times – for winter weather, 2016 flood event, and then for leaking ditches; Terminated 9/22/16 due to action taken to abate.

NOV 31: Issued 02/17/2017 for backfilling and grading highwall; Extended four times and signed off on by inspector supervisor; Terminated 09/19/2017.

NOV 36: Issued 03/02/2021 for water discharging off permit without going through sediment control causing offsite impacts; Extended nine times with supervisor approval, mostly while waiting on certifications to be correctly submitted; Terminated 11/12/2021 due to action taken to abate NOV.

NOV 37: Issued 09/02/2021 for failure to maintain sediment control causing offsite impacts; Extended 14 times with no documentation of abatement accomplishments; Terminated 12/06/2022 due to action taken to abate NOV.

NOV 38: Issued 04/21/2022 for a sediment ditch failure along with capacity issues in other sediment ditches; Extended 11 times with no mention of work beginning until the seventh extension; Terminated 03/23/23.

NOV 39: Issued 4/30/24 for failure to establish vegetation by the end of the first growing season; extended twice and then modified to CO #44 on 7/25/24.

NOV 40: Issued 4/30/24 for failing to maintain sediment control; extended twice and then modified to CO #45 on 7/25/24, which was terminated on 8/02/2024 for action taken to abate.

NOV 41: Issued 4/30/24 for a blown-out sediment cell which has caused offsite impacts; extended twice and then modified to FTACO #46 on 7/25/24.

NOV 42: Issued 4/30/24 for failing to pass runoff through a sediment control structure, allowing offsite damages; extended twice and then modified to FTACO #47 on 7/25/24.

Lost Flat #2 (S-3033-93):

Citizen alleges that outlet #32 is discharging elevated Conductivity, Sulfates, Selenium and Iron are negatively impacting Becky Run causing material damage. **38CSR2- 14.5**

Outlet #32: Associated with WV0096971; Conductivity and Sulfates are report only for this permit and Selenium is not included in this NPDES permit; Outlet #32 has had a recurrent iron issue, with the highest recorded at 3.05 mg/L when the limit is 1.64 mg/L.

Laurel Creek Contour Mine No. 1 (S-3010-16):

Citizen alleges that the permit is out of compliance for contemporaneous reclamation. **38CSR2- 14.15.**

Citizen also alleges persistent toxic mine drainage originating from this permit causing material damage to the hydrologic balance outside the permit area. (Selenium) **38CRS2- 14.5**

NOV 8: Issued 4/30/24 for failure to reclaim highwalls within 180 days of final mineral removal; extended twice and then modified to FTACO #11 on 7/25/24.

NOV 9: Issued 4/30/24 for failure to establish vegetation by the end of the first growing season; extended twice and then modified to FTACO #12 on 7/25/24.

NOV 10: Issued 4/30/24 for failure to renew inactive status; extended twice and then modified to FTACO #13 on 7/25/24.

Pretty Ridge Surface Mine (S-3002-19)

Citizen alleges that Notices of Violation have been extended beyond the allowable timeframes and circumstances provided in the regulations. *38CRS2- 20.2.c , 38CRS2- 20.2.e, 38CRS2- 20.2.g and 38CSR2-20.3.c.4.*

NOV 5: Issued 1/07/21 for failure to maintain sediment control causing offsite impacts; NOV was modified to CO #6 on 1/27/21; CO was added to a Show Cause on 2/26/21; Show Cause was included into a permit-wide consent order on 3/10/21; Consent Order and Show Cause were terminated on 7/13/21.

NOV 11: Issued 4/15/21 for failure to maintain the haulroad and haulroad sediment control causing offsite impacts; Terminated 4/26/21 with no narrative.

NOV 12: Issued 4/20/21 for failure to maintain sediment control causing offsite impacts; extended four times with supervisor approval before being put into Show Cause on 8/12/21; NOV was then extended another five times with supervisor approval before entering into a consent agreement on 1/10/22; Terminated 11/29/22 due to action taken to abate.

NOV 15: Issued 5/04/21 for failure to follow the mining and reclamation plan; extended four times before entering into a Show Cause on 10/01/21; extended three more times before entering a Consent Order on 1/10/22; Terminated 9/07/22 due to action taken to abate.

NOV 16: Issued 5/04/21 for failure to properly seal all auger holes; Terminated 5/13/21 with no narrative.

NOV 17: Issued 5/04/21 for failure to minimize the disturbance to the hydrologic balance and offsite impacts; extended four times and then modified to FTACO #29 on 8/25/21; FTACO #29 was terminated on 9/24/21 with notes from the inspector that no work had been attempted to abate the FTACO, and the violation was added to the consent order.

NOV 19: Issued 5/21/21 for failure to maintain the sediment control system causing offsite impacts; extended four times before entering into a Show Cause on 9/30/21; extended two more times before entering a Consent Order on 1/10/22; Terminated on 12/14/22 due to action taken to abate.

NOV 21: Issued 5/21/21 for failure to maintain the approved drainage system allowing offsite impacts to occur; extended once before being modified to FTACO #26 on 6/16/21; FTACO #26 was terminated on 6/17/21 with no justification; Show Cause was issued 8/12/21; Consent Order was entered into 12/03/21.

NOV 24: Issued 6/11/21 for failure to properly maintain drainage control; extended five times before entering a Consent Order on 1/10/22; Terminated 11/24/22 for action taken to abate.

FTACO 26: See NOV #21 above which was modified to CO #26.

FTACO 27: See NOV #22 above which was modified to CO #27.

FTACO 28: Was issued on 6/16/24 for failing to abate NOV #23 that was issued on 6/08/21 for placing woody material in the backfill; Terminated 6/17/21.

FTACO 29: See NOV #17 above which was modified to CO #29. CO # 29 was terminated without requiring the permittee to abate all remedial measures outlined per the “Action to Abate”.

NOV 30: Issued 8/27/21 for failure to follow the approved mining plan; Extended four times before entering into a Consent Order 1/10/21; Terminated 9/07/22 for action taken to abate.

NOV 32: Issued 9/30/21 for failing to certify in-pit drainage; Extended five times; Terminated 3/24/22 for action taken to abate.

NOV 33: Issued 10/15/21 for failing to properly seal auger holes; Extended five times; Terminated 3/24/22 for action taken to abate.

NOV 34: Issued 10/15/21 for failure to certify the drainage system in drainage area 6-A; Extended six times, partially while the certification was under review by DEP; Terminated 3/24/22 for action taken to abate.

NOV 35: Issued 10/15/21 for failure to certify the encapsulation areas of acid-producing materials; Extended three times; Terminated 2/22/22 due to action taken to abate.

NOV 37: Issued 11/09/21 for failure to establish vegetation by the end of the first growing season; extended 19 times due to weather and seeder availability without ever going to CO or Show Cause; Terminated 9/13/23 due to action taken to abate.

SF Deep Mine 2 (U-3019-91):

Citizen alleges that Ponds 1&2 are discharging waters out of compliance off the permitted area through a non- approved outlet. Citizen states that pipes were witnessed leaving the bottom of Pond 2 and discharging off permit.

Citizen also alleges persistent toxic mine drainage originating from this permit causing material damage to the hydrologic balance outside the permit area. **38CRS2- 14.5**

NOV 5: Issued 6/26/24 for failure to maintain sediment control; extended on 7/08/24 until 8/15/24.

Pond 1 and 2: Appear to be pre-existing ponds from surface mining that took place prior to SMCRA (according to the original application). No mention of alternate discharge conveyance or piping by WVDEP in inspection narratives or permit application.

Haulroad #1 (O-3012-11):

Citizen alleges that Notices of Violation have been extended beyond the allowable timeframes and circumstances provided in the regulations. *38CRS2- 20.2.c , 38CRS2- 20.2.e and 38CRS2- 20.2.g.*

NOV 9: Issued 3/28/24 for failure to pass all runoff from the disturbed area through sediment control; Extended four times with no justification; Terminated 6/24/24 for action taken to abate.

NOV 10: This NOV does not exist.

Haulroad #2 (O-3022-11):

Citizen alleges that Notices of Violation have been extended beyond the allowable timeframes and circumstances provided in the regulations. *38CRS2- 20.2.c , 38CRS2- 20.2.e and 38CRS2- 20.2.g.*

NOV 1: Issued 3/03/22 for failure to maintain the approved haulage way and sumps; Extended five times while work was ongoing; Terminated 6/22/22 due to action taken to abate.

NOV 2: Issued 3/02/23 for failure to control runoff, allowing suspended solids to discharge off permit causing offsite impacts; Terminated 3/03/23 due to the construction of new sumps.

NOV 3: Issued 3/08/23 for failure to control fugitive dust; Terminated 3/08/23 due to action taken to abate.

NOV 4: Issued 4/27/23 for allowing coal to be spilled on the haulroad in multiple locations; Extended twice while work was ongoing; Terminated 5/31/23 due to action taken to abate.

NOV 5: Issued 8/29/23 for allowing coal to be tracked onto the haulroad; Terminated 9/06/23 for action taken to abate.

NOV 6: Issued 10/26/23 for allowing coal to be spilled on the haulroad in multiple locations; Terminated 12/14/23 for action taken to abate.

NOV 7: Issued 3/06/24 for failure to prevent erosion of the haulroad; Extended twice before modified to a FTACO #8 on 3/27/24; Terminated 4/01/24 due to action taken to abate.

NOV 8: NOV #8 does not exist, please see CO #8 above.

TDN X24-111-440-004:

Violation # 1: West Virginia Department of Environmental Protection has failed to enforce WV Regulations *38CRS-2- 20.2.c* , *38CRS-2- 20.2.e* and *38CRS-2- 20.2.g*. by extending Notices of Violations (NOV's) for permits S-138-78, S-3012-19, S-3002-19, O-3012-11, S-3010-16, and S-3005-11 held by South Fork Coal Company beyond the allowable timeframes and circumstances provided in the regulations.

Violation # 2: South Fork Coal has exceedances of water quality limits and unapproved discharges from permits S-138-78, S-3005-11, S-3033-93, S-3010-16, and U-3019-91 causing a negative hydrologic impact to protected streams and Candy Darter Critical habitat. WV Regulation *38CRS-2-14.5*

Violation # 3: Permit S-3010-16 is in violation of compliance of contemporaneous reclamation. WV Regulation *38CRS-2-14.15.b.5*

Violation # 4: West Virginia Department of Environmental Protection has failed to comply with WV Regulation *38CSR-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 for permits S-138-78, S-3012-19, S-3002-19, O-3012-11, O-3022-11, S-3010-16, S-3005-11 and U-3019-91.

South Fork Coal Permit S-138-78 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-138-78	29	11/17/2015	Notice of Violation Issued	<p>(DOV) Description of Violation: PERMITTEE HAS FAILED TO PROTECT OFF-SITE AREAS FROM DAMAGE OCCURRING DURING SURFACE- MINING OPERATIONS AND NOT DEPOSIT WASTE ACCUMULATIONS OUTSIDE THE PERMIT AREA.(PERMITTEE HAS PUMPED COAL,SILT AND CLAY SLURRY FROM THE WORKING HIGHWALL MINING PIT INTO SD-C, WHICH WAS LEAKING FOR A PERIOD OF APPROXIMATELY 15 HOURS. UN-NAMED TRIB. OF BECKY RUN HAS COAL FINES DEPOSITED ONTO SURFACE OF THE FOREST FLOOR.)</p> <p>(REM) Remedial Measures: PERMITTEE HAD STOPPED PUMPING AND REPAIRED HOLE IN SD-C PRIOR TO MY ARRIVAL. INSTALL HAY BALE CHECK DAMS PERPENDICULAR TO UN-NAMED TRIB., HAY MULCH ALL HEAVY DEPOSITS OF COAL AND SILT AND IF PUMPING RESUMES CHECK ALL SEDIMENT DITCHES FOR LEAKS ON FIFTEEN MINUTE INTERVALS.</p>	Distance Prohibited
S-138-78	29	12/1/2015	Terminated	<p>(ATA) Action taken to abate: STRAW BALES HAVE BEEN PROPERLY PLACED IN UN-NAMED TRIB. OF BECKY RUN. ACCUMULATED SEDIMENT HAS BEEN MULCHED TO KEEP ADDITIONAL SEDIMENT LOAD OUT OF BECKY RUN. PERMITTEE NOT PUMPING THIS DATE. LEAKING SEDIMENT DITCH HAS BEEN REPAIRED.</p>	
S-138-78	30	3/18/2016	Notice of Violation Issued	<p>(DOV) Description of Violation: The permittee has failed to properly maintain sediment ditch 54 & 53/D to meet effluent limits in that 010 outlet is discharging thru a barrier, sediment has accumulated more than 60% capacity in at least one cell, and several cells are leaking.</p> <p>(REM) Remedial Measures: The permittee is required to take all measures needed to properly maintain sediment ditch 54 & 53/D. These measures include sealing barrier so 010 outlet functions properly, clean cells to design capacity and seal cells to prevent leakage in order to meet NPDES effluent limits.</p>	Sediment Control
S-138-78	30	4/8/2016	Extended	<p>(ATA) Action taken to abate: The permittee has worked to clean and seal cells. Winter weather has continued and this violation is extended to allow time to complete the work to clean, seal cells and outlet 010 to meet the NPDES effluent limits.</p>	
S-138-78	30	5/9/2016	Extended	<p>(ATA) Action taken to abate: Permittee continues to work on ditches with wet weather hampering completion of work to terminate the violation. No additional extensions can be given by the inspector.</p>	
S-138-78	30	6/16/2016	Extended	<p>(ATA) Action taken to abate: The NOV is extended beyond 90 days to allow time for the permittee to complete work to terminate the violation.</p>	
S-138-78	30	7/18/2016	Extended	<p>(ATA) Action taken to abate: Work to terminate this violation has been hampered by recent storm events. Permittee requested an extension beyond 90 days.</p>	
S-138-78	30	8/18/2016	Extended	<p>(ATA) Action taken to abate: Little work has been done on ditches as permittee waiting on results of dye testing of ditches. Company personnel reported the dye test results have been received and show there is leakage. (See attached) NOV extended and permittee will have adequate time to complete work on ditches to terminate this violation.</p>	
S-138-78	30	9/22/2016	Terminated	<p>(ATA) Action taken to abate: Work to seal ditches has been completed during this dry season. No drainage leaking from ditches today therefore NOV is terminated.</p>	
S-138-78	31	2/22/2017	Notice of Violation Issued	<p>(DOV) Description of Violation: The permittee has failed to follow the approved detailed plans for contemporaneous reclamation for timing of backfilling and grading. Highwall mining of the pits adjacent to outlet 010 and outlet 034 was completed without backfilling to eliminate the highwall as required by detailed plans.</p> <p>(REM) Remedial Measures: The permittee is required to complete backfilling and grading to eliminate all highwall for the pits adjacent to outlet 010 and outlet 034 and to fertilize seed and mulch the reclaimed areas.</p>	Backfill / Grading
S-138-78	31	3/23/2017	Extended	<p>(ATA) Action taken to abate: Continued work is needed to complete backfilling and grading the highwall. NOV extended to allow additional time to complete the remedial measures.</p>	

South Fork Coal Permit S-138-78 Violations

S-138-78	31	4/25/2017	Extended	(ATA) Action taken to abate: Permittee continues work to backfill highwall. NOV extended to the 90 day max allowed by the inspector and work to terminate this violation has been discussed with the permittee.	
S-138-78	31	6/1/2017	Extended	(ATA) Action taken to abate: The permittee continues to backfill highwall adding additional equipment. NOV extended beyond 90 days with the approval of the supervisor. Permittee is additionally required to submit a progress map by 7/7/2017 and the NOV extended to 7/21/2017. The extension has been discussed with the permittee.	
S-138-78	31	7/25/2017	Extended	(ATA) Action taken to abate: The permittee has continued to backfill highwall and has submitted a progress map as required detailing highwall elimination progress. NOV extended beyond 90 days with the approval of the supervisor. Permittee is required to complete backfilling/grading/seeding and is additionally required to submit a progress map by 9/4/2017. NOV extended to 9/20/2017.	
S-138-78	31	9/19/2017	Terminated	(ATA) Action taken to abate: The permittee has backfilled, graded and seeded highwall. NOV terminated.	
S-138-78	32	4/12/2017	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to submit a renewal application 120 days prior to expiration of the permit. The renewal application was due 2/14/2017 and was submitted 2/27/2017. (REM) Remedial Measures: The permittee is required to obtain approval of the permit renewal application.	Permit Conditions
S-138-78	32	5/11/2017	Extended	(ATA) Action taken to abate: Renewal application is pending completion of review and approval by DEP. NOV extended to allow for issuance of this renewal.	
S-138-78	32	6/15/2017	Extended	(ATA) Action taken to abate: Permit renewal application is pending review and approval. NOV extended to max 90 days by the inspector to allow additional time for approval. Additional extension will require a letter for approval by the supervisor.	
S-138-78	32	7/6/2017	Terminated	(ATA) Action taken to abate: The permittee has obtained approval by DEP for the permit renewal. The permit now expires 6/14/22. NOV terminated.	
S-138-78	33	5/11/2017	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to meet requirements of NPDES WV0096971 for outlet 004 Total Al maximum daily effluent limits (0.12 mg/l) for a water sample taken 4-18-2017. Water sample lab analysis report for 004 Total Al 0.350 mg/l and exceeded the NPDES limit. (REM) Remedial Measures: The permittee is required to take all measures necessary to meet all the effluent limits and all the requirements of the approved NPDES WV0096971.	Effluent Limits
S-138-78	33	5/19/2017	Terminated	(ATA) Action taken to abate: Permittee has treated and pumped the water in the sediment ditch at 004. 004 was not discharging. NOV terminated.	
S-138-78	34	4/11/2018	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to replace/maintain permit boundary and perimeter markers. (REM) Remedial Measures: The permittee is required to replace/maintain permit boundary and perimeter markers.	Signs and Markers
S-138-78	34	4/19/2018	Extended	(ATA) Action taken to abate: Permittee working to place all signs and markers and has been hampered to complete by the late winter weather.	
S-138-78	34	5/23/2018	Terminated	(ATA) Action taken to abate: Permittee has replaced perimeter markers. NOV terminated.	
S-138-78	35	4/11/2018	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to protect off site areas from surface mining and has conducted surface mining operations outside the permitted area adjacent to the southwest end of the permit near outlet 039. (REM) Remedial Measures: The permittee is required to submit and obtain approval of a permit application to include all area disturbed and mined outside the permitted area.	Exceeding Limits
S-138-78	35	4/19/2018	Extended	(ATA) Action taken to abate: The permittee has identified and is preparing an IBR for the area disturbed outside the bonded area. NOV extended to allow time for complete application submittal.	

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S-138-78	35	4/30/2018	Terminated	(ATA) Action taken to abate: The permittee has submitted and obtained approval of S013878 IBR 7 to include the area disturbed outside the permit. NOV terminated.	
S-138-78	36	3/2/2021	Notice of Violation Issued	(DOV) Description of Violation: Company Failed to pass runoff from the disturbed area through a sediment control structure. Water has pooled up from seeps and drainage area that is in the disturbed area in Drainage area 67. The water failed to pass through a sediment control structure and leaving the permit. (REM) Remedial Measures: Company must fill in the pooled area and install sediment control structure bring the drainage area up to permit standards. The water must cross the road and pass through the lower sediment control structures. Certify sediment control structure[s] and haul road crossing.	Sediment Control
S-138-78	36	4/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 36. Company must work on violation.	
S-138-78	36	4/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 36. Company must work on violation.	
S-138-78	36	5/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 36 with supervisor approval. Company must work on violation.	
S-138-78	36	6/18/2021	Extended	(ATA) Action taken to abate: Extended NOV 36 with supervisor approval. Company has completed all work on the ground. Waiting for the certification to be completed.	
S-138-78	36	7/18/2021	Extended	(ATA) Action taken to abate: Extended NOV 36 with supervisor approval. Company has completed all work on the ground. Waiting for the certification to be completed.	
S-138-78	36	8/17/2021	Extended	(ATA) Action taken to abate: Extended NOV 36 with supervisor approval. Company has completed all work on the ground. Waiting for the certification to be completed.	
S-138-78	36	8/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 36 with supervisor approval. Company has completed all work on the ground. Cert. was sent back for correction.	
S-138-78	36	9/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 36 with supervisor approval. Company has completed all work on the ground. Waiting on the correction.	
S-138-78	36	10/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 36 with supervisor approval. Company has completed all work on the ground. Waiting for the certification to be completed.	
S-138-78	36	11/12/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 36.	
S-138-78	37	9/2/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to maintain structures in association with the mining operations. Water is leaking out of Sediment Ditch 56 and Diversion Ditch 56. Both locations are next to the haul road. SD 56 is leaking into the road. Running down it and into the drain that is off boned. DD 56 is leaking into the same drain as SD 56 but in a lower location. The water is bypassing the approved outlet. (REM) Remedial Measures: Repair the drainage area associated with SD 56 and DD 56. To ensure that the area is draining correctly according to the WV Surface Coal Mining Reclamation Act. Seed and mulch all disturbed areas. Recertify SD 56 and DD 56.	Diversions and Drainage Control
S-138-78	37	10/4/2021	Extended	(ATA) Action taken to abate: Extended NOV 37	
S-138-78	37	11/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 37	
S-138-78	37	12/2/2021	Extended	(ATA) Action taken to abate: Extended NOV 37 with supervisor approval.	
S-138-78	37	1/10/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-138-78	37	1/26/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures. Site was completely covered with snow and ice during this follow-up.	
S-138-78	37	2/28/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures. Site was completely covered with snow and ice during my follow-up.	

