

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
West Virginia Highlands Conservancy, Sierra Club, and Appalachian Voices

(b) County of Residence of First Listed Plaintiff Kanawha
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Benjamin Luckett, Appalachian Mountain Advocates
PO Box 507, Lewisburg, WV 24901, (304) 873-6080

DEFENDANTS
Aurevo Resources, Inc.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question *(U.S. Government Not a Party)*

☐ 2 U.S. Government Defendant

☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability LABOR ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☒ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

CIVIL RIGHTS
☐ 440 Other Civil Rights
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/ Accommodations
☐ 445 Amer. w/Disabilities - Employment
☐ 446 Amer. w/Disabilities - Other
☐ 448 Education

V. ORIGIN *(Place an "X" in One Box Only)*
☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District *(specify)*
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*
30 U.S.C. s 1270 (SMCRA citizen suit)
Brief description of cause:
Citizen suit to abate violations of performance standards under the Surface Mining Control and Reclamation Act, 30 U.S.C. s 1201 et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY *(See instructions):*

JUDGE _____ DOCKET NUMBER _____

DATE
October 29, 2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ Benjamin A. Luckett

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**WEST VIRGINIA HIGHLANDS
CONSERVANCY, SIERRA CLUB, and
APPALACHIAN VOICES,**

Plaintiffs,

v.

CIVIL ACTION NO. _____

AUREVO RESOURCES, INC.

Defendant.

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF
AND FOR CIVIL PENALTIES**

1. This is a citizen suit for declaratory judgment and mandatory injunctive relief and for civil penalties against Defendant Aurevo Resources, Inc. (“Aurevo”) for violations of the Surface Mining Control and Reclamation Act, 30 U.S.C. § 1201 et seq. (“SMCRA”), at its Lost Flats #1, Lost Flats #2, Pretty Ridge, Blue Knob, and Rocky Run Surface Mines, Laurel Creek Contour Mine No. 1, and SF Deep Mine No. 2 in Greenbrier County, West Virginia.

2. On May 8, 2026, the West Virginia Department of Environmental Protection (“WVDEP”) granted “advanced approval” of Aurevo’s application to transfer permits S013878, S300219, S300511, S301016, S301219, S303393, and U301991 from South Fork Coal Company, LLC (“South Fork”)—a defunct company that entered Chapter 7 bankruptcy in 2025—prior to the close of the public comment period on that application, citing West Virginia Code of State Regulations section 38-2-3.25.a.4.

3. Under that transfer, Aurevo is now the owner or operator responsible for any violations associated with these permits, including those that remain from South Fork’s

operations. *See* W. Va. Code St. R. §§ 38-2-2.83, 38-2-3.25.b.

4. Defendant’s Greenbrier County mining complex borders the Monongahela National Forest and the Cherry River watershed. The Cherry River watershed, which includes South Fork Cherry River, North Fork Cherry River, Laurel Creek, and Cherry River, is a stronghold of the endangered candy darter—a vibrant freshwater fish known as the “underwater rainbow” that is on the knife’s edge of extinction. The area “consists of lush forests and vast, free-flowing rivers.” *See Ctr. for Biological Diversity v. United States Forest Serv.*, 764 F. Supp. 3d 349, 353 (S.D.W. Va. 2025).

5. As detailed below, Plaintiffs allege that Defendant Aurevo is responsible for more than fifty outstanding violations of performance standards under SMCRA and the terms and conditions of the surface mining permits for the above listed mines that Aurevo has taken over from the previous, now-bankrupt operator South Fork Coal Company, LLC. Those violations relate to mine reclamation failures as well as failures to maintain necessary permits and perform required pollution monitoring.

JURISDICTION AND VENUE

6. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) and 30 U.S.C. § 1270 (SMCRA citizen suit provision).

7. On June 23, 2026, Plaintiffs gave notice of the violations and their intent to file suit to the Defendant and its registered agent, the Office of Surface Mining, Reclamation, and Enforcement (“OSMRE”), and the West Virginia Department of Environmental Protection (“WVDEP”), as required by Section 520(b)(1)(A) of SMCRA, 30 U.S.C. § 1270(b)(1)(A).