South Fork Coal Permit S-138-78 Violations

S-138-78	37	4/4/2022	Extended	(ATA) Action taken to abate: Extension request received. One area of the sediment ditch has been repaired. The other location still needs repaired.	
S-138-78	37	5/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Other sediment ditch location still needs repaired.	
S-138-78	37	6/1/2022	Extended	(ATA) Action taken to abate: Extension request received. Other sediment ditch location still needs repaired.	
S-138-78	37	7/12/2022	Extended	(ATA) Action taken to abate: Extension request received. Other sediment ditch location still needs repaired.	
S-138-78	37	8/3/2022	Extended	(ATA) Action taken to abate: Extension request received. Other sediment ditch location still needs repaired.	
S-138-78	37	9/1/2022	Extended	(ATA) Action taken to abate: Extension request received. Other sediment ditch location still needs repaired.	
S-138-78	37	10/11/2022	Extended	(ATA) Action taken to abate: Extension request received. Other sediment ditch location still needs repaired.	
S-138-78	37	11/16/2022	Extended	(ATA) Action taken to abate: Crew currently working to fix issues.	
S-138-78	37	12/6/2022	Terminated	(ATA) Action taken to abate: Company has repaired sediment ditch 56 diversion ditch 56. Water is no longer bypassing the approved outlet. All structures associated with this NOV have been repaired.	
S-138-78	38	4/21/2022	Notice of Violation Issued	(DOV) Description of Violation: SD67 has blown out west of outlet 039 close to permit boundary. SD 59 & 60 have been dammed up in numerous locations by beavers. Conditions have created capacity issues within these ditches. (REM) Remedial Measures: Repair SD67 in the area of violation in a manner that ensures the restoration of the sediment ditches capacity and stability. Remove structures in SD 59 & 60 that have been created by the beavers and repair any damage that they have caused the existing ditches.	Diversions and Drainage Control
S-138-78	38	5/6/2022	Extended	(ATA) Action taken to abate: Company has organized an on-site meeting to discuss measures needed to abate.	
S-138-78	38	6/8/2022	Extended	(ATA) Action taken to abate: Extended NOV #38.	
S-138-78	38	7/12/2022	Extended	(ATA) Action taken to abate: Extended NOV #38.	
S-138-78	38	8/3/2022	Extended	(ATA) Action taken to abate: Extended NOV #38.	
S-138-78	38	9/6/2022	Extended	(ATA) Action taken to abate: Extended NOV #38.	
S-138-78	38	10/11/2022	Extended	(ATA) Action taken to abate: Extended NOV #38.	
S-138-78	38	11/16/2022	Extended	(ATA) Action taken to abate: Crew working to fix issues.	
S-138-78	38	12/6/2022	Extended	(ATA) Action taken to abate: Company has fixed the sediment ditch but the ditch now has formed a leak which the company has addressed in their past 90 days letter.	
S-138-78	38	1/11/2023	Extended	(ATA) Action taken to abate: Violation #38 extended with supervisors permission.	
S-138-78	38	2/7/2023	Extended	(ATA) Action taken to abate: Company has a pump in transit to allow for pumping down the affected cell to allow for a permanent repair to be done.	
S-138-78	38	3/9/2023	Extended	(ATA) Action taken to abate: Company is close to completing work.	
S-138-78	38	3/23/2023	Terminated	(ATA) Action taken to abate: Company has completed the repair of SD 67. SD 59 & SD 60 have both also been repaired. All abatement measures have now been completed.	
S-138-78	39	4/30/2024	Notice of Violation Issued	(DOV) Description of Violation: Permittee failed to establish temporary or permanent vegetative cover on regraded areas by the end of the first growing season, in that, there are several regraded areas that are ready for a vegetative cover to be established and other areas where vegetative cover establishment was unsuccessful. (REM) Remedial Measures: Establish a permanent vegetative cover on all currently regraded areas.	Revegetation Requirements
S-138-78	39	5/20/2024	Extended	(ATA) Action taken to abate: Company seeding on other permits and once completed, will move on to this permit.	
S-138-78	39	6/25/2024	Extended	(ATA) Action taken to abate: Company seeding on other permits and once completed, will move on to this permit.	

South Fork Coal Permit S-138-78 Violations

S-138-78	39	7/25/2024	Modified to CO	(ATA) Action taken to abate: NOV #39 modified to FTACO #44.	
S-138-78	40	4/30/2024	Notice of Violation Issued	(DOV) Description of Violation: Permittee has failed to maintain sediment control structures, in that, sediment ditches 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63 have large trees growing in and on the berms of the ditches. (REM) Remedial Measures: Remove the trees and other woody plants from inside and from the berms of these ditches.	Sediment Control
S-138-78	40	5/20/2024	Extended	(ATA) Action taken to abate: Company reclaiming other permits and will begin abatement measures upon completion of current projects.	
S-138-78	40	6/22/2024	Extended	(ATA) Action taken to abate: Company is currently working on this violation.	
S-138-78	40	7/25/2024	Modified to CO	(ATA) Action taken to abate: NOV #40 modified to FTACO #45. Company failed to complete remedial measures. Sediment ditch 63 still has large trees growing in and on the berms of the ditches.	
S-138-78	41	4/30/2024	Notice of Violation Issued	(DOV) Description of Violation: Permittee has failed to prevent short-circuiting of sediment control structures, in that, sediment ditch 66 has a blown out cell. (REM) Remedial Measures: Repair the area of sediment ditch 66 that has failed.	Sediment Control
S-138-78	41	5/20/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will proceed with abatement measures upon completion of current projects.	
S-138-78	41	6/25/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will proceed with abatement measures upon completion of current projects.	
S-138-78	41	7/25/2024	Modified to CO	(ATA) Action taken to abate: NOV #41 modified to FTACO #46. The permittee has failed to fix sediment ditch 66 that has blown-out.	
S-138-78	42	4/30/2024	Notice of Violation Issued	(DOV) Description of Violation: Company has failed to pass runoff through a certified sediment control structure; allowing water to run off the permit between drainage areas 66 and 67. (REM) Remedial Measures: Stop the flow of water from travelling offsite through the unpermitted location.	Sediment Control
S-138-78	42	5/20/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will proceed with abatement measures upon completion of current projects.	
S-138-78	42	6/25/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will proceed with abatement measures upon completion of current projects.	
S-138-78	42	7/25/2024	Modified to CO	(ATA) Action taken to abate: NOV #42 modified to FTACO #47. Permittee has failed to pass runoff through a certified sediment control structure; allowing water to run off the permit between drainage areas 66 and 67. Stop the flow of water from travelling offsite through the unpermitted location.	
S-138-78	43	7/2/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV # 43 issued on this day for failure to properly construct and certify sediment ditch 57 as stated in approved Amendment #1 application. (REM) Remedial Measures: Construct sediment ditch 57 as stated in approved plan and certify upon completion. Seed and mulch all disturb area upon completion.	Sediment Control
S-138-78	43	7/8/2024	Extended	(ATA) Action taken to abate: Met with the company on site to look at the violation area. Construct sediment ditch 57 as stated in approved plan and certify upon completion. Seed and mulch all disturb area upon completion.	
S-138-78	43	8/19/2024	Extended	(ATA) Action taken to abate: Work has been completed. Company is working on certifying sediment ditch 57.	
S-138-78	43	9/16/2024	Extended	(ATA) Action taken to abate: Work has been completed. Company is working on certifying sediment ditch 57.	

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S-138-78	43	9/26/2024	Terminated	(ATA) Action taken to abate: Sediment ditch 57 has been certified.	
S-138-78	44	7/25/2024	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire. (REM) Remedial Measures: Establish a permanent vegetative cover on all currently regraded areas.	Revegetation Requirements
S-138-78	44	8/26/2024	Remains in Force	(ATA) Action taken to abate: FTACO #44 has ran for thirty days. The permit is in the show cause process.	
S-138-78	44	9/23/2024	Remains in Force	(ATA) Action taken to abate: FTACO #44 has ran for over thirty days. The permit is in the show cause process.	
S-138-78	44	10/23/2024	Remains in Force	(ATA) Action taken to abate: FTACO #44 has ran for over thirty days. The permit is in the show cause process.	
S-138-78	44	12/2/2024	Remains in Force	(ATA) Action taken to abate: The permit is in the show cause process.	
S-138-78	45	7/25/2024	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire. (REM) Remedial Measures: Permittee has failed to maintain sediment control structures, in that, sediment ditches 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63 have large trees growing in and on the berms of the ditches. Remove the trees and other woody plants from inside and from the berms of these ditches.	Sediment Control
S-138-78	45	8/2/2024	Terminated	(ATA) Action taken to abate: Sediment Ditches 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63 have been cleared of trees and brush on the outside berms.	
S-138-78	46	7/25/2024	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire. (REM) Remedial Measures: Permittee has failed to prevent short-circuiting of sediment control structures, in that, sediment ditch 66 has a blown out cell. Repair the area of sediment ditch 66 that has failed.	Sediment Control
S-138-78	46	8/14/2024	Terminated	(ATA) Action taken to abate: Permittee has repaired SD 66	
S-138-78	47	7/25/2024	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire. (REM) Remedial Measures: Permittee has failed to pass runoff through a certified sediment control structure; allowing water to run off the permit between drainage areas 66 and 67. Stop the flow of water from travelling offsite through the unpermitted location.	Sediment Control
S-138-78	47	8/12/2024	Terminated	(ATA) Action taken to abate: Water traveling off-site has been fixed and is now flowing to certified sediment control.	
S-138-78	48	9/30/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #48 issued for failure to submit an updated Ownership and Control information following a cessation order within 30 days from receipt of cessation order. (REM) Remedial Measures: Submit and obtain an updated MR-19C.	Permit Conditions
S-138-78	48	10/10/2024	Extended	(ATA) Action taken to abate: MR-19 C has been submitted with corrections sent back to the Permittee.	
S-138-78	48	10/16/2024	Terminated	(ATA) Action taken to abate: MR-19C's have been approved.	

South Fork Coal Permit S-3002-19 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3002-19	1	5/7/2020	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has conducted in surface mining operations outside of the permitted area. The Company has been and currently using a logging haul road that belongs to Wearhouser Timber Company as an access between Blue Knob Permit S- 300511 and Pretty Ridge Permit S-300219.</p> <p>(REM) Remedial Measures: Cease ALL TRAVEL on the Wearhouser Timber Company Logging Road IMMEDIATELY between the Blue Knob Permit S- 300511 and the Pretty Ridge Permit S-300219. The logging road surface need repaired. If permitted, the road needs to bring up to specs according to the WV Surface Coal Mining and Reclamation Act in an IBR.</p>	Permit Conditions
S-3002-19	1	6/5/2020	Terminated	(ATA) Action taken to abate: Terminated NOV # 1.	
S-3002-19	2	5/14/2020	Notice of Violation Issued	<p>(DOV) Description of Violation: The company failed to constructed Sediment Control Structures in appropriate locations for the purposes of controlling sedimentation before Surface Mining Disturbance. Located in the Drainage Area # 1.</p> <p>(REM) Remedial Measures: Construct the Sediment Control Structures to the approved permit standards and certified.</p>	Diversions and Drainage Control
S-3002-19	2	5/29/2020	Extended	(ATA) Action taken to abate: Company is planning how to correct the drainage.	
S-3002-19	2	6/26/2020	Extended	(ATA) Action taken to abate: Extended NOV # 2. Work is being done to correct the NOV.	
S-3002-19	2	7/24/2020	Extended	(ATA) Action taken to abate: Extended NOV # 2. Company is putting the main sediment ditches in.	
S-3002-19	2	8/12/2020	Extended	(ATA) Action taken to abate: Extended NOV # 2. Company is putting the main sediment ditches in.	
S-3002-19	2	9/4/2020	Terminated	(ATA) Action taken to abate: Terminated NOV # 2.	
S-3002-19	3	7/16/2020	Notice of Violation Issued	<p>(DOV) Description of Violation: The company failed to follow the approved permit conditions. In which they dumped spoil, filling up Diversion Ditch # 2 and spilling in the SMZ between Diversion Ditch # 2 and Diversion Ditch # 1. They did clean out Diversion Ditch # 2, but they didn't clean up the spoil up in the SMZ.</p> <p>(REM) Remedial Measures: The spoil that is in the SMZ area must be removed. The disturbed area must be seeded, fertilized and mulched. The Diversion Ditch must meet the dimensions of the approved certification or re-certified.</p>	Disposal of Excess Spoil
S-3002-19	3	7/24/2020	Extended	(ATA) Action taken to abate: Extended NOV # 3. The spoil was removed from the SMZ. It still needs seeded and mulched. The sediment ditch doesn't meet the width of the certification. It must be widening or rectification.	
S-3002-19	3	8/16/2020	Extended	(ATA) Action taken to abate: Extended NOV # 3. Company has ordered straw.	
S-3002-19	3	8/31/2020	Terminated	(ATA) Action taken to abate: Terminated NOV # 3.	
S-3002-19	4	8/6/2020	Imminent Harm Cessation Order Issued	<p>(DOV) Description of Violation: During the company mining operations, the company failed to follow permit conditions in that they did not follow the Indiana Bat Protection and Enhancement Plan. They cleared / removed trees that was over 5.0 inches at DBH. [Diameter at Breast Height] During the time of year where no trees can be removed. March 31st to October 15th is permitted that no trees above 5' BDH can be removed. In packed areas are : Drainage Area 1 - approximately 3 acres disturbed and Drainage Areas 2&3 - approximately 3 acres disturbed.</p> <p>(REM) Remedial Measures: Stop immediately removing trees above 5 inches DBH. Follow the guidelines set for by the approved permit section that includes the Indiana Bat Protection and Enhancement Plan.</p>	Permit Conditions
S-3002-19	4	8/6/2020	Terminated	(ATA) Action taken to abate: Terminated the IHCO.	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	5	1/7/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Sediment Ditch # 2 Cells # 12 and 14, the outer berm has slipped. In which it is letting water discharging over top of the outer berm and off permit. Cell # 20 and or 21 is leaking out of the cell[s] discharging off permit.</p> <p>(REM) Remedial Measures: Repair the berms and leaking section of the Sediment Ditch 2 Cells #12, 14, 20 and 21. Ensuring that water can discharge through the approved Outlet # 002 and # 003.</p>	Sediment Control
S-3002-19	5	1/27/2021	Modified to Cessation Order	<p>(ATA) Action taken to abate: Modified NOV # 5 to a CO. Company has not attempt to correction or stabilized the slipped areas in Sediment Ditch # 2 Cells # 12 and 14 with in abate date. The outer half of the embankment has failed.</p>	
S-3002-19	6	1/27/2021	Failed to Abate Cessation Order Issued	<p>(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Sediment Ditch # 2 Cells # 12 and 14, the outer berm has slipped. In which it is letting water discharging over top of the outer berm and off permit. Cell # 20 and or 21 is leaking out of the cell[s] discharging off permit.</p> <p>(REM) Remedial Measures: Repair the berms and leaking section of the Sediment Ditch 2 Cells #12, 14, 20 and 21. Ensuring that water can discharge through the approved Outlet # 002 and # 003. Cells repaired must be Recertified and seeded.</p>	Sediment Control
S-3002-19	6	2/26/2021		<p>(ATA) Action taken to abate: Cell 14 and 16 has been pumped down. Repairs has been started on cell 14 only. Cell 20 and or 21 has not been worked on. Turned the FTACO into a Show Cause. Work that must be completed: Repair the berms and leaking section of the Sediment Ditch 2 Cells #12, 14, 20 and 21. Ensuring that water can discharge through the approved Outlet # 002 and # 003. Cells repaired must be Recertified and seeded. FTACO has ran for 30 days.</p>	
S-3002-19	6	3/10/2021		<p>Action taken to abate: Consent Order in effect; SC 2028</p>	
S-3002-19	6	7/8/2021		<p>Action taken to abate: Company has completed all work to terminate the Consent Order 6, Show Clause 2028.</p>	
S-3002-19	6	7/13/2021		<p>Action taken to abate: Complied with Consent Order, Order & Show Cause 2028 terminated</p>	
S-3002-19	7	3/26/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to republish Public Notice of Blasting Operations and notify residents of the blasting schedule and warning signals at least 10, but not more than 30 days prior to blasting. Blasting Ad ran out on March 9, 2021. There were Blasting on S-3002-19, running from March 10 to March 29, 2021.</p> <p>(REM) Remedial Measures: Cease Blasting immediately, publish the blast ad and submit a copy of the ad and certification of publication to the OEB specialist. Notify all landowners within 7/10 mile of the blasting area, of the blasting schedule and warning signals. Submit mail receipts to the OEB specialist to match T-4 List. Submit the 38A. Submit a New Blast Map.</p>	Blasting Procedures
S-3002-19	7	4/5/2021	Terminated	<p>(ATA) Action taken to abate: Terminated NOV 7.</p>	
S-3002-19	8	3/26/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to use proper blasting procedures in that blasting occurred on permit S-3002-19 without a current blast ad. Blasting occurred on March 10th @ 3:25 pm, 11th @ 3:23 pm, 12th @ 4:00 pm, 13th @ 1:28 pm, 15th @ 3:37 pm, 17th @3:20 pm, 22nd @ 3:45 pm, 25th @ 3:26 pm, 26th @ 3:30 pm, and 29th @ 3:26 pm.</p> <p>(REM) Remedial Measures: Cease Blasting immediately, blasting may resume after Violation 7 has been terminated.</p>	Blasting Procedures
S-3002-19	8	4/5/2021	Terminated	<p>(ATA) Action taken to abate: Terminated NOV 8.</p>	
S-3002-19	9	3/26/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to use proper blasting procedures in that blasting occurred on permit S-3002-19 without a current blast ad. A Production Shot occurred on March 26, 2021 @ 3:30 PM.</p> <p>(REM) Remedial Measures: Cease Blasting immediately, blasting may resume after Violation 7 has been terminated.</p>	Blasting Procedures
S-3002-19	9	4/5/2021	Terminated	<p>(ATA) Action taken to abate: Terminated NOV 9.</p>	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	10	3/29/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to use proper blasting procedures in that blasting occurred on permit S-3002-19 without a current blast ad. A Production Shot occurred on March 29, 2021 @ 3:26 PM. (REM) Remedial Measures: Cease Blasting immediately, blasting may resume after Violation 7 has been terminated.	Blasting Procedures
S-3002-19	10	4/5/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 10.	
S-3002-19	11	4/15/2021	Notice of Violation Issued	(DOV) Description of Violation: The company failed to maintain the Haul Road Slumps and Road Drainages IN SECTIONS THROUGH OUT THE ENTIRE HAUL ROAD. The Haul Road is not up to the performance standards set forth by the approved permit. Several Road Slumps are 100% full and has Zero Capacity, outside berm in the slump on haul road has blown out in several places and Haul Road is not draining correctly. Water has been discharging off the haul road and not flowing through an approved slump. (REM) Remedial Measures: Clean All Slumps to 100% capacity. Repair all road slumps to permit standards. Ensure that discharging water from the permitted haul road will pass through a slump that is up to permit standards.	Haul Roads
S-3002-19	11	4/26/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 11.	
S-3002-19	12	4/20/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Cells 13, 14, 15, 16 and 17 spillways have blown out. Cell 14 is discharging water off bonded area and not through an approved NPDES Outlet. A diversion ditch has been constructed close to the top of the ridge above sediment ditch 5 to Cell 19. Outlet 005 is the discharge of Cell 19. (REM) Remedial Measures: Reconstruct Cells 13, 14, 15, 16 and 17 spillways. Seal Cell 14, ensuring that the cell has stopped discharging water through the berm. Recertify Cells 13, 14, 15, 16 and 17. Certify the diversion ditch has been constructed close to the top of the ridge above sediment ditch 5 to Cell 19. NPDES Outlet Sign 005 must be relocated to the Outlet 005 location.	Sediment Control
S-3002-19	12	5/7/2021	Extended	(ATA) Action taken to abate: Extended NOV 12.	
S-3002-19	12	6/6/2021	Extended	(ATA) Action taken to abate: Extended NOV 12. Company must work on the violation.	
S-3002-19	12	7/6/2021	Extended	(ATA) Action taken to abate: Extended NOV 12. Company must work on the violation.	
S-3002-19	12	7/18/2021	Extended	(ATA) Action taken to abate: Extended NOV 12 with supervisor approval. Work has been completed, still need to be seeded.	
S-3002-19	12	8/17/2021	Extended	(ATA) Action taken to abate: Extended NOV 12 with supervisor approval. Company must certify the diversion ditch.	
S-3002-19	12	9/16/2021	Extended	(ATA) Action taken to abate: Extended NOV 12 with supervisor approval. Company must certify the diversion ditch.	
S-3002-19	12	10/16/2021	Extended	(ATA) Action taken to abate: Extended NOV 12 with supervisor approval. Company must certify the diversion ditch.	
S-3002-19	12	11/5/2021	Extended	(ATA) Action taken to abate: Extended NOV 12 with supervisor approval. Company must certify the diversion ditch.	
S-3002-19	12	12/2/2021	Extended	(ATA) Action taken to abate: Extended NOV 12 with supervisor approval. Company must certify the diversion ditch.	
S-3002-19	12	11/29/2022	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	
S-3002-19	13	4/20/2021	Notice of Violation Issued	(DOV) Description of Violation: The company failed to constructed Sediment Control Structures in appropriate locations for the purposes of controlling sedimentation before Surface Mining Disturbance. Located in the Drainage Area # 7. Sediment Ditch 7 has not been certified. (REM) Remedial Measures: Immediately install Sediment Control Structure or Structures in Drainage Area # 7. Submit Certification Sediment Control Structure or Structures.	Sediment Control
S-3002-19	13	5/5/2021	Extended	(ATA) Action taken to abate: Extended NOV 13. A berm has been placed the disturbance. Company must submit a Certification to cover the disturbed area.	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	13	6/3/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 13.	
S-3002-19	14	4/27/2021	Notice of Violation Issued	(DOV) Description of Violation: Company has failed to submit 4th quarter 2020 and 1st quarter 2021 Article 3 Stream Water Reports to the WV DEP. (REM) Remedial Measures: Submit 4th quarter 2020 and 1st quarter 2021 Article 3 Stream Water Reports or submit the 2nd quarter Article 3 Stream Water Reports to the inspector.	Surface Water
S-3002-19	14	5/27/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. No Art. 3 reports has been submitted yet.	
S-3002-19	14	6/26/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. No Art. 3 reports has been submitted yet.	
S-3002-19	14	7/26/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 14.	
S-3002-19	15	5/4/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that are mining in the second, third and four phases in the approved permit. While the reclamation in the second and third phases HAS NOT BEEN COMPLETED. VEGETATED RECLAMATION IS AT ZERO PERCENT on this permit. (REM) Remedial Measures: Company MUST bring the permit back in to compliance to the phase they are working in. Regarding to Percentages of Disturbance and Regraded Area. Submit a progression letter to the inspector by the First of the month. With an estimation in acres that had been totally reclaimed, totally seeded and the total amount of disturbed area during the last week of that month. Submit a Progress map after permit is back into compliance.	Permit Conditions
S-3002-19	15	6/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has worked on violation.	
S-3002-19	15	7/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has worked on violation.	
S-3002-19	15	8/2/2021	Extended	(ATA) Action taken to abate: Extended NOV 15 with supervisor approval. Company work has worked on the violation.	
S-3002-19	15	9/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 15 with supervisor approval. Company work has worked on the violation.	
S-3002-19	15	10/1/2021	Extended	(ATA) Action taken to abate: Show Cause has been submitted. Company is entering into a Consent Order. Extended NOV 15.	
S-3002-19	15	10/31/2021	Extended	(ATA) Action taken to abate: Company has submitted a past 90 letter. Extended NOV 15 with supervisor approval.	
S-3002-19	15	11/30/2021	Extended	(ATA) Action taken to abate: Company has submitted a past 90-day letter. Extended NOV 15 with supervisor approval.	
S-3002-19	15	9/7/2022	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	
S-3002-19	16	5/4/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to properly seal all auger holes with an impervious and non-combustible material in order to prevent drainage into and out of the auger holes above Sediment Ditch # 8. There are 25 to 30 High Wall Miner Auger Holes that are opened. The Pit drainage is flowing into several of them. (REM) Remedial Measures: Complete seal the auger holes with an impervious and non-combustible material above Sediment Ditch # 8. To prevent water flowing in and out of the auger holes.	Method of Operations
S-3002-19	16	5/13/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 16.	
S-3002-19	17	5/4/2021	Notice of Violation Issued	(DOV) Description of Violation: Fail to minimize the disturbance to the prevailing hydrologic balance at the mine site and in associated off-site-areas. The company removed the pipe between DD3 and DD4. The ground was dressed up, but they DID NOT stabilize the disturbed area in the stream area. Nothing was done in order to prevent sediment entering into the stream. (REM) Remedial Measures: Place silt fence or Straw Bailes up to prevent any sediment leaving the permit and entering the stream in 24 hours after receiving this violation between Sediment Ditches DD3 and DD4. Seed, fertilize, and mulch the area that was disturbed when the pipe was removed. Recertify Sediment Ditches DD3 and DD4.	Revegetation Requirements

South Fork Coal Permit S-3002-19 Violations

S-3002-19	17	5/14/2021	Extended	(ATA) Action taken to abate: Extended NOV 17. 3 Straw Bales were placed in the spillway. Seed, fertilize, and mulch the area has not been completed.	
S-3002-19	17	6/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 17. Seeding, fertilize, and mulch the area has not been completed.	
S-3002-19	17	6/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 17. Seeding, fertilize, and mulch the area has not been completed.	
S-3002-19	17	7/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 17 with supervisor approval. Company has finished mining in that area. They are back filling the wall.	
S-3002-19	17	8/25/2021	Modified to Cessation Order	(ATA) Action taken to abate: Company has not seeded the area. Erosion is accruing in the buffer zone. FTACO NOV 17.	
S-3002-19	18	5/4/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 1, 2, 3, 4 and 5. (REM) Remedial Measures: All timber and brush that has been buried must be uncovered. With that woody debris, other timber and other brush must be disposed according to the approved permit. In drainage areas 1, 2, 3, 4 and 5. If a Fire Permit is obtained. Submit a copy of it to the inspector.	Method of Operations
S-3002-19	18	6/3/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 18.	
S-3002-19	19	5/21/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to properly maintain the approved drainage system DD1 and DD2. Where they crossed the Diversion Ditches, they filled in and blocked the drainage in DD1 and DD2. (REM) Remedial Measures: Pipes must be installed in both DD1 and DD2. To ensure that the drainage is not impeded. Disturbed areas in the Green Zone must be Seeded, Fertilized and Mulched. Submit certification of the Green Zone Crossing at DD1 and DD2.	Diversion and Drainage Control
S-3002-19	19	6/11/2021	Extended	(ATA) Action taken to abate: Extended NOV 19. Company must work on violation.	
S-3002-19	19	7/11/2021	Extended	(ATA) Action taken to abate: Extended NOV 19. Company must work on violation.	
S-3002-19	19	8/10/2021	Extended	(ATA) Action taken to abate: Extended NOV 19 with supervisor approval. Company must complete all Remedial Measures. Past 90-day letter has been submitted.	
S-3002-19	19	8/31/2021	Extended	(ATA) Action taken to abate: Extended NOV 19 with supervisor approval. Company must complete all Remedial Measures. Past 90-day letter has been submitted.	
S-3002-19	19	9/30/2021	Extended	(ATA) Action taken to abate: Show Cause has been submitted. Company is entering into a Consent Order. Extended NOV 19.	
S-3002-19	19	10/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 19 with supervisor approval. Past 90-day letter has been submitted.	
S-3002-19	19	11/29/2021	Extended	(ATA) Action taken to abate: Extended NOV 19 with supervisor approval. Past 90-day letter has been submitted.	
S-3002-19	19	12/14/2022	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	
S-3002-19	20	5/21/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to properly construct the sediment control system in accordance with the approved plan. Company has started mining activities without a fully constructed and certified drainage in drainage areas 7 & 8. (REM) Remedial Measures: Company must stop all disturbance in drainage areas 7 & 8 that does not have any certified drainage controls. Complete the Sediment Ditches below the disturbance and certify.	Sediment Control
S-3002-19	20	6/11/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 20. Area was backfilled.	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	21	5/21/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to properly maintain the approved drainage system in temporary sediment ditch # 8. In which they had removed cells and Outlet 008 without proper drainage control below. The Sediment Ditch # 8 has not been completed or certified.</p> <p>(REM) Remedial Measures: Company must complete and certify Sediment Ditch # 8.</p>	Sediment Control
S-3002-19	21	6/11/2021	Extended	<p>(ATA) Action taken to abate: Extended NOV 21. Company must work on the violation.</p>	
S-3002-19	21	6/16/2021	Modified to Cessation Order	<p>(ATA) Action taken to abate: No work has been done to terminate NOV 21. The company has removed the equipment off permit that was working in that sediment ditch. Water is pooling up on the bench above Temporary Sediment Ditch 8.</p>	
S-3002-19	22	5/21/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Sections of downed timber and brush has been buried. Large and small piles are located sporadically throughout drainage areas 7 and 8.</p> <p>(REM) Remedial Measures: All timber and brush that has been buried must be uncovered. With that woody debris, other timber and other brush must be disposed according to the approved permit. In drainage areas 7 and 8. If a Fire Permit is obtained. Submit a copy of it to the inspector.</p>	Method of Operations
S-3002-19	22	6/11/2021	Extended	<p>(ATA) Action taken to abate: Extended NOV 22. Company must work on the violation.</p>	
S-3002-19	22	6/16/2021	Modified to Cessation Order	<p>(ATA) Action taken to abate: After NOV 22 has been issued. Company is continuing to cover timber and woody debris in Drainage Areas 7. Without any grubbing, burning or making any attempt in disposing of it correctly according to the approved permit.</p>	
S-3002-19	23	6/8/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to follow permit conditions in that the timber and brush has not been disposed of according to the permit. Timber Root Walls, smaller trees and brush have been placed and buried into the back stacks. Located in drainage areas 4 and 5 of the permit.</p> <p>(REM) Remedial Measures: In drainage areas 4 and 5. All Timber Root Walls, smaller trees and brush that has been placed into the back fill must be removed. Then it must be disposed according to the approved permit.</p>	Method of Operations
S-3002-19	23	6/16/2021	Modified to Cessation Order	<p>(ATA) Action taken to abate: Company has made no attempt to terminate NOV 23 that is in Drainage Areas 4 and 5. Timber Root Walls, smaller trees and brush that had been placed and buried into the back stacks are still there.</p>	
S-3002-19	24	6/11/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to properly maintain the approved drainage system DD2. When the haul road was relocated back next to DD2. A large section of the outer berm section was removed and was not reconstructed back to permit standards.</p> <p>(REM) Remedial Measures: The outer section of DD2 that was removed must be reconstructed back to permit standards. Disturbed areas must be Seeded, Fertilized and Mulched. Recertify DD2 and an WV DEP I & E Inspector or Supervisor must sign off on certification.</p>	Diversions and Drainage Control
S-3002-19	24	7/9/2021	Extended	<p>(ATA) Action taken to abate: Extended NOV 24. Company must work on violation.</p>	
S-3002-19	24	8/9/2021	Extended	<p>(ATA) Action taken to abate: Extended NOV 24. Company must work on violation.</p>	
S-3002-19	24	9/7/2021	Extended	<p>(ATA) Action taken to abate: Extended NOV 24 with supervisor approval. Company has started to work on the violation.</p>	
S-3002-19	24	10/7/2021	Extended	<p>(ATA) Action taken to abate: Extended NOV 24. Company is entering into a consent order.</p>	
S-3002-19	24	11/8/2021	Extended	<p>(ATA) Action taken to abate: Extended NOV 24 with supervisor approval.</p>	
S-3002-19	24	12/13/2021	Extended	<p>(ATA) Action taken to abate: Extension request received. Repair work on the outer berm has been started. Weather and equipment issues has delayed remedial work.</p>	
S-3002-19	24	11/24/2022	Terminated	<p>(ATA) Action taken to abate: Remedial measures have been completed.</p>	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	25	6/11/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: The company failed to maintain the Haul Road Slump and Road Drainage between stations 20+00 and 22+00. In the dip before the # 2 in sign. The Haul Road is not up to the performance standards set forth by the approved permit. Road Slumps are 100% full and has Zero Capacity. Also Haul Road surface water is leaving the bonded area by bypassing a certified slump and flowing straight into the stream.</p> <p>(REM) Remedial Measures: Clean Slumps to 100% capacity between stations 20+00 and 22+00. Also, Repair the berm to ensure that all water leaving the bonded area passes through a certified slump.</p>	Haul Roads
S-3002-19	25	6/23/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 25.	
S-3002-19	26	6/16/2021	Failed to Abate Cessation Order Issued	<p>(DOV) Description of Violation: No work has been done to terminate NOV 21. The company has removed the equipment off permit that was working in that sediment ditch. Water is pooling up on the bench above Temporary Sediment Ditch 8.</p> <p>(REM) Remedial Measures: ALL COAL PRODUCTION MUST STOP IMMEDIATELY in Drainage Area 8. Company must complete Permanent Sediment Ditch 8 or repair Temporary Sediment Ditch 8. Submit the Certification of the Sediment Ditch after the completion or reconstruction has been completed. An WV DEP I & E Inspector or Supervisor must sign off on certification.</p>	Sediment Control
S-3002-19	26	6/17/2021	Terminated	(ATA) Action taken to abate: Terminated FTACO 26.	
S-3002-19	27	6/16/2021	Failed to Abate Cessation Order Issued	<p>(DOV) Description of Violation: After NOV 22 has been issued. Company is continuing to cover timber and woody debris in Drainage Areas 7. Without any grubbing, burning or making any attempt in disposing of it correctly according to the approved permit.</p> <p>(REM) Remedial Measures: All timber and brush that has been buried in drainage areas 7 and 8 must be uncovered and disposed of according to the approved permit.</p>	Method of Operations
S-3002-19	27	6/17/2021	Terminated	(ATA) Action taken to abate: Terminated FTACO 27.	
S-3002-19	28	6/16/2021	Failed to Abate Cessation Order Issued	<p>(DOV) Description of Violation: Company has made no attend to terminate NOV 23 that is in Drainage Areas 4 and 5. Timber Root Walls, smaller trees and brush that had been placed and buried into the back stacks are still there.</p> <p>(REM) Remedial Measures: In drainage areas 4 and 5. All Timber Root Walls, smaller trees and brush that has been placed into the back fill must be removed. Then it must be disposed according to the approved permit.</p>	Method of Operations
S-3002-19	28	6/17/2021	Terminated	(ATA) Action taken to abate: Terminated FTACO 28.	
S-3002-19	29	8/25/2021	Failed to Abate Cessation Order Issued	<p>(DOV) Description of Violation: Company failed to complete the Remedial Measures in Violation 17. NOV 17 was issued for Failure to minimize the disturbance to the prevailing hydrologic balance at the mine site and in associated off-site-areas. The company removed the pipe between DD3 and DD4. The ground was dressed up, but they DID NOT stabilize the disturbed area in the stream area. Nothing was done to prevent sediment entering the stream. Seeding and mulching has not done in the DD3 and DD4 Buffer Zone. The erosion gully in the Buffer Zone is getting worse. Sediment is still leaving the permitted area.</p> <p>(REM) Remedial Measures: Stop all Coal Production in Drainage Area 4. Place silt fence or Straw Bales up from DD3 to DD4 to prevent any sediment leaving the permit. Seed, fertilize, and mulch all area that was disturbed when the pipe was removed. Recertify Sediment Ditches DD3 and DD4.</p>	Revegetation Requirements
S-3002-19	29	9/24/2021	Terminated	(ATA) Action taken to abate: Terminated FTACO NOV 29. No work has been done to terminate the FTACO. Violation is in the process being entered into part of the Consent Order. FTACO has ran for 30 days.	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	30	8/27/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to follow permit conditions in that they didn't follow the approved mining plan. In that they are not mining in the approved mining sequence. A revision to update their Mine Plan has not been submitted.</p> <p>(REM) Remedial Measures: Submit a Revision to correct the Mining and Reclamation Plan and obtain approval. Revision must be submitted in 30 days. Ensure to address in the revision the Final Grade Map, SWORA, and AOC*.</p>	Permit Conditions
S-3002-19	30	9/26/2021	Terminated	(ATA) Action taken to abate: Company is entering into a Consent Order. Extend NOV 30.	
S-3002-19	30	10/26/2021	Extended	(ATA) Action taken to abate: Extend NOV 30.	
S-3002-19	30	11/26/2021	Extended	(ATA) Action taken to abate: Extend NOV 30. Company is entering into a consent order.	
S-3002-19	30	9/7/2022	Terminated	(ATA) Action taken to abate: Remedial measures have been completed.	
S-3002-19	31	9/2/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. During pumping the pit out, the high flows damaged the spillways on Sediment Ditch 7 Cell 1 and Cell 2.</p> <p>(REM) Remedial Measures: Stop pumping and move the discharge line up. Reconstructed Sediment Ditch 7 Cell 1 and Cell 2 Spillways to their original design and recertified.</p>	Sediment Control
S-3002-19	31	10/4/2021	Extended	(ATA) Action taken to abate: Extended NOV 31. Company is going into a Consent Order.	
S-3002-19	31	11/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 31.	
S-3002-19	31	12/2/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 31.	
S-3002-19	32	9/30/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to certify the In-Pit Drainage for the active pits above Sediment Ditch 7 and Sediment Ditch 8. Certification was questioned on the last Complete Inspection. It has been over 30 days since the request.</p> <p>(REM) Remedial Measures: Company must submit and obtain approval of the In-Pit Drainage Certificates Sediment Ditch 7 and Sediment Ditch 8.</p>	Design Certification
S-3002-19	32	10/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 32.	
S-3002-19	32	11/29/2021	Extended	(ATA) Action taken to abate: Extended NOV 32.	
S-3002-19	32	1/10/2022	Extended	(ATA) Action taken to abate: Extension request received. Violation extended.	
S-3002-19	32	1/26/2022	Extended	(ATA) Action taken to abate: Extension request received. Ditch work has been done and certifications submitted. Site was completely covered with snow and ice during this follow-up and prevented seeing the work that has been completed.	
S-3002-19	32	2/28/2022	Extended	(ATA) Action taken to abate: Extension request received. Ditch work has been done and certifications submitted. Site was completely covered with snow and ice during this follow-up and prevented seeing the work that has been completed.	
S-3002-19	32	3/24/2022	Terminated	(ATA) Action taken to abate: Sediment ditches 7 and 8 have been constructed and certified.	
S-3002-19	33	10/15/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to properly seal all auger holes with an impervious and non-combustible material to prevent drainage into and out of the auger holes above drainage area 6-A. There are 3 or 4 High Wall Miner Auger Holes that are opened. The Pit drainage is flowing into them.</p> <p>(REM) Remedial Measures: Complete seal the auger holes with an impervious and non-combustible material above drainage area 6-A. To prevent water flowing in and out of the auger holes</p>	Method of Operations
S-3002-19	33	11/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 33.	
S-3002-19	33	11/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 33.	
S-3002-19	33	1/11/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on the remedial measures.	
S-3002-19	33	2/2/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on the remedial measures.	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	33	2/28/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on the remedial measures.	
S-3002-19	33	3/24/2022	Terminated	(ATA) Action taken to abate: Remedial measures have been completed.	
S-3002-19	34	10/15/2021	Notice of Violation Issued	(DOV) Description of Violation: The company failed certify the drainage system was constructed prior to surface mining activities in the component drainage area 6-A. Mining is accruing above an uncertified cell. The uncertified cell is filling up with water. The cell will discharge into Sediment Ditch 7. (REM) Remedial Measures: Submit and obtain approval of the uncertified cell in drainage area 6-A. If as-built plans are submitted, the certification shall describe how and to what extent the construction deviates from the proposed design and shall explain how and certify that the structure will meet performance standards.	Sediment Control
S-3002-19	34	11/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 34.	
S-3002-19	34	11/15/2021	Extended	(ATA) Action taken to abate: Extended NOV 34.	
S-3002-19	34	12/14/2021	Extended	(ATA) Action taken to abate: NOV remains in force. If for some reason this NOV needs extended past the current abatement date given, a justification letter to extend past 90 days will need to be submitted to me prior to the abatement date.	
S-3002-19	34	1/19/2022	Extended	(ATA) Action taken to abate: Extension request received. Certification has been submitted and under review.	
S-3002-19	34	2/22/2022	Extended	(ATA) Action taken to abate: Extension request received. Certification has been submitted and under review.	
S-3002-19	34	3/22/2022	Extended	(ATA) Action taken to abate: Extension request received. Certification has been submitted and under review.	
S-3002-19	34	3/24/2022	Terminated	(ATA) Action taken to abate: Remedial measures have been completed.	
S-3002-19	35	10/15/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to provide quarterly certification of the status of the encapsulation areas of Acid Producing Materials. To show that they are correctly handling Acid Producing Materials per the approved permit, attachment O-8 Materials Handling Plan. The encapsulation area above Outlet 001 and the encapsulation above Sediment Ditch 5. No Quarterly Certifications has been submitted for them for the last two quarters. (REM) Remedial Measures: Company must submit and obtain approval of the certifications for the encapsulation area above Outlet 001 and the encapsulation above Sediment Ditch 5. Also, submit and obtain approval of a Progress Map showing the locations and specify the materials being specifically handled.	Permit Conditions
S-3002-19	35	11/17/2021	Extended	(ATA) Action taken to abate: Extended NOV 35.	
S-3002-19	35	12/14/2021	Extended	(ATA) Action taken to abate: NOV remains in force. If for some reason this NOV needs extended past the current abatement date given, a justification letter to extend past 90 days will need to be submitted to me prior to the abatement date.	
S-3002-19	35	1/19/2022	Extended	(ATA) Action taken to abate: Extension request received. Certification has been submitted and under review.	
S-3002-19	35	2/22/2022	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	
S-3002-19	36	10/29/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to remove all water accumulation in the pit above OUTLET 007. At least once in a 24 hour period whenever water quality or spoil stability may be affected. (REM) Remedial Measures: Company must pump the pit above Outlet 007. Outlet 007 must be monitored in ensure that the outlet discharge remains compliant.	Method of Operations
S-3002-19	36	11/2/2021	Extended	(ATA) Action taken to abate: Extended NOV 36. Company has started to pump Monday. Water level in the pit is still coming up. Outlet 007 must be monitored in ensure that the outlet discharge remains compliant.	
S-3002-19	36	11/9/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 36.	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	37	11/9/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to establish a temporary vegetation cover at the end of the first growing season in the following areas: [Drainage areas 2, top section of 3, 4, and 5], [Section of Sediment Ditches 1, 2, 5, 7 and 8] and the berm around the Upper Parking Lot.</p> <p>(REM) Remedial Measures: Company must seed, fertilizer and mulch according to the approved permit plan and submit a MR-8 for the following areas: [Drainage areas 2, top section of 3, 4, and 5], [Section of Sediment Ditches 1, 2, 5, 7 and 8] and the berm around the Upper Parking Lot.</p>	Revegetation Requirements
S-3002-19	37	12/14/2021	Extended	(ATA) Action taken to abate: NOV remains in force.	
S-3002-19	37	1/10/2022	Extended	(ATA) Action taken to abate: NOV remains in force. Company is working on remedial measures. This NOV cannot be extended again without a "Past 90 Days Extension Request Letter".	
S-3002-19	37	2/22/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is waiting for the weather to warm up a little to allow for successful seeding.	
S-3002-19	37	3/22/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is waiting for the weather to warm up a little to allow for successful seeding.	
S-3002-19	37	5/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Past weather conditions caused delays in completing the remedial measures. The weather is more favorable now for seeding. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3002-19	37	6/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Past weather conditions caused delays in completing the remedial measures. The weather is more favorable now for seeding. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3002-19	37	7/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Past weather conditions caused delays in completing the remedial measures. The weather is more favorable now for seeding. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3002-19	37	8/18/2022	Extended	(ATA) Action taken to abate: Extension request received. Past weather conditions caused delays in completing the remedial measures. The weather is more favorable now for seeding. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3002-19	37	9/7/2022	Extended	(ATA) Action taken to abate: Extension request received. Past weather conditions caused delays in completing the remedial measures. The weather is more favorable now for seeding. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3002-19	37	10/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Past weather conditions caused delays in completing the remedial measures. The weather is more favorable now for seeding. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3002-19	37	11/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company states that past weather conditions and seeder availability has caused delays in completing the remedial measures.	
S-3002-19	37	12/14/2022	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	
S-3002-19	37	1/17/2023	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	
S-3002-19	37	3/2/2023	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	
S-3002-19	37	4/6/2023	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	
S-3002-19	37	5/10/2023	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	
S-3002-19	37	6/6/2023	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	

South Fork Coal Permit S-3002-19 Violations

S-3002-19	37	7/11/2023	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	
S-3002-19	37	8/8/2023	Extended	(ATA) Action taken to abate: Extension request received. The company has seeded multiple areas, but a few locations remain to be seeded.	
S-3002-19	37	9/13/2023	Terminated	(ATA) Action taken to abate: Company has completed remedial measures.	
S-3002-19	38	10/17/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #38 issued on this day as a result of the permittee failing to prevent excessive erosion in the regraded areas in drainage area 1 (REM) Remedial Measures: Regrade and stabilize backfill area to effectively control erosion. Seed and mulch upon completion.	Backfill / Grading
S-3002-19	38	11/7/2024	Extended	(ATA) Action taken to abate: Regrade and stabilize backfill area to effectively control erosion. Seed and mulch upon completion.	
S-3002-19	38	12/9/2024	Extended	(ATA) Action taken to abate: Regrade and stabilize backfill area to effectively control erosion. Seed and mulch upon completion.	