8. Both Defendant and its registered agent refused delivery of Plaintiffs’ notice letter, which was sent certified mail, return receipt requested.

9. More than sixty days have passed since notice was served and neither OSMRE nor WVDEP has commenced and diligently prosecuted a civil or criminal action to require compliance with SMCRA and the performance standards that Aurevo is violating.

10. Venue in this District is proper pursuant to 33 U.S.C. § 1365(c)(1) because the sources of the Clean Water Act violations are located in this District, and pursuant to 30 U.S.C. § 1270(c) because the coal mining operations complained of are located in this District.

PARTIES

11. Aurevo is a West Virginia limited liability company.

12. Aurevo is a new company, incorporated on November 12, 2025, that appears to have been created specifically to take over the permits for the above-listed mines from the bankrupt South Fork. Aurevo's SMCRA permitting documents represent that the company has no employees.

13. Aurevo's sole officers are "Incorporator" James Woods, Jr. and Vice-President Bernard Brown. Mr. Woods, who also acts as the company's registered agent, pleaded guilty to federal fraud charges in 2021. U.S. Dep't of Justice, "Nicholas County Man Sentenced for Federal Fraud Charge," April 1, 2022, <https://www.justice.gov/usao-sd-wv/pr/nicholas-county-man-sentenced-federal-fraud-charge>.

14. Aurevo is the operator of the Lost Flats #1 Surface Mine in Greenbrier County, WV, which is regulated by Surface Mining Permit S013878.

15. Aurevo is the operator of the Pretty Ridge Surface Mine in Greenbrier County, WV, which is regulated by Surface Mining Permit S300219.

16. Aurevo is the operator of the Blue Knob Surface Mine in Greenbrier County, WV, which is regulated by Surface Mining Permit S300511.

17. Aurevo is the operator of the Laurel Creek Contour No. 1 Mine in Greenbrier County, WV, which is regulated by Surface Mining Permit S301016.

18. Aurevo is the operator of the Rocky Run Surface Mine in Greenbrier County, WV, which is regulated by Surface Mining Permit S301219.

19. Aurevo is the operator of the Lost Flats #2 Surface Mine in Greenbrier County, WV, which is regulated by Surface Mining Permit S303393.

20. Aurevo is the operator of the SF Deep Mine No. 2 in Greenbrier County, WV, which is regulated by Surface Mining Permit U301991.

21. Aurevo is a person within the meaning of Section 502(5) of SMCRA, 30 U.S.C. § 1291(19).

9. Plaintiff Appalachian Voices is a nonprofit organization that operates throughout Central Appalachia with offices in Virginia, North Carolina, and Tennessee. It has more than 1,100 members. Appalachian Voices works in partnership with local people and communities to defend the natural heritage and economic future of the Appalachian region.

10. Plaintiff Sierra Club is a nonprofit corporation incorporated in California, with more than 683,000 members and supporters nationwide, including approximately 2,200 members who reside in West Virginia and belong to its West Virginia Chapter. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of the Earth; to practicing and promoting the responsible use of Earth's resources and ecosystems; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. Sierra Club's concerns encompass the exploration, enjoyment, and protection of forests and surface waters in West Virginia.

11. Plaintiff West Virginia Highlands Conservancy, Inc. ("WVHC") is a nonprofit

organization incorporated in West Virginia. It has more 1,500 members. WVHC works for the conservation and wise management of West Virginia's natural resources.

12. Plaintiffs' members suffer injuries to their aesthetic, recreational, environmental, and/or economic interests as a result of Defendant's violations of performance standards. Plaintiffs' members fish, swim, observe wildlife, or otherwise use the lands and waters affected by Aurevo's performance standard violations. Many of the streams that receive pollution from Aurevo's mines are trout streams that are already listed as "impaired" under the Clean Water Act, 33 U.S.C. § 1313. Plaintiffs' members' use and enjoyment of the lands and waters downstream from Defendant's operations are diminished and curtailed because of Aurevo's permit violations.