South Cork Coal Permit S-3005-11 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3005-11	1	2/8/2013	Notice of Violation Issued	(DOV) Description of Violation: Failed to protect the hydrologic balance by not installing temporary sediment controls while permanent drainage system was being installed. (REM) Remedial Measures: Install temporary sediment measures.	Sediment Control
S-3005-11	1	2/11/2013	Terminated	(ATA) Action taken to abate: Temporary sediment control measures installed.	
S-3005-11	2	6/2/2016	Notice of Violation Issued	(DOV) Description of Violation: Failed to maintain a sediment control structure. (REM) Remedial Measures: Plug hole in bottom of sediment ditch as discussed.	Sediment Control
S-3005-11	2	6/8/2016	Terminated	(ATA) Action taken to abate: Hole in bottom of ditch has been plugged with bentonite.	
S-3005-11	1	3/31/2017	Notice of Violation Issued	(DOV) Description of Violation: Onsite inspection. Reviewed blast logs and seismograph readings for compliance. During this inspection it was found that the company blasted during the time the blast ad was expired resulting with a NOV being issued. (REM) Remedial Measures: The company must submit affidavit and blast ad to DEP.	Public Notice
S-3005-11	1	3/31/2017	Terminated	(ATA) Action taken to abate: All corrections were made to abate the NOV.	
S-3005-11	3	10/17/2017	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to follow the approved mining plan for contemporaneous reclamation by exceeding 3000 feet incidental contour limitation. The permittee has progressed mining into phase 4 and portions of phase 2 reclamation has not been completed and seeded. (REM) Remedial Measures: The permittee is required to take all measures necessary to comply with the contemporaneous reclamation requirements of the permit and regulations.	Reclamation Schedule
S-3005-11	3	11/20/2017	Extended	(ATA) Action taken to abate: Permittee continues to backfill and rough grade highwall and additional time is required to reduce the incidental length of highwall and to revise the mining and reclamation plan phases.	
S-3005-11	3	12/15/2017	Extended	(ATA) Action taken to abate: Permittee continues backfilling highwall to reduce incidental highwall length and has submitted revision to change the mining plan and phase maps. NOV extended to maximum 90 days by inspector.	
S-3005-11	3	1/16/2018	Extended	(ATA) Action taken to abate: The permittee continues to backfill and grade to reduce the incidental length of highwall and IBR 1 is under review with DEP to change the mining plan including phases as required by the NOV. NOV extended beyond 90 days with supervisor and additional remedial measures added to require the permittee to submit progress reporting to include phase map and identification of existing incidental highwall length. The permittee must continue to pursue IBR 1 approval.	
S-3005-11	3	3/15/2018	Extended	(ATA) Action taken to abate: IBR 1 has been approved to update the phases. Backfilling to reclaim highwall to reduce incidental wall length below 3000 feet continues. Amendment 1 is pending to change the contemporaneous reclamation plan. Highwall mining is ongoing at this time in areas where coal was removed sometime ago. Permittee has requested extension beyond 90 days to allow additional time to complete backfilling. Permittee is required to submit a progress map including details of incidental highwall length and detailed subsidence map by 4/12/18. Continue to pursue the approval of Amendment 1.	
S-3005-11	3	4/30/2018	Extended	(ATA) Action taken to abate: Permittee has continued to backfill highwall to reduce incidental highwall length. IBR 2 has been approved to change the phase map and additional seeding has been completed to reduce disturbed acreage. Permittee is changing the contemporaneous reclamation plan with the pending Amendment 1. NOV extended beyond 90 days with supervisor approval.	
S-3005-11	3	6/28/2018	Extended	(ATA) Action taken to abate: Permittee continues reclamation of highwall and Amendment 1 to change the contemporaneous reclamation plan is pending. NOV extended to allow time for permitting to approve Amendment 1 as the approval may include an informal conference.	
S-3005-11	3	8/17/2018	Extended	(ATA) Action taken to abate: Permittee has continued to backfill highwall and Amendment 1 application is pending approval with informal conference scheduled. NOV extended with Supervisor's approval to 9/27/2018.	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	3	9/28/2018	Terminated	(ATA) Action taken to abate: Amendment 1 has been approved and permittee is meeting the contemporaneous reclamation requirements of the Amendment. NOV terminated.	
S-3005-11	4	5/15/2018	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to pass all runoff from the disturbed area through a sedimentation control system. The permittee has disturbed an area beyond the southeast end of sediment ditch 6 and runoff from the disturbed area does not pass through a sedimentation control system prior to leaving the permitted area. (REM) Remedial Measures: The permittee is required to construct additional length of sediment ditch 6 and certify as required by the approved plans in order to pass all runoff from the disturbed area through a sediment control system. The permittee is also required to fertilize, seed and mulch sediment ditch 6 as required to achieve vegetative cover.	Sediment Control
S-3005-11	4	6/14/2018	Extended	(ATA) Action taken to abate: Permittee has directed drainage from the disturbed area to sediment ditch 6 and has requested additional time to complete seeding entire ditch length with a contracted seeding company. NOV extended.	
S-3005-11	4	7/2/2018	Terminated	(ATA) Action taken to abate: Permittee has seeded existing sediment ditch 6. NOV terminated.	
S-3005-11	5	5/23/2018	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to protect off site areas from disturbance by surface mining operations (clearing and grubbing) in the area of UT-1 (unnamed tributary 1). (REM) Remedial Measures: The permittee is required to fertilize, seed, and mulch disturbed areas in the area of UT-1. The permittee is also required to replace permit boundary markers.	Exceeding Limits
S-3005-11	5	6/6/2018	Terminated	(ATA) Action taken to abate: Area has been seeded and mulched.	
S-3005-11	6	2/25/2019	Notice of Violation Issued	(DOV) Description of Violation: In the area of Sediment ditch 19 and 3 cells NW of outlet 030, "fly rock" was observed in the sediment ditch and off the permit originatin from a blast resulting in an NOV being issued for noncompliance of Title 199-1-3.6.d. (REM) Remedial Measures: The permittee is required to stabilize/remove rocks and submit a causation and prevention plan for review and approval. The permittee is required to flag all holes for cracks, voids and anomalies, and video shots for 60 days or until plan can be updated.	Blasting Procedures
S-3005-11	6	3/14/2019	Extended	(ATA) Action taken to abate: Permittee has worked to remove rock off bonded area and is preparing a causation and preventative plan for approval. NOV extended.	
S-3005-11	6	4/11/2019	Extended	(ATA) Action taken to abate: Permittee has prepared a causation and prevention plan for submittal to WVDEP.	
S-3005-11	6	4/30/2019	Extended	(ATA) Action taken to abate: Permittee has prepared a causation and preventative plan and NOV extended to allow revision to the permit.	
S-3005-11	6	5/28/2019	Extended	(ATA) Action taken to abate: The permittee has submitted IBR 3 to include required blasting plan and NOV extended with supervisor to allow time for approval of the IBR.	
S-3005-11	6	6/3/2019	Terminated	(ATA) Action taken to abate: IBR 3 has been approved to include a causation and preventative plan. NOV terminated.	
S-3005-11	7	2/25/2019	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to follow the approved mining plan for contemporaneous reclamation by exceeding the disturbed and unreclaimed acreage limitations. The permittee has also failed to complete backfilling and rough grading of highwalls within 180 days of final mineral removal in the areas of sediment ditch 1 (001 area) and sediment ditch 6 (016, 017, 018 and 019 parts of area), as well as the center wall. (REM) Remedial Measures: The permittee is required to take all measures necessary to comply with the contemporaneous reclamation requirements of the approved permit and regulations. Backfill and rough grade highwalls and grade, fertilize, seed and mulch disturbed areas.	Reclamation Schedule

South Cork Coal Permit S-3005-11 Violations

S-3005-11	7	3/14/2019	Extended	(ATA) Action taken to abate: Permittee has worked to final grade areas to prepare for spring seeding and to reduce acreage disturbed and is working to eliminate highwall. NOV extended.
S-3005-11	7	4/11/2019	Extended	(ATA) Action taken to abate: Permittee continues to reclaim areas to reduce disturbed area. Additional time is needed to eliminate the highwalls. NOV extended to max allowed time by inspector.
S-3005-11	7	5/28/2019	Extended	(ATA) Action taken to abate: Permittee continues to backfill and grade areas and has completed additional seeding. There remains areas of highwall that must be eliminated. Permittee required to submit an updated progress map including highwall mining mine development map. NOV extended with supervisor.
S-3005-11	7	7/1/2019	Extended	(ATA) Action taken to abate: Permittee continues grading, seeding areas to eliminate highwall and reduce disturbance. Additional time requested to eliminate highwalls as required by NOV. NOV extended with supervisor.
S-3005-11	7	8/16/2019	Extended	(ATA) Action taken to abate: Permittee has seeded to reduce acreage disturbed and is mining in area of sed ditch 1 001 area. There remains center wall highwall to reclaim and highwall to eliminate in area of sed ditch 6. NOV extended with supervisor and permittee must work to terminate this violation by the new abatement date.
S-3005-11	7	10/7/2019	Extended	(ATA) Action taken to abate: Permittee continues working to reduce acreage and backfill/grade areas. NOV extended.
S-3005-11	7	12/3/2019	Extended	(ATA) Action taken to abate: Permittee continues working to eliminate highwall as required by the NOV. Submit a new progress map in 45 days (1-17-2020) to show disturbance, highwall, mine development etc. at that time.
S-3005-11	7	1/3/2020	Extended	(ATA) Action taken to abate: The permittee has completed backfill/rough grading of some of the area adjacent to outlet 001, and a portion of temporary ditch 6 however other areas need to be addressed for exceeding 180 days for backfilling / rough grading. Contour area adjacent to sediment ditch 15 and portion of B seam mining in the area of external haulroad are being included in NOV 7 to require backfill / rough grading.
S-3005-11	7	2/18/2020	Extended	(ATA) Action taken to abate: Work discussed with all levels of company personnel and permittee aware of work needed to be completed. Contemporaneous Reclamation is an ongoing activity. NOV extended with supervisor.
S-3005-11	7	3/20/2020	Extended	(ATA) Action taken to abate: Permittee has completed areas for backfilling/rough grading however additional areas remain to be completed. NOV extended with supervisor and permittee required to submit a complete progress map including showing highwalls completed during this violation and remaining to be completed at the new extension date. Work must continue to seed reclaimed areas to reduce disturbed acreage to contemporaneous reclamation limits and to continue backfilling / grading highwalls adjacent to ditch 15/ ditch 16 B seam / and center highwall all seams.
S-3005-11	7	4/20/2020	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Permittee continues to backfill and grading on the NOV. The remaining highwall elimination must be constantly worked on. Tract areas, that has tightly compacted soil. SEEDING, FERTILIZEING AND MULCHING MUST START IN ORDER TO REDUE THE AMOUNT OF DISTURBED AREA.
S-3005-11	7	6/5/2020	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company must must work to terminate this violation by the new abatement date and submit a letter to the Inspector with any additional extensions. The letter must have a break down in acres for the following. Total disturbed acres, acres that needs reclaimed, reclaimed acres ready to be seeded, and total of acres that has been reclaimed and seeded for each increment. Also, the letter must submit all equipment and total hours worked on the violation.
S-3005-11	7	7/6/2020	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company must work to terminate this violation. Areas has been reclaimed and seed.
S-3005-11	7	8/3/2020	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company must work to terminate this violation.
S-3005-11	7	9/2/2020	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company must work to terminate this violation.
S-3005-11	7	10/16/2020	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company has been working to terminate this violation. Work must continue to extend NOV.
S-3005-11	7	12/17/2020	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company has been working to terminate this violation. Work must continue to extend NOV.
S-3005-11	7	1/29/2021	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company has been working to terminate this violation. Work must continue to extend NOV. Company MUST submit a Contemporaneous Reclamation Revision.