13. For example, Micah Bates is a member of all three plaintiff organizations. He grew up fishing in the South Fork Cherry River watershed and continues to fish in the waters downstream from Aurevo's operations. He has noticed a decline in fish populations as mining in the area progressed and enjoys his time in the forest and streams adjacent to Aurevo's operations less because of the outstanding violations and his knowledge of associated mining pollution. He is concerned and upset about the impacts of Aurevo's operations on the health of the streams he uses.

14. If Aurevo were to correct its performance standard violation, the harm to the interests of Plaintiffs' members could be redressed. An injunction would redress Plaintiffs' members' injuries by preventing and/or deterring future violations of the performance standards in Aurevo's permits.

15. At all relevant times, Plaintiffs were and are "persons" as that term is defined by SMCRA, 30 U.S.C. § 1291(19).

STATUTORY AND REGULATORY FRAMEWORK

16. Section 506 of SMCRA, 30 U.S.C. § 1256, prohibits any person from engaging in or carrying out surface coal mining operations without first obtaining a permit from the Office of Surface Mining Reclamation and Enforcement (“OSMRE”) or from an approved state regulatory authority.

17. At all relevant times, the State of West Virginia has administered an approved surface mining regulatory program. See 30 C.F.R. § 948.10.

22. Under West Virginia’s approved program, the WVDEP may “grant written approval of the transfer, reinstatement, assignment, or sale of a permit” when certain conditions are met. W. Va. Code St. R. § 38-2-3.25.a. The regulations allow WVDEP to grant what it terms “advanced approval” of a permit transfer prior to the close of public comment on the transfer application. *Id.* § 38-2-3.25.a.4.

23. Under West Virginia’s regulations, “[a]ny person who, through whatever means, assumes ownership or control directly or indirectly of a surface mining and reclamation operation shall become responsible for the correction of all outstanding unabated violations.” *Id.* § 38-2-3.25.b.

24. “Ownership or control” can be established when, among other things, an entity becomes “a permittee of a surface coal mining operation” or has “any other relationship which gives one person authority directly or indirectly to determine the manner in which an applicant, an operator, or other entity conducts surface mining operations.” *Id.* § 38-2-2.83.

18. The legislative rules promulgated under the WVSCMRA provide that, as a general condition of all surface mining permits issued under the WVSCMRA, the permittee must comply with all applicable performance standards. W. Va. Code St. R. § 38-2-3.33.c.

19. As further detailed below, West Virginia’s state program contains numerous performance standards related to mine reclamation, as well as standards mandating that permits be kept current and that pollutant discharge and other environmental monitoring be properly and timely performed and submitted to WVDEP. Compliance with these performance standards is essential to upholding SMCRA and WV/SMCRA’s environmental protection goals.

20. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), authorizes any person adversely affected to bring an action in federal court to compel compliance with SMCRA against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to [SMCRA].”

21. Section 520(d) of SMCRA, 30 U.S.C. § 1270(d), authorizes the Court to award the costs of litigation, including attorney and expert witness fees to any party whenever the court determines such an award is appropriate.

FACTS

22. As a result of its assumption of ownership and control of the mines at the former South Fork mining complex through WVDEP’s May 8, 2026 advanced approval of Aurevo’s permit transfer application, Aurevo is now responsible for immediately correcting all outstanding violations at the mines governed by Permits S013878, S300219, S300511, S301016, S301219, S303393, and U301991.

23. On June 10, 2026, Aurevo entered into a “Reclamation Transition Agreement” with the WVDEP. That agreement recognizes Aurevo’s responsibility for correcting the outstanding violations and provides a schedule for correction of the outstanding violations. However, despite Aurevo being the current owner/operator of the mines, the Agreement’s schedule only begins to run when transfer of the permits is finalized. That is, the Agreement

establishes various deadlines that are a certain number of days after final permit transfer. For example, the Agreement requires Aurevo to “initiate abatement” of certain of its reclamation violations within 170 days of final permit transfer and complete abatement within 220 days of final permit transfer.

24. Although the original term of the advanced approvals was only for sixty days, the permit transfers have yet to be finally executed nearly 180 days later, according to the documents available on WVDEP’s public information portal. As a result, the Reclamation Transition Agreement’s deadlines have not begun to run. Despite Aurevo’s assumption of operator status at the mines, WVDEP continues to issue enforcement documents to South Fork, an entity that WVDEP knows went through Chapter 7 bankruptcy liquidation and is no longer a going concern.

25. Prior to filing this action, on September 24, 2026, Plaintiffs sent a letter to the WVDEP Secretary, the Director of the Division of Mining and reclamation, and the head of SMCRA permitting. The letter inquired about the status of the permit transfers and any progress that Aurevo had made to remedy the numerous outstanding violations. It stated that Plaintiffs intended to follow through with their notice of intent to sue under SMCRA’s citizen suit provision if WVDEP did not provide information showing that the final permit transfers were imminent and that Aurevo was working to cure the outstanding violations. WVDEP did not respond to Plaintiffs’ letter.

26. Plaintiffs’ suit is thus required in order to bring the necessary urgency to abating Defendant’s violations as quickly as possible.

27. The violations that Aurevo is responsible for immediately abating are listed below. According to the documents available on WVDEP's public information portal, all of these violations remain at least partially unabated.

Lost Flats #1 Surface Mine

28. Aurevo's Lost Flats #1 Surface Mine is governed by WVSMCRA Permit S013878. That mine has a long history of violations relating to reclamation failures. Specifically, based on review of documents publicly available from WVDEP, the following notices of violation have not been terminated and the underlying violations remain at least partially unabated, such that Aurevo is now responsible for their immediate abatement.

29. Notice of Violation ("NOV") 62 was issued on April 17, 2026 for failing "to maintain sediment ditch 62 in that beavers have blocked spillway not allowing water to pass properly," in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4 On April 30, 2026, NOV 62 was modified to Failure to Abate Cessation Order (FTACO) 63.

30. NOV 58 was issued on January 5, 2026 for failing to maintain a valid West Virginia National Pollutant Discharge Elimination System (WV/NPDES) permit in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 3, 2026, NOV 58 was modified to FTACO 61.

31. NOV 57 was issued on November 5, 2025 for failing to submit rain gauge data in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 57 was modified to FTACO 60.

32. NOV 56 was issued on November 5, 2025 for failing to submit Article 3 water monitoring reports, also known as discharge monitoring reports (DMRs), in violation of West

Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 56 was modified to FTACO 59.

33. NOV 51 was issued on August 27, 2025 for failing “to protect off-site areas from damage occurring during surface mining operations, in that, the water is seeping out of the outer berm between drainage areas 66 and 67 causing iron staining off the permitted area,” in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On September 16, 2025, NOV 51 was modified to FTACO 54. On December 9, 2025, WVDEP issued Show Cause Order No. 2449 after finding that a pattern of violations exists on Permit S013878.

34. NOV 39 was issued on April 30, 2024 for failing “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,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f. On July 25, 2024, NOV 39 was modified to FTACO 44. On November 13, 2024, WVDEP issued Show Cause Order No. 2304 after finding that a pattern of violations exists on Permit S013878.

35. NOV 38 was issued on April 21, 2022 because “SD 76 has blown out west of outlet 039 close to permit boundary[;] SD 50 & 60 have been dammed up in numerous locations by beavers[; such that] [c]onditions have created capacity issues with these ditches,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.b.6. WVDEP granted numerous extensions of NOPV 38. In its December 8, 2022 extension, WVDEP noted that the “Company has fixed the sediment ditch but the ditch has now formed a leak which the company has addressed in their past 90 days letter.” In its final

extension, issued on March 9, 2023 and extending the compliance deadline to March 17, 2023, WVDEP noted that the “Company is close to completing work.” However, the Organizations were unable to find any termination notice nor other evidence in WVDEP’s database showing that the company’s work was ever successfully completed such that NOV 38 was fully abated.