South Cork Coal Permit S-3005-11 Violations

S-3005-11	7	2/26/2021	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company has been working to terminate this violation. Work must continue to extend NOV. Company MUST submit a Contemporaneous Reclamation Revision.	
S-3005-11	7	3/24/2021	Extended	(ATA) Action taken to abate: Show Cause Order issued 3-24-2021; SC #2031/mms	
S-3005-11	7	3/29/2021	Extended	(ATA) Action taken to abate: Extended NOV # 7 with supervisor approval. Company must continue to work on violation.	
S-3005-11	7	4/26/2021	Extended	(ATA) Action taken to abate: Consent Order in effect; SC #2031	
S-3005-11	7	4/27/2021	Extended	(ATA) Action taken to abate: Extended NOV 7. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	7	7/26/2021	Extended	(ATA) Action taken to abate: Extended NOV 7. Company has entered a Consent Order.	
S-3005-11	7	8/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 7. Company has entered a Consent Order.	
S-3005-11	7	8/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 7. Company has entered a Consent Order. Company must continue to work on violation.	
S-3005-11	7	9/24/2021	Extended	(ATA) Action taken to abate: Extended NOV 7. Company has entered a Consent Order. Company must continue to work on violation.	
S-3005-11	7	10/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 7. Company has entered a Consent Order. Company must continue to work on violation.	
S-3005-11	7	11/24/2021	Extended	(ATA) Action taken to abate: Extended NOV 7. Company has entered a Consent Order. Company is working on violation.	
S-3005-11	7	1/10/2022	Extended	(ATA) Action taken to abate: Company has entered into a Consent Order. Company is working on violation.	
S-3005-11	7	9/28/2023	Terminated	(ATA) Action taken to abate: Company has met all remedial measures	
S-3005-11	8	10/24/2019	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to protect off site areas from surface mining and has disturbed area outside the permitted area below the permitted location of sediment ditch 16. (REM) Remedial Measures: The permittee is required to obtain approval of Incidental Boundary Revision application to include all area disturbed outside the permitted and bonded area.	Exceeding Limits
S-3005-11	8	11/21/2019	Extended	(ATA) Action taken to abate: IBR 4 is pending. NOV extended.	
S-3005-11	8	12/19/2019	Extended	(ATA) Action taken to abate: Permittee is working to obtain approval of IBR 4 in include areas disturbed outside of the permitted area. All permitting information for the areas disturbed must be addressed for approval. NOV extended.	
S-3005-11	8	1/23/2020	Extended	(ATA) Action taken to abate: Permittee has resubmitted IBR 4 with corrections and requested extension beyond 90 days to allow time for IBR approval.	
S-3005-11	8	3/20/2020	Extended	(ATA) Action taken to abate: Permittee is working to obtain approval of IBR 4. NOV 8 is extended beyond 90 days with supervisor.	
S-3005-11	8	4/20/2020	Extended	(ATA) Action taken to abate: IBR 4 is still pending. Extension Letter was submitted on time. Extended NOV # 8 with supervisor approval.	
S-3005-11	8	6/5/2020	Extended	(ATA) Action taken to abate: IBR 4 is still pending. Extension Letter was submitted on time. Extended NOV # 8 with supervisor approval.	
S-3005-11	8	7/6/2020	Extended	(ATA) Action taken to abate: IBR 4 is still pending. Extension Letter was submitted on time. Extended NOV # 8 with supervisor approval.	
S-3005-11	8	8/3/2020	Extended	(ATA) Action taken to abate: Extended NOV # 8 with supervisor approval. Company must work to terminate this violation.	
S-3005-11	8	9/2/2020	Extended	(ATA) Action taken to abate: Extended NOV # 8 with supervisor approval. Company must work to terminate this violation.	
S-3005-11	8	10/16/2020	Extended	(ATA) Action taken to abate: Extended NOV # 8 with supervisor approval. Company must continue to work on correcting the violation.	
S-3005-11	8	11/16/2020	Terminated	(ATA) Action taken to abate: IBR # 4 has been approved. NOV # 8 Terminated.	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	9	11/27/2019	Notice of Violation Issued	<p>(DOV) Description of Violation: The permittee has failed to properly maintain sediment ditch 12 where drainage is flowing thru and under the third (3rd) cell as located near outlet 034 and muddy drainage is flowing into the unnamed tributary of Middle Branch of Laurel Creek. Outlet 034 has no discharge and cells 1(at outlet 034) and 2nd cell from 034 have no water present. Only the water flowing into the third cell is present with no water accumulating into the third cell. A large portion of drainage area 12 is being directed to this single cell (third cell from 034). Water samples taken for HPU inspection.</p> <p>(REM) Remedial Measures: The permittee is required to take all measures to properly direct disturbed area drainage to an appropriate sediment control structure and properly maintain sediment ditch 12 including any measure needed to seal sediment ditch 12 and to direct drainage to a designed outlet for discharge. The permittee is also required to remove trees from clearing operations from the sediment ditch.</p>	Sediment Control
S-3005-11	9	12/19/2019	Extended	(ATA) Action taken to abate: Permittee has reconstructed a portion of the ditch and continues to complete reconstruction. NOV extended to allow time to complete work.	
S-3005-11	9	1/3/2020	Terminated	(ATA) Action taken to abate: Permittee has completed reconstruction of sediment ditch 12 and the ditch appears to be functioning properly. NOV terminated.	
S-3005-11	10	5/8/2020	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has failed to maintain sediment control structures during mining operation in such a manner as to minimize adverse hydrologic impacts off Permitted Area. Areas included are the Sediment Control Structures that are associated with Sediment Ditch 15 and Sediment Ditch 16.</p> <p>(REM) Remedial Measures: Clean and restore All Sediment Control Structures that are associated with Sediment Ditch 15 and Sediment Ditch 16 back to the permit standards. Seed, fertilizer and mulch all areas that were disturbed. Re-Certified Sediment Ditch 15 and Sediment Ditch 16.</p>	Sediment Control
S-3005-11	10	5/15/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10. Company is working on the NOV. Cells are being cleaned and repaired. Flock Logs were placed between the cells leading to Outlet 020.	
S-3005-11	10	5/29/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10. Company has repaired and cleaned Sediment Ditch 16.	
S-3005-11	10	6/29/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10. Work MUST CONTINUE to correct the violation.	
S-3005-11	10	7/20/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10. Work MUST CONTINUE to correct the violation.	
S-3005-11	10	8/6/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10. Work MUST CONTINUE to correct the violation.	
S-3005-11	10	9/7/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10. Work MUST CONTINUE to correct the violation.	
S-3005-11	10	10/30/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10. Company is working on NOV. Sediment Ditch 16 has been recertified. Sediment Ditch 15 needs recertified.	
S-3005-11	10	11/29/2020	Extended	(ATA) Action taken to abate: Extended NOV # 10 with supervisor approval. We met up with the company and discussed what needed to be completed, so the NOV can be terminated.	
S-3005-11	10	1/5/2021	Extended	(ATA) Action taken to abate: Extended NOV # 10 with supervisor approval. Extended NOV # 10 with supervisor approval.	
S-3005-11	10	2/19/2021	Extended	(ATA) Action taken to abate: Extended NOV 10 with Supervisors permission. A letter asking for a past 90-day extension was sent before the deadline.	
S-3005-11	10	3/24/2021	Extended	(ATA) Action taken to abate: Show Cause Order issued 3-24-2021; SC #2031	
S-3005-11	10	4/2/2021	Extended	(ATA) Action taken to abate: Extended NOV # 10 with supervisor approval. Company must continue to work on the violation.	
S-3005-11	10	4/26/2021	Extended	(ATA) Action taken to abate: Consent Order in effect; SC #2031	
S-3005-11	10	5/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 10. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	10	7/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 10. Company has entered Consent Order. No work has been done since CO has been signed.	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	10	8/29/2021	Extended	(ATA) Action taken to abate: Extended NOV 10. Company has entered Consent Order. No work has been done on correcting the sediment ditches.	
S-3005-11	10	9/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 10. Company has entered Consent Order. No work has been done on correcting the sediment ditches. Company must work on the violation.	
S-3005-11	10	10/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 10. Company has entered Consent Order.	
S-3005-11	10	11/26/2021	Extended	(ATA) Action taken to abate: Extended NOV 10. Company has entered Consent Order. Work is ongoing on the ditches.	
S-3005-11	10	1/10/2022	Extended	(ATA) Action taken to abate: Company has entered into a Consent Order. Company is working on remedial measures.	
S-3005-11	10	10/5/2023	Terminated	(ATA) Action taken to abate: Company has met all remedial measures	
S-3005-11	11	7/7/2020	Notice of Violation Issued	(DOV) Description of Violation: The company has failed to remove water accumulation from the pit located in Drainage Area 17 at least once in a twenty-four (24) hour period whenever water quality or spoil stability may be adversely affected. (REM) Remedial Measures: Company must remove the water from the wall and pit area. That water must go through an NPDES Outlet. Discharging Water must be checked to ensure that water quality meets or exceeds the limits set for that outlet.	Method of Operations
S-3005-11	11	7/17/2020	Extended	(ATA) Action taken to abate: Extended NOV # 11. Company has started to correct the violation.	
S-3005-11	11	7/31/2020	Extended	(ATA) Action taken to abate: Extended NOV # 11. Company is backfilling the wall. They are moving the water out of the pit.	
S-3005-11	11	8/21/2020	Extended	(ATA) Action taken to abate: Extended NOV # 11. Company is backfilling the wall. They are moving the water out of the pit.	
S-3005-11	11	9/3/2020	Terminated	(ATA) Action taken to abate: Terminated NOV # 11.	
S-3005-11	12	10/20/2020	Notice of Violation Issued	(DOV) Description of Violation: The company failed to follow permit conditions in that they removed coal in the Approved Permit out of the current Phase. The Company removed coal that is to be removed in Phase 5, while they were still working in Phase 3 and 4. Phase 3 and 4 has not been completed. (REM) Remedial Measures: On the pending IBR # 4 Application. The company must make corrections to phase map in the pending application. Making the Approved IBR # 4 Phase Map to match on ground conditions.	Permit Conditions
S-3005-11	12	11/17/2020	Extended	(ATA) Action taken to abate: Extended NOV # 12. Company has started on the revision.	
S-3005-11	12	12/17/2020	Extended	(ATA) Action taken to abate: Extended NOV # 12. Company must submit the revision and continue to work towards the approval of the revision.	
S-3005-11	12	1/18/2021	Extended	(ATA) Action taken to abate: Extended NOV # 12 with supervisor approval. Company must submit the revision and continue to work towards the approval of the revision.	
S-3005-11	12	2/17/2021	Extended	(ATA) Action taken to abate: Extended NOV 12 with Supervisors permission. A letter asking for a past 90-day extension was sent before the deadline.	
S-3005-11	12	3/24/2021	Extended	(ATA) Action taken to abate: Show Cause Order issued 3-24-2021; SC #2031	
S-3005-11	12	4/2/2021	Extended	(ATA) Action taken to abate: Extended NOV # 12 with supervisor approval. Company must submit the revision and continue to work towards the approval of the revision.	
S-3005-11	12	4/26/2021	Extended	(ATA) Action taken to abate: Consent Order in effect; SC #2031	
S-3005-11	12	5/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 12. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	12	7/30/2021	Extended	(ATA) Action taken to abate: Extended NOV # 12. Company must continue working on the revision.	
S-3005-11	12	8/29/2021	Extended	(ATA) Action taken to abate: Extended NOV # 12. Company has entered Consent Order. Correction was sent back to the company on June 2, 2021. Company must continue working on the revision	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	12	9/28/2021	Extended	(ATA) Action taken to abate: Extended NOV # 12. Company has entered Consent Order. Correction was sent back to the company on June 2, 2021. Company must continue working on the revision	
S-3005-11	12	10/28/2021	Extended	(ATA) Action taken to abate: Extended NOV # 12. Company has entered Consent Order. Correction was sent back to the company on June 2, 2021. Company must continue working on the revision	
S-3005-11	12	11/26/2021	Extended	(ATA) Action taken to abate: Extended NOV # 12. Company has entered Consent Order.	
S-3005-11	12	1/10/2022	Extended	(ATA) Action taken to abate: Company has entered into a Consent Order. Company is working on remedial measures.	
S-3005-11	12	4/12/2022	Terminated	(ATA) Action taken to abate: The corrections were made in REV#6, that was approved on 1/12/22.	
S-3005-11	13	10/28/2020	Notice of Violation Issued	(DOV) Description of Violation: Company failed to maintain drainage area to prevent short-circuiting of the NPDES Outlet 031. In time the outlet has blown out. In drainage area 18. (REM) Remedial Measures: Bring back Outlet 031 back to Permit Standards. Disturbed area must be seeded.	Diversions and Drainage Control
S-3005-11	13	11/5/2020	Extended	(ATA) Action taken to abate: Extended NOV # 13. Company started on the work to correct NOV.	
S-3005-11	13	11/20/2020	Extended	(ATA) Action taken to abate: Extended NOV # 13. Company had they Excavator go down; it's getting worked on.	
S-3005-11	13	12/7/2020	Extended	(ATA) Action taken to abate: Extended NOV # 13. Company must continue to work on violation.	
S-3005-11	13	12/16/2020	Extended	(ATA) Action taken to abate: Extended NOV # 13. Company must continue to work on violation.	
S-3005-11	13	1/26/2021	Extended	(ATA) Action taken to abate: Extended NOV # 13. Company must continue to work on violation.	
S-3005-11	13	2/26/2021	Extended	(ATA) Action taken to abate: Extended NOV # 13. With supervisor approval. Company must continue to work on violation.	
S-3005-11	13	3/24/2021	Extended	(ATA) Action taken to abate: Show Cause Order issued 3-24-2021; SC #2031	
S-3005-11	13	3/29/2021	Extended	(ATA) Action taken to abate: Extended NOV # 13 with supervisor approval. Company must work to correct the violation.	
S-3005-11	13	4/26/2021	Extended	(ATA) Action taken to abate: Consent Order in effect; SC #2031	
S-3005-11	13	5/3/2021	Extended	(ATA) Action taken to abate: Extended NOV 13. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	13	7/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 13. Company has entered Consent Order. Berm has been repaired. Waiting for it to be seeded.	
S-3005-11	13	8/29/2021	Extended	(ATA) Action taken to abate: Extended NOV 13. Company has entered Consent Order. Berm has been repaired. Waiting for it to be seeded.	
S-3005-11	13	9/28/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 13.	
S-3005-11	14	1/27/2021	Notice of Violation Issued	(DOV) Description of Violation: Company has failed to remove water accumulation from the above Drainage Area 17 at least once in a twenty-four (24) hour period whenever water quality or spoil stability may be adversely affected. (REM) Remedial Measures: Company must remove the water from above Drainage Area 17. That water must go through one of the NPDES Outlets nearby. Drainage must be put in place to keep keeping surface water from pooling up.	Surface Water
S-3005-11	14	2/10/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. Company MUST continue to work on the violation.	
S-3005-11	14	2/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. THE VIOLATION MUST BE WORKED ON BEFORE ANOTHER EXTENSION CAN BE GIVEN.	
S-3005-11	14	3/24/2021	Extended	(ATA) Action taken to abate: Show Cause Order issued 3-24-2021; SC #2031	
S-3005-11	14	3/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. Will need a letter requesting a past 90-day extension for the next extension.	
S-3005-11	14	4/26/2021	Extended	(ATA) Action taken to abate: Consent Order in effect; SC #2031	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	14	4/27/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	14	7/26/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	14	8/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	14	9/24/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. Company has entered Consent Order. No work has been done to correct the violation.	
S-3005-11	14	10/25/2021	Extended	(ATA) Action taken to abate: Extended NOV 14. Company has entered Consent Order. No work has been done to correct the violation.	
S-3005-11	14	11/2/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 14. Water was drained.	
S-3005-11	15	3/1/2021	Notice of Violation Issued	DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. Surface Runoff above Outlet 033 in Drainage Area 12 is collecting and running into the ground bypassing all sediment structures and outlets. (REM) Remedial Measures: Collect all runoff and direct the flow to go into a sediment ditch. Ensuring that all runoff is passing through a Permitted Outlet. The area where the drainage is going into the ground. Seal that area off with good material.	Other Conditions
S-3005-11	15	3/24/2021	Extended	(ATA) Action taken to abate: Show Cause Order issued 3-24-2021; SC #2031	
S-3005-11	15	3/31/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company must work on violation.	
S-3005-11	15	4/26/2021	Extended	(ATA) Action taken to abate: Consent Order in effect; SC #2031	
S-3005-11	15	4/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	15	7/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has entered Consent Order.	
S-3005-11	15	8/29/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has entered Consent Order. Regrading is ongoing. On site 08-30-21 no equipment was working that day.	
S-3005-11	15	9/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has entered Consent Order. No work has been done for 4 weeks.	
S-3005-11	15	10/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has entered Consent Order.	
S-3005-11	15	11/26/2021	Extended	(ATA) Action taken to abate: Extended NOV 15. Company has entered Consent Order.	
S-3005-11	15	1/10/2022	Extended	(ATA) Action taken to abate: Company has entered into a Consent Order. Company is working on remedial measures.	
S-3005-11	15	11/2/2022	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	
S-3005-11	16	3/1/2021	Notice of Violation Issued	DOV) Description of Violation: Failure to protect off-site area. Company failed to maintain sediment ditch 16: cells 24, 27 and 29. The tops of the outer embankments has let go. Letting water to discharge overtopping them flowing off permitted area. (REM) Remedial Measures: Repair sediment ditch 16: cells 24, 27 and 29 back to permit standards. Ensuring that they have 12" of free board. Remove material from NON-Bonded Area, seed, fertilizer and mulch all disturbed area. (Bonded and Not Bonded) Re-certificated Sediment Ditch 16.	Sediment Control
S-3005-11	16	3/24/2021	Extended	(ATA) Action taken to abate: Show Cause Order issued 3-24-2021; SC #2031	
S-3005-11	16	3/31/2021	Extended	(ATA) Action taken to abate: Extended NOV 16. Company must work to correct the violation.	
S-3005-11	16	4/26/2021	Extended	(ATA) Action taken to abate: Consent Order in effect; SC 2031	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	16	4/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 16. Company has entered Consent Order. No work has been done since CO has been signed.	
S-3005-11	16	7/30/2021	Extended	(ATA) Action taken to abate: Extended NOV 16. Company has entered Consent Order. Company is working on back filling the area.	
S-3005-11	16	8/29/2021	Extended	(ATA) Action taken to abate: Company has entered Consent Order. Regrading is ongoing. On site 08-30-21 no equipment was working that day.	
S-3005-11	16	9/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 16. Company has entered Consent Order. Company. No work has been done to correct the violation in 4 weeks.	
S-3005-11	16	10/28/2021	Extended	(ATA) Action taken to abate: Extended NOV 16, Company has entered Consent Order.	
S-3005-11	16	11/26/2021	Extended	(ATA) Action taken to abate: Extended NOV 16, Company has entered Consent Order.	
S-3005-11	16	1/10/2022	Extended	(ATA) Action taken to abate: Company has entered into a Consent Order. Company is working on remedial measures.	
S-3005-11	16	9/28/2023	Terminated	(ATA) Action taken to abate: Company has completed remedial measures.	
S-3005-11	17	11/1/2021	Notice of Violation Issued	(DOV) Description of Violation: Failed to follow permit conditions in that the company has went over on percentages of acres disturbed to the percentage of being reclaimed. While working in increment 3, the company has gone over 200 acres of disturbance. (REM) Remedial Measures: Company must post bond for Increment 7 or have Revision 6 approval with added area to Increment 3 in 30 days.	Permit Conditions
S-3005-11	17	12/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 17.	
S-3005-11	17	1/10/2022	Extended	(ATA) Action taken to abate: NOV extended.	
S-3005-11	17	1/26/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures. Site was completely covered with snow and ice during this follow-up.	
S-3005-11	17	3/1/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	4/4/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	5/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	6/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	7/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	8/18/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	9/7/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	10/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	11/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	17	11/28/2022	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	
S-3005-11	18	11/1/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to complete rough backfilling and regrading shall be completed within one hundred eighty (180) days following coal removal. In the following areas: South of Bond Increment 7 in increment 4 above Outlet 020, there is approximately 650ft of highwall remaining. Above Outlet 033 East of Increment Bond 5 next to the closed section of County Route 10/1. There is approximately 360ft of highwall remaining. Bond Increment 5, Between Outlet 018 and 019 there is a box cut through the point with approximately 930ft of highwall remaining. Bond Increment 5 above Outlet 038. There is approximately 240ft of highwall remaining. (REM) Remedial Measures: Company must complete rough backfill, regrade, seed, and mulch all remaining Highwalls in Bond Increments 4 and 5. After the seeding is completed, the company must submit the MR-8 for the seeding that was completed.	Highwall Elimination
S-3005-11	18	12/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 18.	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	18	1/10/2022	Extended	(ATA) Action taken to abate: NOV is extended. Company working on remedial measures.	
S-3005-11	18	1/26/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures. Site was completely covered with snow and ice during this follow-up.	
S-3005-11	18	3/1/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	4/4/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	5/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	6/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	7/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	8/18/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	9/7/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	10/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	11/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	12/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	1/17/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	3/2/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	4/6/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	5/10/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	6/6/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	7/11/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	8/8/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	9/13/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	18	9/28/2023	Modified to Cessation Order	(ATA) Action taken to abate: Failure to abate the violation in the given time period. NOV modified to FTACO.	
S-3005-11	19	11/1/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: Company failed to maintain Sediment Ditches 1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 24, outlets 035 and 039 to prevent short-circuiting of the drainage systems. Company failed to maintain or place flumes in the following areas to prevent short-circuiting of the drainage systems: [1 Flume] above Outlet 015, [2 flumes] North of Increment 7 above outlet 011, [2 Flumes] North of Increment 7 above 008 and 009, [2 Flumes] next to Outlet 007, [1 Flume] Behind the Guard Shack next to the parking lot, [1 Flume] above Outlet 033 and 034, and next to Outlet 033.</p> <p>(REM) Remedial Measures: Company must bring Sediment Ditches 1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 24 and outlet 039 back up to permit standards. Submit Certifications and obtain approval for the following : 1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 24 and outlet 039. Company must repair or construct Flumes in the following areas: [1 Flume] above Outlet 015, [2 flumes] North of Increment 7 above outlet 011, [2 Flumes] North of Increment 7 above 008 and 009, [2 Flumes] next to Outlet 007, [1 Flume] Behind the Guard Shack next to the parking lot, [1 Flume] above Outlet 033 and 034, and next to Outlet 033. Flumes must be brought up to or constructed to permit standards, submit certification, and obtain approval.</p>	Sediment Control
S-3005-11	19	12/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 19.	
S-3005-11	19	1/10/2022	Extended	(ATA) Action taken to abate: NOV is extended. Company working on remedial measures.	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	19	1/26/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures. Site was completely covered with snow and ice during this follow-up.	
S-3005-11	19	3/1/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	4/4/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	5/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	6/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	7/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	8/18/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	9/7/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	10/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	11/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	12/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	1/17/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	3/2/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	4/6/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	5/10/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	6/6/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	7/1/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	8/8/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	9/13/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	19	9/28/2023	Modified to Cessation Order	(ATA) Action taken to abate: Failure to abate the violation in the given time period. NOV modified to FATCO.	
S-3005-11	20	11/1/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to establish a temporary vegetation cover at the end of the first growing season in the following areas: [Drainages 1, 12, 14, 16, 16A], [Sediment Ditch 6 above Outlets 015, 011, 012 above sediment ditches 7 and 8 next to increment 7], and [Sediment Ditch 17]. (REM) Remedial Measures: Company must seed, fertilizer and mulch according to the approved permit plan and submit a MR-8 for the following areas: [Drainages 1, 12, 14, 16, 16A], [Sediment Ditch 6 above Outlets 015, 011, 012 above sediment ditches 7 and 8 next to increment 7], and [Sediment Ditch 17].	Revegetation Requirements
S-3005-11	20	11/3/2021	Withdrawn	(ATA) Action taken to abate: Withdrawn NOV 20. New violation 21 will replace violation 20. Corrections were made.	
S-3005-11	21	11/3/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to establish a temporary vegetation cover at the end of the first growing season in the following areas: [Drainages 1, 12, 14, 16, 16A], [Sediment Ditch 6 above Outlets 015, 011, 012 above sediment ditches 7 and 8 next to increment 7], and [Sediment Ditch 17]. Also, the company failed to follow the tree planting plan in that, trees were not planted by the second growing season in the following areas: Drainage Areas 1, 2, 4, 5, 6, 6A, 6B, 6C, 7 10, 15, 18, 19, 20, and 24. (REM) Remedial Measures: Company must seed, fertilizer and mulch according to the approved permit plan and submit a MR-8 for the following areas: [Drainages 1, 12, 14, 16, 16A], [Sediment Ditch 6 above Outlets 015, 011, 012 above sediment ditches 7 and 8 next to increment 7], and [Sediment Ditch 17]. Also, the company must follow the approved tree planting plan, by planting the permitted tree species, and submitting a MR-8 for the following areas: Drainage Area 1, 2, 4, 5, 6, 6A, 6B, 6C, 7 10, 15, 18, 19, 20, and 24.	Revegetation Requirements

South Cork Coal Permit S-3005-11 Violations

S-3005-11	21	12/1/2021	Extended	(ATA) Action taken to abate: Extended NOV 21.	
S-3005-11	21	1/10/2022	Extended	(ATA) Action taken to abate: NOV is extended. Company working on remedial measures.	
S-3005-11	21	1/26/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures. Planting has been delayed due to the freezing conditions. Site was completely covered with snow and ice during this follow-up.	
S-3005-11	21	3/1/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures. Planting has been delayed due to the freezing conditions.	
S-3005-11	21	4/4/2022	Extended	(ATA) Action taken to abate: Extension request received. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3005-11	21	5/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Failure to complete the remedial measures in the time given may result into a FTACO.	
S-3005-11	21	6/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	7/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	8/18/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	9/7/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	10/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	11/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	12/14/2022	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	1/17/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	3/2/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	4/6/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	5/10/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	6/6/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	7/11/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	8/8/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	9/13/2023	Extended	(ATA) Action taken to abate: Extension request received. Company is working on remedial measures.	
S-3005-11	21	9/28/2023	Modified to Cessation Order	(ATA) Action taken to abate: Failure to abate the violation in the given time period. NOV modified to FATCO.	
S-3005-11	22	5/3/2023	Notice of Violation Issued	(DOV) Description of Violation: NOV issued today for failure to satisfy the Order Of Compliance stated in Consent Order (Show Cause # 2031) in the time given. Consent Order expired December 23, 2022. (REM) Remedial Measures: Complete the ORDER OF COMPLIANCE stated in the consent order (Show Cause # 2031).	Other Conditions
S-3005-11	22	6/6/2023	Extended	(ATA) Action taken to abate: Complete the ORDER OF COMPLIANCE stated in the consent order (Show Cause # 2031).	
S-3005-11	22	7/11/2023	Extended	(ATA) Action taken to abate: Complete the ORDER OF COMPLIANCE stated in the consent order (Show Cause # 2031).Company is still needing to finish covering the remaining highwall and seed all remaining areas that was previously cited	
S-3005-11	22	8/8/2023	Extended	(ATA) Action taken to abate: Complete the ORDER OF COMPLIANCE stated in the consent order (Show Cause # 2031).Company is still needing to finish covering the remaining highwall and seed all remaining areas that was previously cited	
S-3005-11	22	9/13/2023	Extended	(ATA) Action taken to abate: Failure to abate the violation in the given time period. NOV modified to FATCO.	
S-3005-11	22	9/28/2023	Terminated	(ATA) Action taken to abate: Company has completed remedial measures.	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	23	9/13/2023	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Cease all mining / production activities on permit. FTACO issued today for failure to meet compliance of NOV22 in the time given. (REM) Remedial Measures: Complete the order of compliance stated in NOV22. Update ownership and control information as per attached letter.	Other Conditions
S-3005-11	23	6/11/2024	Terminated	(ATA) Action taken to abate: Remedial Measures have been met	
S-3005-11	24	9/28/2023	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Cease all mining and production on this permit.Failure to abate the violation in the given time period. NOV modified to FTACO. (REM) Remedial Measures: Complete rough backfill, regrade, seed, and mulch all remaining highwalls in bond increments 4 and 5. After the seeding is completed, the company must submit the MR-8 for the seeding that was completed.	Highwall Elimination
S-3005-11	24	1/18/2024	Terminated	(ATA) Action taken to abate: Remedial measures have been met.	
S-3005-11	25	9/28/2023	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Cease Mining and production on this permit. Failure to abate the violation in the given time period. NOV modified to FTACO. (REM) Remedial Measures: Company must bring Sediment Ditches 1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 24 and outlet 039 back up to permit standards. Submit Certifications and obtain approval for the following : 1, 5, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 24 and outlet 039. Company must repair or construct Flumes in the following areas: [1 Flume] above Outlet 015, [2 flumes] North of Increment 7 above outlet 011, [2 Flumes] North of Increment 7 above 008 and 009, [2 Flumes] next to Outlet 007, [1 Flume] Behind the Guard Shack next to the parking lot, [1 Flume] above Outlet 033 and 034, and next to Outlet 033. Flumes must be brought up to or constructed to permit standards, submit certification, and obtain approval.	Sediment Control
S-3005-11	25	3/21/2024	Terminated	(ATA) Action taken to abate: REMEDIAL MEASURES HAVE BEEN MET.	
S-3005-11	26	9/28/2023	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Cease mining and production on this permit. Failure to abate the violation in the given time period. NOV modified to FTACO. (REM) Remedial Measures: Company must seed, fertilizer, and mulch according to the approved permit plan. Submit a MR-8 for the following areas : (Drainages 1,12,14,16,16A) Sediment ditch 6 above outlets 015, 011, 012 above sediment ditches 7 and 8 next to increment 7 and sediment ditch 17.	Revegetation Requirements
S-3005-11	26	3/21/2024	Terminated	(ATA) Action taken to abate: REMEDIAL MEASURES HAVE BEEN MET.	
S-3005-11	26	6/18/2024	Terminated	(ATA) Action taken to abate: Show Cause Order issued 6/18/24. SC# 2186/mms	
S-3005-11	27	10/21/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #27 issued on this day as a result of the permittee failing to prevent excessive erosion in the regraded areas in drainage area 3 (REM) Remedial Measures: Regrade and stabilize backfill area to effectively control erosion. Seed and mulch upon completion.	Backfill / Grading
S-3005-11	27	11/7/2024	Extended	(ATA) Action taken to abate: Regrade and stabilize backfill area to effectively control erosion. Seed and mulch upon completion.	
S-3005-11	27	12/9/2024	Extended	(ATA) Action taken to abate: Regrade and stabilize backfill area to effectively control erosion. Seed and mulch upon completion.	
S-3005-11	28	10/17/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV issued on this day as a result of the permittee failing to install flume 3A and 3B in the approved drainage plan. (REM) Remedial Measures: Construct flumes as to the approved plan.	Diversions and Drainage Control
S-3005-11	28	11/7/2024	Extended	(ATA) Action taken to abate: Construct flumes as to the approved plan.	