Pretty Ridge Surface Mine

36. Aurevo’s Pretty Ridge Surface Mine is governed by WVSMCRA Permit S300219. That mine also has numerous unabated violations. Specifically, based on review of documents publicly available from WVDEP, the following notices of violation have not been terminated and the underlying violations remain at least partially unabated, such that Aurevo is now responsible for their immediate abatement.

37. NOV 50 was issued on April 17, 2026 for failing “maintain sediment ditch 1 in that multiple barriers are blown out, several cells full, and outer berm has slipped off in several places” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4. On April 30, 2026, NOV 50 was modified to FTACO 51.

38. NOV 47 was issued on November 5, 2025 for failing to submit rain gauge data in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 47 was modified to FTACO 49.

39. NOV 46 was issued on November 5, 2025 for failing to submit Article 3 water monitoring reports, also known as discharge monitoring reports (DMRs), in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 46 was modified to FTACO 48.

40. NOV 42 was issued on September 24, 2025 for failing “to prevent excessive erosion in the regraded areas in drainage areas 2, 3, 4, 5, 7 and 8” in violation of West Virginia

Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

On October 8, 2025, NOV 42 was modified to FTACO 45. On January 28, 2026, WVDEP issued Show Cause Order No. 2481 after finding that a pattern of violations exists on Permit S300219.

41. NOV 41 was issued on September 24, 2025 for failing “to establish temporary or permanent vegetative cover on regarded areas by the end of the first growing season, in that, there are several regraded areas where vegetation establishment was unsuccessful. These include drainage areas, 2, 3, 4, 5, 7 and 8,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f. On October 8, 2025, NOV 41 was modified to FTACO 44. On January 28, 2026, WVDEP issued Show Cause Order No. 2481 after finding that a pattern of violations exists on Permit S300219.

42. NOV 40 was issued on September 24, 2025 for failing “to repair backfill area in drainage area 8. In that two areas of backfill slipped off causing a section of highwall to be exposed” in violation of West Virginia Code section 22-3-13(b)(3) and West Virginia Code of State Regulations section 38-2-14.8.a.4. On October 8, 2025, NOV 40 was modified to FTACO 43. On January 28, 2026, WVDEP issued Show Cause Order No. 2481 after finding that a pattern of violations exists on Permit S300219.

43. NOV 38 was issued on October 17, 2024 for failing “to prevent excessive erosion in the regraded areas in drainage area 1” in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m. On January 9, 2025, NOV 38 was modified to FTACO 39. On March 31, 2025, WVDEP issued Show Cause Order No. 2381 after finding that a pattern of violations exists on Permit S300219.

Blue Knob Surface Mine

44. Aurevo's Blue Knob Surface Mine is governed by WVSMCRA Permit S300511. That mine also has numerous unabated violations. Specifically, based on review of documents publicly available from WVDEP, the following notices of violation have not been terminated and the underlying violations remain at least partially unabated, such that Aurevo is now responsible for their immediate abatement.

45. NOV 42 was issued on April 28, 2026 for failing "to maintain sediment ditches 3 and 8 in that multiple barriers are blown out, several cells full, outer berm has slipped off in several places, and beavers have blocked multiple spillways in between cells" in violation of West Virginia Code section 22-3-17(a)) and West Virginia Code of State Regulations section 38-2-20.3.b. On May 13, 2026, NOV 42 was modified to FTACO 44.

46. NOV 41 was issued on April 17, 2026 for failing "to prevent excessive erosion in drainage areas 20 and 21" in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m. On April 30, 2026, NOV 41 was modified to FTACO 43.

47. NOV 38 was issued on November 5, 2025 for failing to submit rain gauge data in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 38 was modified to FTACO 40.