South Cork Coal Permit S-3005-11 Violations

S-3005-11	28	12/9/2024	Extended	(ATA) Action taken to abate: Construct flumes as to the approved plan.	
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South Fork Coal Permit S-3010-16 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3010-16	1	4/11/2018	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to install permanent monument, permit boundary, perimeter markers, buffer zone markers, blasting signs as required prior to initial disturbance. (REM) Remedial Measures: The permittee is required to establish all signs and markers as required for this permit.	Signs and Markers
S-3010-16	1	5/10/2018	Extended	(ATA) Action taken to abate: Permittee has placed some signs, markers and additional time is requested to complete placement of all signs/markers for increments bonded and access roads.	
S-3010-16	1	6/6/2018	Terminated	(ATA) Action taken to abate: Signs have been posted at access.	
S-3010-16	2	12/4/2018	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to protect off site areas from surface mining and has conducted surface mining operations outside the permitted area adjacent and below the area of permitted sediment ditch 2. (REM) Remedial Measures: The permittee is required to submit and Incidental boundary revision application to include all area disturbed and mined outside the permitted area.	Exceeding Limits
S-3010-16	2	12/11/2018	Terminated	(ATA) Action taken to abate: The permittee has submitted an IBR application to include areas disturbed and mined outside of the permitted area. NOV terminated.	
S-3010-16	3	2/7/2019	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to maintain the sediment control system of ditches to clean out to capacity and pass all drainage thru a structure prior to leaving permit. Sediment ditch at 009 (IBR 3 2-B cell 8) has breached and a cell 2 to 009 has accumulated sediment requiring clean out. Sediment ditch cells of Ditch F1-A to 001 have accumulated beyond the 60% clean out capacity and all drainage from the disturbed area above ditch 1A must be directed to ditch 1A to 003 prior to leaving the permit. (REM) Remedial Measures: The permittee is required to take all measures necessary to maintain by repair/clean out of the sediment ditches and pass all drainage from the disturbed area to the sediment ditch as required. Repair sediment ditch at 009 (IBR 3 2-B) where cell 8 is breached and clean out cell 2 to 009 to capacity. Direct drainage from disturbed area above ditch 1A to ditch 1A. Clean out sediment ditch F1-A cells to 001 to 100% capacity.	Sediment Control
S-3010-16	3	3/12/2019	Extended	(ATA) Action taken to abate: Work to abate the violation is ongoing and hampered by weather. NOV extended.	
S-3010-16	3	4/11/2019	Extended	(ATA) Action taken to abate: Permittee working to clean ditches and repair structures. Additional time needed to complete work. NOV extended maximum time by inspector.	
S-3010-16	3	5/6/2019	Extended	(ATA) Action taken to abate: Ditches have been cleaned and breach repaired, additional time to complete work requested and approved with supervisor.	
S-3010-16	3	5/17/2019	Terminated	(ATA) Action taken to abate: Work on sediment structures has been completed. NOV terminated.	
S-3010-16	4	2/6/2020	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to properly maintain the approved drainage system. Drainage has accumulated in bench pit and has overflowed into sediment ditch 2 causing the outside berm of sediment ditch 2 to breach between outlets 007 and 008. Drainage is discharging off of the permit. (REM) Remedial Measures: The permittee is required to take all measures needed to repair the approved sediment ditch 2 and direct discharge of drainage to an approved outlet. Areas below the sediment ditch where the breach has occurred will need to be stabilized, seeded and mulched.	Sediment Control
S-3010-16	4	3/6/2020	Extended	(ATA) Action taken to abate: The permittee has repaired ditch. Additional time required to insure ditch will function properly. Drainage from bench pit is being directed to outlet 008.	
S-3010-16	4	3/24/2020	Extended	(ATA) Action taken to abate: NOV 4 remains in force requiring permittee to complete work on ditch 2 to direct drainage to outlet 008 and in addition will require permittee to reconstruct berm on ditch 2B where a breach has occurred and to direct drainage to outlet 009 and fertilize seed and mulch ditches 2, 2B, and all areas of Ditches 3A, 3B, 3C where vegetation has failed to be established.	
S-3010-16	4	4/9/2020	Extended	(ATA) Action taken to abate: Extended NOV # 4. Company has conducted Hydrologic Testing. They are waiting on the results.	
S-3010-16	4	5/8/2020	Extended	(ATA) Action taken to abate: Extended NOV # 4. Company has conducted Hydrologic Testing. They are waiting on the results. Outlet 008 was repaired, but it blew out again. It must be repaired and re-certified to permit standards.	
S-3010-16	4	6/26/2020	Terminated	(ATA) Action taken to abate: Terminated NOV # 4. Ditches and outlet where repaired and seeded.	

South Fork Coal Permit S-3010-16 Violations

S-3010-16	5	6/10/2020	Notice of Violation Issued	(DOV) Description of Violation: Failure to protect off-site area. Company was pumping the pit water into the cell above Outlet# 007. Outlet # 007 cell blew out and material from bonded area ended up on NON-Bonded Area. When the problem was noticed the pump was immediately turned off. (REM) Remedial Measures: Repair the cell inflow channel and the blow out section at Outlet #007 back to Permit Standards. Reseed, fertilizer and mulch the cell at Outlet # 007. Remove material from NON-Bonded Area, seed, fertilizer and mulch all disturbed area on NON-Bonded Area.	Diversions and Drainage Control
S-3010-16	5	6/19/2020	Terminated	(ATA) Action taken to abate: Terminated NOV # 5.	
S-3010-16	6	9/17/2020	Notice of Violation Issued	(DOV) Description of Violation: Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. The company moved the NPDES Outlet # 006 in Sediment Ditch F2-B down a couple of cells. Where they constructed the outer berm in Sediment Ditch F2-B, where Outlet # 006 was located. It has several leaks in the outer berm. Water is not making it to the outlet. (REM) Remedial Measures: Repair the leaking section of the Sediment Ditch F2-B. Ensuring that water can discharge through the approved Outlet # 006. Certify the section of leaking cells to the outlet and the Outlet itself. Replace NPDES Outlet Sign # 006. The next permitting action submit the new GPS Coordinates for Outlet 006.	Sediment Control
S-3010-16	6	10/2/2020	Extended	(ATA) Action taken to abate: Extended NOV # 6. Company has dirt piled up for repairs on sediment ditch.	
S-3010-16	6	10/16/2020	Extended	(ATA) Action taken to abate: Extended NOV # 6. Company must continue to work on violation.	
S-3010-16	6	11/6/2020	Extended	(ATA) Action taken to abate: Extended NOV # 6. Company has worked on sealing the outer berm. A small section is still leaking.	
S-3010-16	6	11/20/2020	Extended	(ATA) Action taken to abate: Extended NOV # 6. Excavator went down, company is getting it fixed.	
S-3010-16	6	12/7/2020	Extended	(ATA) Action taken to abate: Extended NOV # 6. Company must continue to work on the violation.	
S-3010-16	6	12/16/2020	Extended	(ATA) Action taken to abate: Extended NOV # 6. Company has seeded the ditch. Outer berm is still leaking.	
S-3010-16	6	1/22/2021	Extended	(ATA) Action taken to abate: Extended NOV # 6 with supervisor approval. Company has submitted a pass 90-day letter for extension. Work must continue to correct the violation.	
S-3010-16	6	2/26/2021	Extended	(ATA) Action taken to abate: Extended NOV # 6 with supervisor approval. Company has submitted a pass 90-day letter for extension. Work must continue to correct the violation.	
S-3010-16	6	3/29/2021	Extended	(ATA) Action taken to abate: Extended NOV # 6 with supervisor approval. Company has submitted a pass 90-day letter for extension.	
S-3010-16	6	5/3/2021	Modified to CO	(ATA) Action taken to abate: Company has not worked on the violation. Modified to a CO.	
S-3010-16	6	7/14/2021		(ATA) Action taken to abate: Negative Pattern Determination on NOV's 6 and 7/mms	
S-3010-16	7	5/3/2021	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: During a OSM oversight of this permit, Nov # 6 was written. Violation # 6 consists of the Company failed to prevent short-circuiting of sediment structures according to the approved Mining Plan. The company moved the NPDES Outlet # 006 in Sediment Ditch F2-B down a couple of cells. Where they constructed the outer berm in Sediment Ditch F2-B, where Outlet # 006 was located. It has several leaks in the outer berm. Water is not making it to the outlet. (REM) Remedial Measures: Repair the leaking section of the Sediment Ditch F2-B. Ensuring that water can discharge through the approved Outlet # 006. Certify the section of leaking cells to the outlet and the Outlet itself. Replace NPDES Outlet Sign # 006. The next permitting action submit the new GPS Coordinates for Outlet 006.	Sediment Control
S-3010-16	7	6/2/2021	Terminated	(ATA) Action taken to abate: Terminated CO 7. Work was completed on the 30th day. FTACO ran for 30 days.	
S-3010-16	7	7/14/2021	Terminated	(ATA) Action taken to abate: Negative Pattern Determination on NOV's 6 and 7/mms	
S-3010-16	8	4/30/2024	Notice of Violation Issued	(DOV) Description of Violation: Company has failed to reclaim several highwalls within 180 days of final mineral removal. (REM) Remedial Measures: backfill and grade all open highwalls. Seed, fertilize and mulch once backfill is completed.	Highwall Elimination
S-3010-16	8	5/20/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will begin abatement measures upon completion of current projects.	
S-3010-16	8	6/25/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will begin abatement measures upon completion of current projects.	

South Fork Coal Permit S-3010-16 Violations

S-3010-16	8	7/25/2024	Modified to CO	(ATA) Action taken to abate: NOV #8 modified to FTACO #11.	
S-3010-16	9	4/30/2024	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to establish a temporary or permanent vegetative cover on regraded areas by the end of the first growing season, in that, there are several areas that are ready to for a vegetative cover to be established and other areas where vegetative cover establishment was unsuccessful. (REM) Remedial Measures: Establish a permanent vegetative cover on all currently regraded areas.	Revegetation Requirements
S-3010-16	9	5/20/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will begin abatement measures upon completion of current projects.	
S-3010-16	9	6/25/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will begin abatement measures upon completion of current projects.	
S-3010-16	9	7/25/2024	Modified to CO	(ATA) Action taken to abate: NOV #9 modified to FTACO #12.	
S-3010-16	10	4/30/2024	Notice of Violation Issued	(DOV) Description of Violation: Permittee has allowed the permit inactive status to expire. The inactive status has been expired for a period of more than thirty days. Mining and reclamation activities have not resumed. (REM) Remedial Measures: Resume mining and reclamation activities on the permit.	Coased Mining Temporarily
S-3010-16	10	5/20/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will begin working on this permit upon completion of current projects.	
S-3010-16	10	6/25/2024	Extended	(ATA) Action taken to abate: Company currently working on other permits and will begin working on this permit upon completion of current projects.	
S-3010-16	10	7/25/2024	Modified to CO	(ATA) Action taken to abate: NOV #10 modified to FTACO #13.	
S-3010-16	11	7/25/2024	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire. (REM) Remedial Measures: Company has failed to reclaim several highwalls within 180 days of final mineral removal. Backfill and grade all open highwalls. Seed, fertilize and mulch once backfill is completed.	Highwall Elimination
S-3010-16	11	8/26/2024	Remains in Force	(ATA) Action taken to abate: FTACO #11 has ran for thirty days. The permit is in the show cause process.	
S-3010-16	11	9/23/2024	Remains in Force	(ATA) Action taken to abate: FTACO #11 has ran for thirty days. The permit is in the show cause process.	
S-3010-16	11	10/23/2024	Remains in Force	(ATA) Action taken to abate: FTACO #12 has ran for over thirty days. The permit is in the show cause process.	
S-3010-16	11	12/2/2024	Remains in Force	(ATA) Action taken to abate: The permit is in the show cause process.	
S-3010-16	12	7/25/2024	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire. (REM) Remedial Measures: The permittee has failed to establish a temporary or permanent vegetative cover on regraded areas by the end of the first growing season, in that, there are several areas that are ready to for a vegetative cover to be established and other areas where vegetative cover establishment was unsuccessful. Establish a permanent vegetative cover on all currently regraded areas.	Revegetation Requirements
S-3010-16	12	8/26/2024	Remains in Force	(ATA) Action taken to abate: FTACO #12 has ran for thirty days. The permit is in the show cause process.	
S-3010-16	12	9/23/2024	Remains in Force	(ATA) Action taken to abate: FTACO #12 has ran for thirty days. The permit is in the show cause process.	
S-3010-16	12	10/23/2024	Remains in Force	(ATA) Action taken to abate: FTACO #12 has ran for over thirty days. The permit is in the show cause process.	
S-3010-16	12	12/2/2024	Remains in Force	(ATA) Action taken to abate: The permit is in the show cause process.	
S-3010-16	13	7/25/2024	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire. (REM) Remedial Measures: Permittee has allowed the permit inactive status to expire. The inactive status has been expired for a period of more than thirty days. Mining and reclamation activities have not resumed. Resume mining and reclamation activities on the permit.	Coased Mining Temporarily
S-3010-16	13	8/13/2024	Terminated	(ATA) Action taken to abate: Equipment is on site and working.	

South Fork Coal Permit S-3012-19 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3012-19	1	4/23/2021	Notice of Violation Issued	(DOV) Description of Violation: The company failed to construct Sediment Control Structures in appropriate locations for the purposes of controlling sedimentation before Surface Mining Disturbance. Located in the Drainage Area # 3. (REM) Remedial Measures: Install Silt Fence below disturbed areas where the trees were cut down in drainage area # 3.	Sediment Control
S-3012-19	1	5/21/2021	Extended	(ATA) Action taken to abate: Extended NOV 1. Company must work on placing sediment controls in the disturbed areas.	
S-3012-19	1	6/10/2021	Extended	(ATA) Action taken to abate: Extended NOV 1. Company must work on placing sediment controls in the disturbed areas.	
S-3012-19	1	6/16/2021	Modified to CO	(ATA) Action taken to abate: Company has not placed any type of sediment control under NOV 1. A bypass road was constructed below tree removal area associated with NOV 1 and above the existing road.	
S-3012-19	2	6/16/2021	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Company has not placed any type of sediment control under NOV 1. A bypass road was constructed below tree removal area associated with NOV 1 and above the existing road. (REM) Remedial Measures: Sediment Ditch must be installed below the disturbed area and certified in drainage area # 3. An WV DEP I & E Inspector or Supervisor must sign off on certification.	Sediment Control
S-3012-19	2	6/17/2021	Terminated	(ATA) Action taken to abate: Terminated FTACO 2.	
S-3012-19	3	6/16/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to establish a Permanent Monument and Perimeter Markers before operations has occurred. (REM) Remedial Measures: Install Permanent Monument and Perimeter Markers as According to the Approved Permit.	Signs and Markers
S-3012-19	3	7/16/2021	Extended	(ATA) Action taken to abate: Extended NOV 3. Company must place signs up.	
S-3012-19	3	8/15/2021	Extended	(ATA) Action taken to abate: Extended NOV 3. Company must place signs up According to the Approved Permit. Signs has been placed but not in the correct locations. Unable to locate Perimeter Markers.	
S-3012-19	3	8/30/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 3.	
S-3012-19	4	7/15/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that they constructed a road and started to core drill off Permitted Bonded Area. They constructed a road off the permitted Haul Road and started to core drill in drainage area 3 next to but not in drainage area S1. (REM) Remedial Measures: Company must stop core drilling immediately and seal up the hole according to the regulations. Disturbed area must be reclaimed, seed and mulched. Show the off Bonded area disturbed area on the next Progress Map.	Permit Conditions
S-3012-19	4	7/22/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 4.	
S-3012-19	5	8/11/2021	NOV Issued	(DOV) Description of Violation: Failure to certify that the drainage system was constructed and installed in accordance with the approved pre-plan prior to initiating surface mining activities. (REM) Remedial Measures: Cease all mining activity. Construct, seed, and certify sediment control structures. Obtain approval of the submitted certifications.	Design Certification
S-3012-19	5	8/16/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 5.	
S-3012-19	6	10/26/2021	IHCO Issued	(DOV) Description of Violation: Cease all mining actively immediately. Company has failed to follow the PEP in that they were discharge large amount of sediment out of NPDES Outlet 007. Outlet 007 is the beginning of Little Blizzard in which it runs into the South Fork of the Cherry River. The Cherry River is a proposed critical habitat stream know to contain the federally endangered candy darter. (REM) Remedial Measures: Cease all mining actively immediately. Stop the discharging of non-compliance water.	Permit Conditions
S-3012-19	6	10/26/2021	Terminated	(ATA) Action taken to abate: Company stopped pumping. NPDES Outlet 007 has completely stopped discharging. Checked the South Fork of the Cherry River is clear.	
S-3012-19	6	4/26/2022	Vacated by AO	The violation was vacated in fact and penalty during the assessment conference.	
S-3012-19	7	12/2/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that they constructed a road on a non-bonded area. The non-bonded area is currently being used for Mining actively. The area is located between Sediment Ditch 3 and Sediment Ditch 4. (REM) Remedial Measures: Cease ALL Mining Active on the non-bonded area located between Sediment Ditch 3 and Sediment Ditch 4. Area located between Sediment Ditch 3 and Sediment Ditch 4 must be reclaimed back to original conditions, seeded and mulched.	Permit Conditions

South Fork Coal Permit S-3012-19 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3012-19	7	12/14/2021	Extended	(ATA) Action taken to abate: This violation was issued by a different inspector. The company disagrees with the fact of the violation. I am currently reviewing the on-ground conditions and documentation from the coal company to make a determination. This violation is being extended to allow additional time for review and discussions.	
S-3012-19	7	1/10/2022	Withdrawn	(ATA) Action taken to abate: After reviewing maps and additional evidence it is determined that the road is on bonded. NOV#7 is withdrawn.	
S-3012-19	8	5/3/2022	Notice of Violation Issued	(DOV) Description of Violation: Permittee failed to seed sediment ditches 7, 8A, 8B, and 9 upon completion of construction. Also, failed to seed the surrounding areas of the sediment control structures. (REM) Remedial Measures: Seed, fertilize, and mulch sediment ditches 7, 8A, 8B, and 9. Also, do the same for the surrounding areas that are disturbed.	Revegetation Requirements
S-3012-19	8	5/17/2022	Extended	(ATA) Action taken to abate: Company is working on remedial measures.	
S-3012-19	8	6/7/2022	Extended	(ATA) Action taken to abate: Company stated today that seeding has been completed. Extension given to allow time to do a follow-up on site.	
S-3012-19	8	6/8/2022	Terminated	(ATA) Action taken to abate: The ditches have been seeded.	
S-3012-19	9	8/31/2022	Notice of Violation Issued	(DOV) Description of Violation: Failed to complete backfilling and rough grading within 180 days of final mineral removal in drainage area 3. (REM) Remedial Measures: Complete all backfilling and rough grading for drainage area 3.	Reclamation Schedule
S-3012-19	9	9/13/2022	Extended	(ATA) Action taken to abate: Company is submitting an IBR to help reclaim the highwall.	
S-3012-19	9	10/5/2022	Extended	(ATA) Action taken to abate: The IBR has been submitted and should be approved any day. Then the company is going to shoot the wall down to reclaim it.	
S-3012-19	9	11/14/2022	Extended	(ATA) Action taken to abate: Company is working on reclaiming the highwall.	
S-3012-19	9	12/1/2022	Extended	(ATA) Action taken to abate: Company is working on reclaiming the highwall.	
S-3012-19	9	1/11/2023	Extended	(ATA) Action taken to abate: Company is working on reclaiming the highwall.	
S-3012-19	9	2/7/2023	Extended	(ATA) Action taken to abate: Company has bought a pump to allow for the pumping of the pit so that reclamation can occur.	
S-3012-19	9	3/9/2023	Extended	(ATA) Action taken to abate: Company has been clearing a section of ground above the highwall to allow for reclamation shots to take place.	
S-3012-19	9	4/13/2023	Extended	(ATA) Action taken to abate: Company has pumped pit down approximately 12 feet from what was noted during a previous inspection. Spoil is being placed on edge of pit and a bench above the pit is being cleared to allow for reclamation shots to take place as the water level continues to be pumped down.	
S-3012-19	9	5/9/2023	Extended	(ATA) Action taken to abate: Company has cleared off the bench above the highwall and has taken one reclamation shot. The water level in the pit is continuously being pumped down.	
S-3012-19	9	6/8/2023	Extended	(ATA) Action taken to abate: Company is drilling to set off another reclamation shot and is continuing to pump down the pit.	
S-3012-19	9	7/12/2023	Modified to CO	(ATA) Action taken to abate: Company has failed to meet abatement measures.	
S-3012-19	10	10/24/2022	Notice of Violation Issued	(DOV) Description of Violation: Permittee failed to protect off-site areas from damage occurring during surface mining operations. Material has been placed off-site into the stream buffer zone from surface mining activity. (REM) Remedial Measures: Remove all material that is off-site in the stream buffer zone. Restore the structure. Seed, mulch, and fertilize all disturbed areas. Re-construct CD 11-2 and CD 12-1 and certify them. Also, seed, mulch, fertilize the reconstructed conveyance ditches.	Exceeding Limits
S-3012-19	10	11/14/2022	Extended	(ATA) Action taken to abate: Company is working on the remedial measures.	
S-3012-19	10	12/1/2022	Extended	(ATA) Action taken to abate: The buffer zone has been cleaned out and seeded. Waiting on Conveyance ditches to be repaired and certified.	
S-3012-19	10	1/11/2023	Extended	(ATA) Action taken to abate: Awaiting repair.	
S-3012-19	10	2/7/2023	Terminated	(ATA) Action taken to abate: All abatement measures have been met.	
S-3012-19	11	12/1/2022	Notice of Violation Issued	(DOV) Description of Violation: Permittee failed to maintain Sediment Ditch 12, in that, the clean-out capacity has been exceeded and one of the cells has a blow-out through it. (REM) Remedial Measures: Clean-out SD#12 to a 100% design capacity. Repair the hole through the ditch berm. Recertify SD#12 after completion.	Sediment Control

South Fork Coal Permit S-3012-19 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3012-19	11	12/20/2022	Extended	(ATA) Action taken to abate: Company has cleaned out the cells effected, has put up curtains, repaired holes, and is currently treating cells with flocc logs and liquid. Awaiting re-certification.	
S-3012-19	11	1/17/2023	Terminated	(ATA) Action taken to abate: Company has successfully repaired sediment ditch 12 and has submitted re-certification.	
S-3012-19	12	12/1/2022	Imminent Harm Cessation Order Issued	(DOV) Description of Violation: Cease all mining and production activity immediately on this permit. IHCO issued on this day for permittee discharging grey water out of outlet 012, discoloring Blizzard Run and then discoloring South Fork of Cherry with grey water. (REM) Remedial Measures: Cease grey/noncompliant discharge from Outlet 012. Take all necessary measures to prevent noncompliant discharges.	Sediment Control
S-3012-19	12	12/2/2022	Terminated	(ATA) Action taken to abate: Company has stopped the discharge from Outlet 012. They are continuing to work on the remedial measures for NOV #11.	
S-3012-19	12	12/2/2022	Terminated	(ATA) Action taken to abate: Company has sufficiently taken measures to stop the flow of grey water running through outlet 012. Water is now being diverted to another portion of the permit and is being chemically treated.	
S-3012-19	12	5/15/2023	Vacated by AO	(ATA) Action taken to abate: THE VIOLATION HAS BEEN VACATED IN FACT AND PENALTY.	
S-3012-19	13	12/16/2022	Notice of Violation Issued	(DOV) Description of Violation: Cell associated with outlet 004 in sediment ditch #4 is now below 60% capacity. (REM) Remedial Measures: Clean out cell to 100% capacity.	Sediment Control
S-3012-19	13	1/5/2023	Terminated	(ATA) Action taken to abate: Company has completed work to abate the violation.	
S-3012-19	14	5/18/2023	Notice of Violation Issued	(DOV) Description of Violation: Company has allowed spoil to travel offsite close to sediment ditch 13 and partially fill in an un-bonded wetland area. (REM) Remedial Measures: Remove all material that has travelled offsite. Establish the normal flow pattern back to its original path. Stabilize, seed, and mulch all affected areas.	Permit Conditions
S-3012-19	14	5/30/2023	Extended	(ATA) Action taken to abate: Company is actively working to remove all material from the area.	
S-3012-19	14	6/8/2023	Extended	(ATA) Action taken to abate: Company has cleaned out the wetland area and has established drainage. Awaiting seed, fertilizer, and straw.	
S-3012-19	14	7/13/2023	Extended	(ATA) Action taken to abate: Awaiting seeding.	
S-3012-19	14	7/20/2023	Terminated	(ATA) Action taken to abate: Seeding of area has been completed. All abatement measures met.	
S-3012-19	15	7/12/2023	Failed to Abate Cessation Order Issued	(DOV) Description of Violation: Entire (REM) Remedial Measures: Complete all backfilling and rough grading for drainage area 3.	Reclamation Schedule
S-3012-19	15	8/11/2023	Terminated	(ATA) Action taken to abate: Company has completed all backfilling and rough grading in the affected area.	
S-3012-19	16	9/27/2023	Notice of Violation Issued	(DOV) Description of Violation: Permittee has failed to revegetate backfilled and graded areas in a manner that encourages a prompt vegetative cover. (REM) Remedial Measures: Seed, fertilize, and mulch all backfilled and graded areas of the mined area.	Revegetation Requirements
S-3012-19	16	10/12/2023	Extended	(ATA) Action taken to abate: Violation extended.	
S-3012-19	16	11/16/2023	Extended	(ATA) Action taken to abate: Company has seeded approximately half of the backfilled area.	
S-3012-19	16	1/2/2024	Extended	(ATA) Action taken to abate: Company has seeded approximately half of the backfilled area.	
S-3012-19	16	1/17/2024	Extended	(ATA) Action taken to abate: Company has deposited funds in to the agreed upon escrow account. Seeding to resume in the spring.	
S-3012-19	16	3/1/2024	Extended	(ATA) Action taken to abate: Seeding to resume in the spring.	
S-3012-19	16	4/9/2024	Extended	(ATA) Action taken to abate: Company has scheduled tentative seeding dates and have placed funds in the agreed upon escrow account.	
S-3012-19	16	5/20/2024	Extended	(ATA) Action taken to abate: Company currently seeding other permits. Once completed, this permit will then be seeded.	
S-3012-19	16	6/25/2024	Extended	(ATA) Action taken to abate: Company currently seeding other permits. Once completed, this permit will then be seeded.	
S-3012-19	16	7/25/2024	Terminated	(ATA) Action taken to abate: Backfill and regraded area has been seeded.	