48. NOV 37 was issued on November 5, 2025 for failing to submit Article 3 water monitoring reports, also known as discharge monitoring reports (DMRs), in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 37 was modified to FTACO 39.

49. NOV 33 was issued on September 24, 2025 for failing “to prevent excessive erosion in regraded areas in drainage areas 1, 11 and 12,” in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m. On October 8, 2025, NOV 33 was modified to FTACO 36. On January 28, 2026, WVDEP issued Show Cause Order No. 2480 after finding that a pattern of violations exists on Permit S300511.

50. NOV 32 was issued on September 24, 2025 for failing “to establish temporary or permanent vegetative cover on sections of regraded areas by the end of the first growing season, in that, there are several regraded areas where vegetative cover establishment was unsuccessful. These include drainage areas 1, 2, 3, 4, 5, 6, 6A, 6B, 5C, 11, 12, 13A, 13b and 14,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f. On October 8, 2025, NOV 32 was modified to FTACO 35. On January 28, 2026, WVDEP issued Show Cause Order No. 2480 after finding that a pattern of violations exists on Permit S300511.

51. NOV 31 was issued on September 24, 2025 for failing “to repair backfill area in drainage areas 6. In that, an area of backfill slipped off causing a section of highwall to be exposed,” in violation of West Virginia Code section 22-3-13(b)(3) and West Virginia Code of State Regulations section 38-2-14.8.a.4. On October 8, 2025, NOV 31 was modified to FTACO 34. On January 28, 2026, WVDEP issued Show Cause Order No. 2480 after finding that a pattern of violations exists on Permit S300511.

52. NOV 28 was issued on October 17, 2024 for failing “to install flume 3A and 3B in the approved drainage plan,” in violation of West Virginia Code section 22-3-13(b)(10) and West Virginia Code of State Regulations section 38-2-14.15.m. On January 9, 2025, NOV 28

was modified to FTACO 30. On March 31, 2025, WVDEP issued Show Cause Order No. 2382 after finding that a pattern of violations exists on Permit S300511.

53. NOV 27 was issued on October 21, 2024 for failing “to prevent excessive erosion in the regraded areas in drainage area 3,” in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m. On January 9, 2025, NOV 27 was modified to FTACO 29. On March 31, 2025, WVDEP issued Show Cause Order No. 2382 after finding that a pattern of violations exists on Permit S300511.

Laurel Creek Contour Mine No. 1

54. Aurevo’s Laurel Creek Contour Mine No. 1 is governed by WVSMCRA Permit S301016. That mine also has numerous unabated violations. Specifically, based on review of documents publicly available from WVDEP, the following notices of violation have not been terminated and the underlying violations remain at least partially unabated, such that Aurevo is now responsible for their immediate abatement.

55. NOV 24 was issued on April 17, 2026 for failing “to maintain sediment ditches 2A, 2B, 3A, 3B, 3C, and 3D in that multiple barriers are blown out, outer berm has slipped off in several places, beavers have blocked off multiple cells causing water to short circuit, and multiple cells are leaking” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.

56. NOV 21 was issued on November 5, 2025 for failing to submit rain gauge data in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 21 was modified to FTACO 23.

57. NOV 20 was issued on November 5, 2025 for failing to submit Article 3 water monitoring reports, also known as discharge monitoring reports (DMRs), in violation of West

Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 20 was modified to FTACO 22.

58. NOV 18 was issued on August 18, 2025 for “ceas[ing] mining and reclamation for more than 30 days” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.11.a. On September 2, 2025, NOV 18 was modified to FTACO 19. On December 9, 2025, WVDEP issued Show Cause Order No. 2448 after finding that a pattern of violations exists on Permit S301016.

59. NOV 16 was issued on April 17, 2025 for failing “to maintain Sediment Ditch 1-B from short circuiting, in that, SD1-B was found to have a leak in the bottom of the ditch” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.b.6. On June 3, 2025, NOV 16 was modified to FTACO 17. On September 23, 2025, WVDEP issued Show Cause Order No. 2442 after finding that a pattern of violations exists on Permit S301016.