South Fork Coal Permit S-3012-19 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3012-19	17	12/7/2023	Notice of Violation Issued	(DOV) Description of Violation: Permittee failed to construct and maintain SD22 from short circuiting, in that, SD22 was found to have leaks in several locations that have been allowed to travel offsite. (REM) Remedial Measures: Fix all leaks in SD22 to prevent further leaks from traveling offsite.	Sediment Control
S-3012-19	17	1/2/2024	Extended	(ATA) Action taken to abate: Company is working to fix the leaks and is constructing another cell to help handle the additional water.	
S-3012-19	17	1/4/2024	Terminated	(ATA) Action taken to abate: The company has repaired the known leaks and has finished construction of the new cell.	
S-3012-19	18	3/13/2024	Notice of Violation Issued	(DOV) Description of Violation: Sediment Ditch 003 is short circuiting, in that, the ditch is leaking in several places and has caused a crack to form where water is pouring through the outer ditch berm. (REM) Remedial Measures: Repair the ditch in a manner that causes the leaking to cease. Repair the crack in the outer berm. Seed, Fertilize, and Mulch all affected areas.	Sediment Control
S-3012-19	18	4/9/2024	Extended	(ATA) Action taken to abate: Ditch repairs have been made, but the ditch is still leaking.	
S-3012-19	18	5/20/2024	Extended	(ATA) Action taken to abate: Ditch is still leaking. Permittee awaiting drier conditions to fix problem again.	
S-3012-19	18	7/2/2024	Extended	(ATA) Action taken to abate: Ditch is still leaking. Company is moving equipment to fix the ditch.	
S-3012-19	18	7/17/2024	Terminated	(ATA) Action taken to abate: Sediment ditch 003 has been repaired and no water was observed leaking out of the berm.	
S-3012-19	19	3/20/2024	Notice of Violation Issued	(DOV) Description of Violation: Sediment ditch 12 has a cell that has less than 60% design capacity. (REM) Remedial Measures: Clean out the affected cell in sediment ditch 12 to 100% design capacity. Seed, fertilize and mulch areas where needed. Submit a new certification for SD12 upon completion of the clean-out via the ESS system.	Sediment Control
S-3012-19	19	4/9/2024	Extended	(ATA) Action taken to abate: Company is working to clean out the ditch.	
S-3012-19	19	5/20/2024	Extended	(ATA) Action taken to abate: Company has cleaned out the ditch and will soon submit new certification.	
S-3012-19	19	6/25/2024	Terminated	(ATA) Action taken to abate: SD 12 has been cleaned and certified.	
S-3012-19	20	8/22/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #20 issued on this day as a result of the permittee failing to prevent erosion on the regraded area above sediment ditch 8B. There are two erosion gulleys the first one is located at the beginning of SD 8B and the second erosion gully is located above the second cell on SD 8B. (REM) Remedial Measures: Repair all erosion gulleys and re-track to stabilize the affected areas. Re-seed, fertilize, and mulch as to stabilize the area in a manner that will effectively control erosion.	Diversions and Drainage Control
S-3012-19	20	9/3/2024	Extended	(ATA) Action taken to abate: The permittee has begun work on the violation.	
S-3012-19	20	9/11/2024	Terminated	(ATA) Action taken to abate: Erosion gulleys have been repaired and seeded.	
S-3012-19	21	8/27/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #21 issued on this day for permittee failing to follow permit conditions. Backfilling and rough grading was not completed within 180 days of mineral removal also, the permittee has exceeded 3000 feet of open highwall. Drainage areas SD 12, 13, 14, 15, 16, 21 and 22 exceeds 180 days. (REM) Remedial Measures: Bring reclamation into compliance with approved mining and reclamation plan.	Permit Conditions
S-3012-19	21	9/9/2024	Extended	(ATA) Action taken to abate: The permittee needs to make sure all efforts are being made to bring the permit back into compliance.	
S-3012-19	21	10/9/2024	Extended	(ATA) Action taken to abate: The permittee is working on reclaiming highwall in drainage areas SD13, SD14, SD15 and SD16. Drainage areas SD12 and SD22 still need regraded between the sediment ditch and haul road.	
S-3012-19	21	10/23/2024	Extended	(ATA) Action taken to abate: The permittee is working on reclaiming highwall in drainage areas SD13, SD14, SD15 and SD16. Drainage areas SD12 and SD22 still need regraded between the sediment ditch and haul road.	
S-3012-19	21	11/6/2024	Extended	(ATA) Action taken to abate: The permittee is working on reclaiming highwall in drainage areas SD13, SD14, SD15 and SD16. Drainage areas SD12 and SD22 still need regraded. Attached is a map showing areas in orange that still needs regraded to abate this violation.	
S-3012-19	21	12/3/2024	Extended	(ATA) Action taken to abate: The permittee is working on reclaiming highwall in drainage areas SD13. Work has been completed in drainage areas SD 14 and SD 15. Drainage areas SD12 and SD22 still need regraded.	
S-3012-19	21	12/18/2024	Extended	(ATA) Action taken to abate: The permittee is working on reclaiming highwall in drainage areas SD13. Work has been completed in drainage areas SD 14 and SD 15. Drainage areas SD12 and SD22 still need regraded.	

South Fork Coal Permit S-3012-19 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
S-3012-19	22	9/9/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #22 issued on this day for conducting mining activities off bonded/permitted areas. Located in the cut-through area between SD 12 and SD 22. (REM) Remedial Measures: Obtain approved IBR for disturbed off-bonded area.	Exceeding Limits
S-3012-19	22	9/23/2024	Extended	(ATA) Action taken to abate: IBR #4 has been submitted and is under review.	
S-3012-19	22	10/23/2024	Extended	(ATA) Action taken to abate: IBR #4 has been submitted and is under review.	
S-3012-19	22	12/2/2024	Extended	(ATA) Action taken to abate: IBR #4 has been submitted and is under review.	
S-3012-19	23	9/25/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #23 issued on this day failing to construct and certify Conveyance Ditch 22-2, Conveyance Ditch 22-3, Conveyance Ditch 23-1 and Conveyance Ditch 23-2 in accordance with approved plan. (REM) Remedial Measures: Construct and certify Conveyance Ditches 22-2, 22-3, 23-1 and 23-2 in accordance with approved mining plan.	Permit Conditions
S-3012-19	23	10/9/2024	Extended	(ATA) Action taken to abate: The permittee has constructed the ditches and is in the process of certifying them.	
S-3012-19	23	10/23/2024	Extended	(ATA) Action taken to abate: Ditches have been built but all four 20-inch culverts have collapsed and need replaced.	
S-3012-19	23	11/6/2024	Extended	(ATA) Action taken to abate: Ditches have been built but all four 20-inch culverts have collapsed and need replaced. Company has ordered new culverts.	
S-3012-19	23	12/3/2024	Terminated	(ATA) Action taken to abate: Ditches have been built and certified. Culverts have been replaced.	
S-3012-19	24	12/10/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #24 written on this day for permittee failing to follow permit conditions. Backfilling and rough grading was not completed within 180 days of mineral removal. Drainage areas SD 23 and SD 24 are out of compliance. (REM) Remedial Measures: Bring reclamation back into compliance with approved mining and reclamation plan.	Permit Conditions
S-3012-19	24	12/18/2024	Extended	(ATA) Action taken to abate: Bring reclamation back into compliance with approved mining and reclamation plan.	

South Fork Coal Permit S-3033-93 Violations

SOUTH FORK COAL COMPANY, LLC	S-3033-93	1	Notice of Violation Issued	6/6/2012	<p>(DOV) Description of Violation: Reviewed blast logs along with the blasting grid map, several blast logs were found with discrepancies on pounds per hole/deck, pounds per delay, incorrect number of holes in the diagram and the hole to hole timing could not be read, resulting in an NOV being issued for non-compliance of Title 199 3.5.</p> <p>(REM) Remedial Measures: Correct blast logs from 2/2012 to present, hand write blast logs while corrections are in progress until further notice.</p>	Blasting Records
SOUTH FORK COAL COMPANY, LLC	S-3033-93	1	Terminated	6/25/2012	<p>(ATA) Action taken to abate: Correct blast logs from 2/2012 to present, hand write blast logs while corrections are in progress until further notice.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	2	Notice of Violation Issued	8/1/2012	<p>(DOV) Description of Violation: Fly rock was observed off the permit area originating from the blast on 7/27/2012, resulting in an NOV being issued for non-compliance of Title 199 3.6.d.</p> <p>(REM) Remedial Measures: Stabilize material and seed the area, also submit a causation and prevention plan for review and approval to this inspector. Limit shot size on permit boundary, flag holes and video the blasts for a minimum of 60 days until such time the plan may be updated.</p>	Fly Rock
SOUTH FORK COAL COMPANY, LLC	S-3033-93	2	Terminated	8/16/2012	<p>(ATA) Action taken to abate: Stabilize material and seed the area, also submit a causation and prevention plan for review and approval to this inspector. Limit shot size on permit boundary, flag holes and video the blasts for a minimum of 60 days until such time the plan may be updated.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Notice of Violation Issued	2/21/2017	<p>(DOV) Description of Violation: The permittee has failed to follow the approved detailed plans for contemporaneous reclamation in that backfilling and rough grading of highwall has not been completed within 180 days of mineral removal.</p> <p>(REM) Remedial Measures: The permittee is required to complete backfilling and grading to eliminate all highwall as noted above.</p>	Backfill / Grading
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Extended	3/23/2017	<p>(ATA) Action taken to abate: NOV extended to allow additional time to complete backfilling and grading required to terminate this violation.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Extended	4/25/2017	<p>(ATA) Action taken to abate: Permittee continues to work to backfill highwall. NOV extended to the 90 day max allowed by the inspector and work to terminate this violation has been discussed with the permittee.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Extended	6/1/2017	<p>(ATA) Action taken to abate: The permittee continues to backfill the highwall and NOV extended beyond 90 days with the approval of supervisor. Permittee is additionally required to submit a progress map by 6/7/17 and the NOV to complete work required by the NOV is extended to 7/21/2017. This extension has been discussed with company personnel.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Extended	7/25/2017	<p>(ATA) Action taken to abate: The permittee has continued to backfill highwall and has submitted a progress map as required detailing highwall elimination progress. NOV extended beyond 90 days with the approval of the supervisor. Permittee is required to continue backfilling/grading and is additionally required to submit a progress map by 9/4/2017. NOV extended to 9/20/2017.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Extended	9/20/2017	<p>(ATA) Action taken to abate: Permittee has made progress toward completion of final grading / seeding as detailed in 9/1/17 progress map. More work to complete backfilling to eliminate highwall and grading for final reclamation is required. NOV extended beyond 90 days with supervisor and additional remedial measures added to require permittee to submit progress reporting to include detailed daily equipment operation time, yardage moved, and feet of highwall eliminated with progress map to be submitted to DEP 10/04/17 and 10/18/17.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Extended	10/31/2017	<p>(ATA) Action taken to abate: Permittee has continued to make progress toward completion of final grading / seeding as detailed in progress maps as required. Additional work includes grading to establish regraded drainage and final grading of highwall elimination for final reclamation and seeding. NOV extended beyond 90 days with supervisor.</p>	
SOUTH FORK COAL COMPANY, LLC	S-3033-93	5	Terminated	12/8/2017	<p>(ATA) Action taken to abate: The permittee has completed backfilling the highwall and grading as required and NOV terminated.</p>	

South Fork Coal Permit O-3012-11 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
O-3012-11	1	7/30/2015	Notice of Violation Issued	(DOV) Description of Violation: Failed to submit reports required by the Director. (REM) Remedial Measures: Submit all monitoring reports required by the Director.	Permit Conditions
O-3012-11	1	8/26/2015	Terminated	(ATA) Action taken to abate: Data being collected and reports being submitted.	
O-3012-11	2	3/25/2016	Notice of Violation Issued	(DOV) Description of Violation: Failed to maintain approved haul road. (REM) Remedial Measures: Clean all sumps to 100% of sediment capacity. Surface road with durable material. Grade road to ensure positive drainage to ditch line. Remove windrow between road and ditch. Properly dispose of material removed from surface of road.	Haul Roads
O-3012-11	2	4/13/2016	Extended	(ATA) Action taken to abate: Road being resurfaced and sumps being cleaned.	
O-3012-11	2	6/22/2016	Terminated	(ATA) Action taken to abate: Road resurfaced, graded, and sumps cleaned.	
O-3012-11	3	4/12/2017	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to submit an NPDES WV1026461 permit reissuance 120 days prior to expiration of the permit. The NPDES reissuance application was due 10/16/16 and the reissuance application was submitted 3/3/17. (REM) Remedial Measures: The permittee is required to obtain approval of NPDES WV1026461 reissuance application.	Permit Conditions
O-3012-11	3	5/11/2017	Extended	(ATA) Action taken to abate: The reissuance application is pending review by DEP. Permittee should take all measures to answer any corrections in a timely manner.	
O-3012-11	3	6/15/2017	Extended	(ATA) Action taken to abate: NPDES reissuance is under review with DEP. NOV extended to max 90 days by inspector to allow time for approval and additional extensions will require a letter for the supervisor approval of extension.	
O-3012-11	3	7/11/2017	Extended	(ATA) Action taken to abate: Permittee has re submitted (5/15/2017) with corrections the pending NPDES reissuance application. Application pending approval by DEP. NOV extended with supervisor beyond 90 days to allow application to be approved.	
O-3012-11	3	10/6/2017	Extended	(ATA) Action taken to abate: Reissuance application has been completed and waiting for final approval.	
O-3012-11	3	10/12/2017	Terminated	(ATA) Action taken to abate: NPDES reissuance NPDES #1 WV1026461 was final approved 10/10/2017.	
O-3012-11	4	8/29/2019	Notice of Violation Issued	(DOV) Description of Violation: The permittee has failed to protect off site area of the permit and has disturbed as area with 100 feet of a stream (Clear Creek) adjacent to county road. (REM) Remedial Measures: The permittee is required to remove all equipment and take all measures necessary to stabilize, seed and mulch area disturbed outside the permit.	Distance Prohibited
O-3012-11	4	8/30/2019	Terminated	(ATA) Action taken to abate: The permittee has removed equipment adjacent to the creek and has seeded and mulched the disturbance. NOV terminated and work discussed with company personnel.	

South Fork Coal Permit O-3012-11 Violations

O-3012-11	5	4/15/2021	Notice of Violation Issued	<p>(DOV) Description of Violation: The company failed to maintain the Haul Road Slumps and Road Drainages IN SECTIONS THROUGH OUT THE ENTIRE PERMITTED HAUL ROAD. Haul Road is not up to the performance standards set forth by the approved permit. Serval Road Slumps are 100% full and has Zero Capacity, outside berm of serval slumps have blown out, outside berm on haul road has blown out in serval places and Haul Road is not draining correctly. Water has been discharging off the haul road and not flowing through an approved slump.</p> <p>(REM) Remedial Measures: Clean All Slumps to 100% capacity. Repair all road berms to permit standards. Ensure that all discharging water from the permitted haul road will pass through a slump that is up to permit standards.</p>	Haul Roads
O-3012-11	5	4/23/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 5.	
O-3012-11	6	5/3/2023	Notice of Violation Issued	<p>(DOV) Description of Violation: NOV issued today for failure to maintain haulroad, in that multiple sumps have exceeded cleanout level.</p> <p>(REM) Remedial Measures: Clean out all sumps that have exceeded cleanout level and repair sumps that have blown out.</p>	Haul Roads
O-3012-11	6	5/16/2023	Terminated	(ATA) Action taken to abate: Haulroad sumps have been cleaned out.	
O-3012-11	7	3/7/2024	Notice of Violation Issued	<p>(DOV) Description of Violation: Failure to maintain the approved haulage way, in that multiple sections of the ditch are full of sediment, most of the sumps are full of sediment, many areas do not have a durable rock surface, and multiple areas are rutted causing drainage issues.</p> <p>(REM) Remedial Measures: Cleanout all sumps and ditches that are out of compliance. Regrade all areas of the road that need regrading to regain proper pitch for drainage. Add gravel to all areas where it is needed.</p>	Haul Roads
O-3012-11	7	3/21/2024	Extended	(ATA) Action taken to abate: Cleanout all sumps and ditches that are out of compliance. Regrade all areas of the road that need regrading to regain proper pitch for drainage. Add gravel to all areas where it is needed.	
O-3012-11	7	4/4/2024	Extended	(ATA) Action taken to abate: Cleanout all sumps and ditches that are out of compliance. Regrade all areas of the road that need regrading to regain proper pitch for drainage. Add gravel to all areas where it is needed.	
O-3012-11	7	4/22/2024	Terminated	(ATA) Action taken to abate: Sumps and ditches have been cleaned out and haulroad has been regraded and gravel added to it.	
O-3012-11	8	3/29/2024	Notice of Violation Issued	<p>(DOV) Description of Violation: NOV issued for failure to maintain haul road in that multiple CMPS are missing and not functioning properly.</p> <p>(REM) Remedial Measures: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.</p>	Sediment Control
O-3012-11	8	4/12/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	
O-3012-11	8	4/23/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	
O-3012-11	8	5/10/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	
O-3012-11	8	5/23/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	

South Fork Coal Permit O-3012-11 Violations

O-3012-11	8	6/11/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	
O-3012-11	8	7/9/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	
O-3012-11	8	7/22/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	
O-3012-11	8	8/5/2024	Extended	(ATA) Action taken to abate: Repair and replace all CMPS that are missing or damaged and recertify haulroad after completion.	
O-3012-11	8	8/19/2024	Terminated	(ATA) Action taken to abate: Company has meet remedial meaasures.	
O-3012-11	9	3/28/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV issued for failure to pass all runoff from the disturbed area through sediment control system, in that sump cleaning have been disposed off by placing on top off berms throughout the permit. (REM) Remedial Measures: Remove all material that has been disposed off on top off berms throughout permit. Seed, mulch, and fertilizer all disturbed areas upon completion.	Sediment Control
O-3012-11	9	4/23/2024	Extended	(ATA) Action taken to abate: Remove all material that has been disposed off on top off berms throughout permit. Seed, mulch, and fertilizer all disturbed areas upon completion.	
O-3012-11	9	5/6/2024	Extended	(ATA) Action taken to abate: Remove all material that has been disposed off on top off berms throughout permit. Seed, mulch, and fertilizer all disturbed areas upon completion.	
O-3012-11	9	5/23/2024	Extended	(ATA) Action taken to abate: Remove all material that has been disposed off on top off berms throughout permit. Seed, mulch, and fertilizer all disturbed areas upon completion.	
O-3012-11	9	6/11/2024	Extended	(ATA) Action taken to abate: Remove all material that has been disposed off on top off berms throughout permit. Seed, mulch, and fertilizer all disturbed areas upon completion.	
O-3012-11	9	6/24/2024	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	

South Fork Coal Permit O-3022-11 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
O-3022-11	1	3/3/2022	Notice of Violation Issued	<p>(DOV) Description of Violation: Failure to maintain the approved haulage way, in that multiple sections of the ditch are full of sediment, most of the sumps are full of sediment, many areas do not have a durable rock surface, and multiple areas are rutted causing drainage issues. Also, a few sections of the haulroad doesn't have sumps for the runoff to pass through before leaving the permit.</p> <p>(REM) Remedial Measures: Cleanout all sumps and ditches that are out of compliance. Regrade all areas of the road where needed to regain a proper pitch for drainage. Add gravel to all areas where it is needed. Also, construct sumps at every existing discharge point that doesn't have one. Make sure that all the sumps have 80 cu ft or more capacity. Use a series of sumps to achieve the required capacity in locations that you can't with one.</p>	Haul Roads
O-3022-11	1	3/9/2022	Extended	<p>(ATA) Action taken to abate: This follow-up is being completed to modify the current remedial measures in place based off of site conditions worsening and potential off-site impacts that can happen with each precipitation event moving forward. Also, the coal company is putting down non-durable material on the surface in areas that they are capping, creating additional problems. CEASE ALL HAULING OF COAL IMMEDIATELY. Remove all non-durable material that has been placed on the surface. All original remedial measures remain in place as originally written.</p>	
O-3022-11	1	3/18/2022	Extended	<p>(ATA) Action taken to abate: Company can resume hauling of coal. Work on the haulroad is ongoing with multiple pieces of equipment. The company also brought in a rock crusher to help produce additional stone for the road. All remedial measures are still in place as originally written.</p>	
O-3022-11	1	3/29/2022	Extended	<p>(ATA) Action taken to abate: Company continuing to work on remedial measures with multiple pieces of equipment. Progress toward abatement needs to increase to prevent further disturbances.</p>	
O-3022-11	1	4/5/2022	Extended	<p>(ATA) Action taken to abate: Company continuing to work on remedial measures with multiple pieces of equipment. The sediment control has been cleaned out and increased. Gravel is continuing to be added. Progress toward abatement needs to increase to prevent further disturbances.</p>	
O-3022-11	1	5/3/2022	Extended	<p>(ATA) Action taken to abate: Company continuing to work on remedial measures with multiple pieces of equipment. The sediment control has been cleaned out and increased. Gravel is continuing to be added. Progress toward abatement needs to increase to prevent further disturbances.</p>	
O-3022-11	1	6/6/2022	Extended	<p>(ATA) Action taken to abate: Extension request received. Company believes the haulroad has been restored to performance standards. They are continuing to do routine maintenance. This extension is given to allow time to do a follow-up on site.</p>	
O-3022-11	1	6/22/2022	Terminated	<p>(ATA) Action taken to abate: The remedial measures have been completed. Routine maintenance is ongoing.</p>	
O-3022-11	2	3/2/2023	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has failed to control or prevent additional contributions of suspended solids to runoff outside the permit area in that sumps located at road marker 15 were discharging extremely discolored water from the haulroad. Samples taken show that water leaving the haulroad permit was discharging with a level of 724 mg/l.</p> <p>(REM) Remedial Measures: Construct additional sumps to adequately control drainage in the area of violation so as to prevent future contributions of suspended solids to runoff outside the permit area.</p>	Haul Roads
O-3022-11	2	3/3/2023	Terminated	<p>(ATA) Action taken to abate: Company has constructed more sumps to allow for better sediment control.</p>	
O-3022-11	3	3/8/2023	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has failed to ensure that the maintenance of the haulroad prevents excessive dust from leaving the site.</p> <p>(REM) Remedial Measures: Use any acceptable dust suppressant to ensure that dust is under control.</p>	Haul Roads
O-3022-11	3	3/8/2023	Terminated	<p>(ATA) Action taken to abate: Company is watering the road to suppress the dust.</p>	

South Fork Coal Permit O-3022-11 Violations

O-3022-11	4	4/27/2023	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has allowed coal to spill on to the road surface in multiple locations of the haulroad. Company was seen by the inspector to be utilizing a front end loader and grader to begin to clean up these areas.</p> <p>(REM) Remedial Measures: Clean up all coal from the affected areas and replace the road surface in these areas with a durable, non-toxic material.</p>	Haul Roads
O-3022-11	4	5/9/2023	Extended	<p>(ATA) Action taken to abate: Company has graded the road to remove the coal from the surface of the road in several locations.</p>	
O-3022-11	4	5/30/2023	Extended	<p>(ATA) Action taken to abate: Company has cleaned up the coal off of the affected haul road sections. Awaiting stone deliveries to re-surface these areas.</p>	
O-3022-11	4	5/31/2023	Terminated	<p>(ATA) Action taken to abate: Company has successfully cleaned up coal from affected haul road locations. Stone has been replaced in affected areas. All abatement measures have been met.</p>	
O-3022-11	5	8/29/2023	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has allowed trucks to track raw coal from the stockpile area on to the haulroad causing it to be surfaced with a toxic material.</p> <p>(REM) Remedial Measures: Remove and properly dispose of all affected road surface. Replace the road surface in the affected areas with a durable and non-toxic material.</p>	Haul Roads
O-3022-11	5	9/6/2023	Terminated	<p>(ATA) Action taken to abate: Company has cleaned up the coal and has completed all necessary remedial measures.</p>	
O-3022-11	6	10/26/2023	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has allowed non-durable and toxic material to spill on the haulroad, in that, coal trucks have spilled coal on to the surface of the haulroad in several locations.</p> <p>(REM) Remedial Measures: Remove all coal from the affected areas of the haulroad. Properly dispose of this material and replace it with a durable, non-toxic material.</p>	Haul Roads
O-3022-11	6	12/14/2023	Terminated	<p>(ATA) Action taken to abate: Company has cleaned up the coal in the affected areas.</p>	
O-3022-11	7	3/6/2024	Notice of Violation Issued	<p>(DOV) Description of Violation: Company has failed to control and prevent erosion of the haulroad; in that, the haulroad is extremely muddy, rutted severely in multiple locations, and the surfacing has deteriorated and has not been sufficiently repaired and/or replaced where necessary.</p> <p>(REM) Remedial Measures: Repair all rutted areas and repair road face with a durable non-toxic material. Grade the haulroad to ensure that the proper pitch is maintained so that all runoff runs in to the haulroad sediment control. Repair the crown of the road where necessary.</p>	Haul Roads
O-3022-11	7	3/19/2024	Extended	<p>(ATA) Action taken to abate: Company placing new stone on haulroad and has began to grade it.</p>	
O-3022-11	7	3/25/2024	Extended	<p>(ATA) Action taken to abate: Company has placed more stone on the road surface and continues to fix/reconstruct the haulroad utilizing a grader, excavator, dozer, and trucks.</p>	
O-3022-11	7	3/27/2024	Modified to Cessation Order	<p>(ATA) Action taken to abate: Modified to FTACO due to insufficient repair speed and deterioration of previously repaired areas. No crew working on haulroad during this follow-up visit.</p>	
O-3022-11	8	3/27/2024	Failed to Abate Cessation Order Issued	<p>(DOV) Description of Violation: Entire</p> <p>(REM) Remedial Measures: Repair all rutted areas and repair road face with a durable, non-toxic material in the critical areas; those areas being the 1-10 road markers and the 17-19 road markers.</p>	Haul Roads

South Fork Coal Permit O-3022-11 Violations

O-3022-11	8	4/1/2024	Terminated	(ATA) Action taken to abate: Company has met all abatement requirements and hauling has resumed.	
O-3022-11	9	8/7/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #9 issued on this day for permittee failing to submit a permit application to the field office of the Federal Office of Surface Mine Reclamation and Enforcement in accordance with Reg 38-2-3.21.c Code 22-3-22(d)(5). (REM) Remedial Measures: Submit a permit application to the field office of the Federal Office of Surface Mine Reclamation and Enforcement in accordance with Reg 38-2-3.21.c Code 22-3-22(d)(5).	Permit Conditions
O-3022-11	9	8/19/2024	Extended	(ATA) Action taken to abate: The permittee is working on submitting the correct paperwork to the Federal Office of Surface Mine Reclamation and Enforcement.	
O-3022-11	9	9/10/2024	Withdrawn	(ATA) Action taken to abate: This violation is being withdrawn due to changes in the remedial measures.	
O-3022-11	10	9/10/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #10 issued on this day for failure to submit a request for determination of valid existing rights to the field office of the Federal Office of Surface Mine Reclamation and Enforcement. (REM) Remedial Measures: Submit a request for determination of valid existing rights to the field office of the Federal Office of Surface Mine Reclamation and Enforcement.	Permit Conditions
O-3022-11	10	9/23/2024	Extended	(ATA) Action taken to abate: The permittee is working on submitting the required information to the field office of the Federal Office of Surface Mine Reclamation and Enforcement.	
O-3022-11	10	9/24/2024	Terminated	(ATA) Action taken to abate: OSM's Charleston Field Office has received the required documents.	
O-3022-11	10	11/7/2024	Withdrawn	(ATA) Action taken to abate: Violation being withdrawn due to being issued in error.	
O-3022-11	11	10/23/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #11 issued on this day for the company failing to ensure that the maintenance of the haul road prevents excessive dust from leaving the site. (REM) Remedial Measures: Cease hauling immediately. Use any acceptable dust suppressant to ensure that dust is under control.	Fugitive Dust Control
O-3022-11	11	10/24/2024	Terminated	(ATA) Action taken to abate: The permittee has watered the haul road.	

South Fork Coal Permit U-3019-91 Violations

Permit ID	Violation Number	Violation and Activity Date	Violation - Evaluation Description	Violation Activity	Enforcement Standard Description
U-3019-91	2	8/12/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to follow permit conditions in that they started to construct a road on non-Permitted Bonded Area. The disturbance of the off bonded area is between the two roads associated with IBR 3. (REM) Remedial Measures: Company must stop disturbance immediately. Disturbed area must be reclaimed, seed and mulched. Show the off Bonded disturbed area and violation number on the Submitted IBR 3 Map.	Permit Conditions
U-3019-91	2	8/16/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 2.	
U-3019-91	3	8/12/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to maintain the Permanent Monument and Perimeter Markers of the approved Permitted area. No markers can be located at the Permanent Monument Marker site or around Perimeter area around the permitted area. (REM) Remedial Measures: Install the Permanent Monument and Perimeter Markers in the appropriate places according to the Approved Permit.	Signs and Markers
U-3019-91	3	8/30/2021	Terminated	(ATA) Action taken to abate: Terminated NOV 3.	
U-3019-91	4	9/7/2021	Notice of Violation Issued	(DOV) Description of Violation: Company failed to certify the drainage system, that was constructed around the Pump Treatment Site. This area has been used to initiated surface mining activities on Permit S301219. IBR 3 has been submitted to change the Pump Site Treatment Site into an ancillary area. (REM) Remedial Measures: Cease all mining activity. Certify and Obtain approval for the sediment control structures for the ancillary area. Submit an updated GPP Map.	Sediment Control
U-3019-91	4	9/21/2021	Extended	(ATA) Action taken to abate: Extended NOV 4.	
U-3019-91	4	10/21/2021	Extended	(ATA) Action taken to abate: Extended NOV 4. Company must submit certification.	
U-3019-91	4	11/4/2021	Extended	(ATA) Action taken to abate: Extended NOV 4.	
U-3019-91	4	12/2/2021	Extended	(ATA) Action taken to abate: GPP was submitted. Cert needs to be submitted.	
U-3019-91	4	1/10/2022	Extended	(ATA) Action taken to abate: Extension request received. Company working on certification.	
U-3019-91	4	2/22/2022	Extended	(ATA) Action taken to abate: Extension request received. Company working on certification.	
U-3019-91	4	4/4/2022	Extended	(ATA) Action taken to abate: Extension request received. Company working on certification.	
U-3019-91	4	5/5/2022	Extended	(ATA) Action taken to abate: Extension request received. Company working on certification.	
U-3019-91	4	6/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company working on certification.	
U-3019-91	4	7/6/2022	Extended	(ATA) Action taken to abate: Extension request received. Company working on certification.	
U-3019-91	4	8/10/2022	Terminated	(ATA) Action taken to abate: The remedial measures have been completed.	

South Fork Coal Permit U-3019-91 Violations

U-3019-91	5	6/26/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV # 5 issued on this day for failure to maintain sediment control. (REM) Remedial Measures: Restore diversion ditches 1-A and 1-B to approved permit plan. Also, clear all brush from diversion ditches 1-A, 1-B and the face of pond 1. Re-certify diversion ditches 1-A and 1-B upon completion.	Sediment Control
U-3019-91	5	7/8/2024	Extended	(ATA) Action taken to abate: Met with the company on site to look at the violation area.	
U-3019-91	5	8/19/2024	Extended	(ATA) Action taken to abate: Work has been completed. Company is working on submitting a certification for diversion ditches.	
U-3019-91	5	8/28/2024	Terminated	(ATA) Action taken to abate: Work has been completed and ditches have been certified.	
U-3019-91	6	8/27/2024	Notice of Violation Issued	(DOV) Description of Violation: NOV #6 issued for indiscriminate dumping or discarding of materials, litter, junk equipment, containers or other non-coal wastes. (REM) Remedial Measures: Clean up all trash and waste around dumpster area and trash that has been spread to surrounding areas from animals.	Method of Operations
U-3019-91	6	8/30/2024	Terminated	(ATA) Action taken to abate: Trash has been cleaned up.	
U-3019-91	7	9/25/2024	NOV Issued	(DOV) Description of Violation: NOV #7 issued on this day for failure to maintain Pond #2 in that a hole has developed in the pond causing water to exit before the approved outlet 002. (REM) Remedial Measures: Permittee should take all necessary measures to stop the leak and to prevent future leaks.	Sediment Control
U-3019-91	7	10/2/2024	Terminated	(ATA) Action taken to abate: Pond 2 has been repaired.	



West
Virginia
Highlands
Conservancy

July 24, 2024

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RE: WVHC acknowledgement letter 7-3-24; South Fork Coal Co. Permits

Dear Principal Deputy Director Buccino, Regional Director Shope, and Mr. Flesher,

Thank you for your continued engagement on this package of issues. The West Virginia Highlands Conservancy (WVHC) and Allegheny Blue Ridge Alliance (ABRA) greatly appreciate your efforts.

Please accept this ten-day notice request on behalf of the WVHC and ABRA. The West Virginia Department of Environmental Protection (WV DEP) is improperly implementing the Surface Mining Control and Reclamation Act (SMCRA) by failing to effectively ensure compliance from South Fork Coal Company. Each second that South Fork Coal Co. pollutes pushes the candy darter closer to extinction.

In the email from 6/20/2024 (attached) the following SMCRA permits were mentioned: S301219, O302211, S303393, S301016, S300219, U301991, O301211, S300511, S01387. All of these permits drain into designated critical habitat for the endangered candy darter, and some permits are adjacent to or within the Monongahela National Forest.

We suspect numerous ongoing violations of differing natures for many, if not all, of the aforementioned SMCRA permits. In addition to the failure to implement Protection and Enhancement Plans (PEPs) for the candy darter on all of these permits, as required by the 2020 Biological Opinion, and the apparent 30 CFR § 761.11 / *W.Va Code* § 22-3-22(d)(5) / 30 U.S.C. § 1272(e)(2) noncompliance with O302211 (Haulroad #2), WV DEP has been extremely lax on enforcement and oversight with South Fork Coal Company. WV DEP continues to let severe water quality-based violations occur and remain uncorrected for far longer than the 90-days allowed, sometimes for years and with little to no civil penalties. Furthermore, after a site visit on June 26, 2024, during the permit renewal process for the long abandoned and reclaimed South Fork Deep Mine No. 2 (U301991), our concerns about the permanent toxic mine drainage issues present within the rock strata being mined at the headwaters of the South Fork Cherry River were confirmed, please see the attached photograph taken by WV DEP as it speaks for itself.

To understand the process mentioned in the acknowledgement letter, we would appreciate clarification from OSMRE on what is being investigated for each respective permit. Given the extensive record of violations, widespread noncompliance, and the sensitivity of resources present, we respectfully recommend that each permit held by South Fork Coal Co. that drains to candy darter critical habitat undergo complete review, as well as site inspection by the Office of Surface Mining Reclamation and Enforcement (OSMRE) accompanied by the U.S. Fish and Wildlife Service (FWS) (and US Forest Service Representatives, if applicable). Finally, OSMRE should seriously consider withdrawing delegation of SMCRA primacy for, at least, the permits in candy darter critical habitat, if not for the entire state. Right now, many permits exist in a perpetual state of violation and WV DEP is plainly not up to the task.

The aforementioned SF Coal Co. permits have had violations extended far beyond the 90-days allowed, meeting none of the qualifying criteria described in WV 38 CSR2 20.2e, which has created numerous violations of that code and requires a cessation order and \$750 per day civil penalty assessment, but with little to no action taken by WV DEP. The permits and violations identified by us are only a sample of the issues here. It is highly likely that with further investigation by OSMRE into these SMCRA permits, many more violations at these facilities would be found, and some permits may even be revoked.

Rocky Run Surface Mine (S301219): NOV 16, NOV 17 and NOV 18 extended far beyond the 90 days allowed and should be receiving a \$750 per day fine and cessation order.

Blue Knob Surface Mine (S300511): This permit's entire violation history and oversight process by WV DEP warrants review from OSMRE. NOVs 7, 10, 12-26 are a series of interconnected, unresolved violations, FTACOs, IHCOs, Consent Decrees and Show Cause Orders where violations have remained extended for years in some circumstances with no termination or structure to the civil penalty process. There does not appear to be any cohesive resolution process for the violations on Blue Knob, despite it having its SMCRA permit renewal waived by WV

DEP. For the recent Show Cause #2186, it appears that WV DEP's only requirement for a company to show cause is that it abates the violation, regardless of how many violations the company has, how long the violations have remained unabated, or whether the company has paid their fines. This does not seem to be in line with SMCRA's requirements, or with the expectations that come with delegation of SMCRA primacy to WV DEP. We are concerned this site is contributing permanent toxic mine drainage to candy darter critical habitat and native brook trout streams.

Lost Flat #1 (S013878): NOVs 29, 30, 31, 36, 37, 38 should be reviewed and NOVs 39-42 specifically warrant follow up given that they are nearing the 90-day limit. Many of the now terminated NOVs (pre-NOV 39) on this permit were unjustifiably allowed to remain open for a year (or more) in many cases, with little to no civil penalties issued or escalated oversight actions taken by WV DEP. We are also concerned with observed permanent toxic mine drainage issues with this operation.

Lost Flat #2 (S303393): Ongoing toxic mine drainage is impacting Becky Run from NPDES Outlet 032. Becky Run is one of the many small native brook trout streams that drain to the South Fork of Cherry River. Elevated sulfate and conductivity values indicate that Becky Run is affected by mine drainage. Conductivity values in Becky Run exceed the USEPA benchmark for protection of aquatic life in the central Appalachian region. Becky Run and three other streams in the Blue Knob-Lost Flat mine area have been listed by the WV DEP as impaired based on iron concentrations. Elevated selenium concentrations have been reported for Becky Run and other streams in the mine area.

The Lost Flat # 2 NPDES Outlet 032 is a source of mine drainage in the Becky Run watershed. South Fork Coal Company was issued a NOV on 7/4/16 for failure to comply with effluent limitations for iron at Outlet 032. Samples were collected while the mining company was engaged in backfilling highwall and pumping water from pits. The same NOV also cited the company for failure to meet effluent limits for aluminum at Outlet 004, which also drains to Becky Run. Figures 2a and 2b (attached as Lost Flat 032 Fe) provide plots of average monthly iron concentrations and maximum daily iron concentrations at Outlet 032 for the period, 2017-2022. Effluent limits were exceeded multiple times, mostly during the later part of the period. During the last 24 months of the period, average monthly iron concentration exceeded permit limits 13 times and daily maximum iron concentration exceeded permit limits five times. In addition, during the last three months of the period, permit limits for aluminum were exceeded two times and for manganese one time. This pattern does not appear to have improved in the time since.

Laurel Creek Contour Mine No. 1 (S301016): This mine has been inactive, from what we can tell, since approximately 2019. Despite this, on our recent flights over this mine, there are highwalls and other land disturbance that remains obviously un-reclaimed after many years. NOVs 8-10, issued in April 2024, are fast approaching the 90-day limit and should be monitored by OSMRE to ensure compliance. There have also been noted selenium excursions with this mine, adding further importance to our concerns about toxic mine drainage associated with mining in this area.

Pretty Ridge Surface Mine (S300219): Many NOV's on this mine were allowed to be extended for years without being terminated, with minuscule fines, and with little to no enforcement escalation by WV DEP. A complete review of the violation history on this mine by OSMRE is recommended to understand that South Fork Coal Company is incapable of ever complying with their permits in candy darter critical habitat. These negative impacts are being exponentially increased due to the feckless, incompetent oversight by WV DEP. Our concerns are particular to, but not limited to, NOV 5, 11, 12, 15, 16, 17, 19, 21, 24, 26, 27, 28, 29, 30, 32, 33, 34, 35, 37.

SF Deep Mine 2 (U301991): This mine is abandoned and has been reclaimed. The company claims it has not been mined for more than 17 years (see "Response to WVHC") and that reclamation has occurred at much of the mine site. There have been no active extractive activities under the permit, and there haven't been for many years. Despite this, there is clear evidence of permanent toxic mine drainage from this permit directly impacting the South Fork of the Cherry River (refer, again, to the attached photo 0067). Furthermore, during our site visit on 6/26/2024, when we walked the perimeter of the permit, we pointed out numerous issues to WV DEP. There were unexplained tubes leaving pond 2 that had recently had dirt piled over them but appeared to be discharging outside of a permitted outlet (see other attached photo 0069). WV DEP Claimed they could not inspect off the permit boundary and refused to allow us to go inspect further because it would have been outside of the permit area. Pond 1 was entirely nonfunctional as the drainage ditches had been rerouted to flow off the permit boundary without going through any control devices (see NOV 5). It is also suspected that South Fork Coal Co. is using this permit area to conduct chemical treatment at Rocky Run (where in the NPDES permitting for Rocky Run the company committed to not implement chemical treatment).

Haulroad #1 (O301211): NOV's 9, 10 remain open beyond the 90-day allowed limit and should be receiving the \$750 per day fine and cessation order.

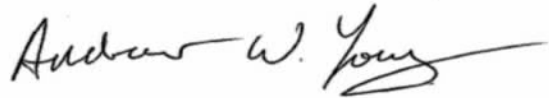
Haulroad #2 (O302211): The major concern is non-compliance with 30 CFR § 761.11/ *W.Va Code* § 22-3-22(d)(5) / 30 U.S.C. § 1272(e)(2), but the pattern of violations for NOV's 1-8 are deeply concerning. These repeated similar violations on Haulroad #2 (but occurring across all the company's haul roads) show a constant theme of disregard by the South Fork Coal Co., and insufficient oversight by WV DEP. WV DEP's justification for not issuing a show cause order after NOV's 4-6 was solely because NOV 5 had a negligence score of 1 (see attached "negative pattern determination"). We are unconvinced that this reasoning is sufficient to justify DEP's conclusion of a negative pattern determination. Furthermore, ABRA submitted a WV Freedom of Information Act Request to WV DEP for documents produced in connection with *W.Va Code* § 22-3-22(d)(5) for this SMCRA permit. In response, WV DEP provided only general permit documents and no documents specifically produced in connection with *W.Va Code* § 22-3-22(d)(5) for the portion of the permit that is within the Monongahela National Forest. In fact, the materials submitted by the company falsely claimed that none of the permit was within or adjacent to National Forest lands. This leads us to believe the required analysis was never conducted, that Haulroad #2 (O302211) was therefore improperly permitted, and that the permit should be vacated by OSMRE.

Finally, we reiterate the request that OSMRE conduct a full review of these permits, and conduct oversight inspections across all South Fork Coal Co. permits. For inspections OSMRE conducts on these permits, we also request that WVHC be allowed to have representatives present.

Respectfully Submitted,



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