60. NOV 9 was issued on April 30, 2024 for failing “to backfill and regrade the exposed highwall of this permit within 180 days of mineral removal” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f. On July 25, 2024, NOV 9 was modified to FTACO 12. On November 13, 2024, WVDEP issued Show Cause Order No. 2302 after finding that a pattern of violations exists on Permit S301016.

61. NOV 8 was issued on April 30, 2024 for failing “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 for a vegetative cover to be established and other areas where vegetative cover establishment was unsuccessful,” in violation of West Virginia Code

section 22-3-13(b)(16) and West Virginia Code of State Regulations section 38-2-15.14.b.4. On July 25, 2024, NOV 8 was modified to FTACO 11. On November 13, 2024, WVDEP issued Show Cause Order No. 2302 after finding that a pattern of violations exists on Permit S301016.

Rocky Run Surface Mine

62. Aurevo's Rocky Run Surface Mine is governed by WVSMCRA Permit S301219. That mine also has numerous unabated violations. Specifically, based on review of documents publicly available from WVDEP, the following notices of violation have not been terminated and the underlying violations remain at least partially unabated, such that Aurevo is now responsible for their immediate abatement.

63. NOV 58 was issued on April 22, 2026 for failing to maintain a valid WV/NPDES permit in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On May 6, 2026, NOV 58 was modified to FTACO 61.

64. NOV 52 was issued on November 5, 2025 for failing to submit rain gauge data in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 52 was modified to FTACO 56. On June 4, 2026, WVDEP issued Show Cause Order No. 2569 after finding that a pattern of violations exists on Permit S301219.

65. NOV 51 was issued on November 5, 2025 for failing to submit Article 3 water monitoring reports, also known as discharge monitoring reports (DMRs), in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 51 was modified to FTACO 55. On June 4, 2026, WVDEP issued Show Cause Order No. 2569 after finding that a pattern of violations exists on Permit S301219.

66. NOV 50 was issued on November 5, 2025 for failing “to submit quarterly in-pit storage certification for open pit in drainage area SD 28,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.d. On February 2, 2026, NOV 50 was modified to FTACO 54. On June 4, 2026, WVDEP issued Show Cause Order No. 2569 after finding that a pattern of violations exists on Permit S301219.

67. NOV 46 was issued on October 1, 2025 for failing “to maintain sumps on Haul Road 4 Haul Road 5 and 6. Also haul road 5 is rutted in sediment ditch 23 drainage area and haul road C is rutted sediment ditch 12 drainage area,” in violation of West Virginia Code section 22-3-13(b)17 and West Virginia Code of State Regulations section 38-2-4.8.a. On October 8, 2025, NOV 46 was modified to FTACO 49. On February 17, 2026, WVDEP issued Show Cause Order No. 2489 after finding that a pattern of violations exists on Permit S301219.

68. NOV 45 was issued on September 29, 2025 because “[b]ackfilling and rough grading was not completed within 180 days of mineral removal in sediment ditch 24, 25 and 26 drainage areas,” in violation of West Virginia Code section 22-3-13(b)16 and West Virginia Code of State Regulations section 38-2-14.15.b.6.A. On October 8, 2025, NOV 45 was modified to FTACO 48. On February 17, 2026, WVDEP issued Show Cause Order No. 2489 after finding that a pattern of violations exists on Permit S301219.

69. NOV 22 was issued on September 9, 2024 for “[c]onducting mining activities off bonded/permitted areas. Located in the cut-through area between SD 12 and SD 22,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-3.33.a. On October 8, 2025, NOV 22 was modified to FTACO 47 because the permittee ceased pursuing an incidental boundary revision. On February 17, 2026, WVDEP issued Show Cause Order No. 2489 after finding that a pattern of violations exists on Permit S301219.

70. NOV 38 was issued on September 2, 2025 for ceasing mining and reclamation activities for a period of more than 30 days, in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.11.a. On September 16, 2025, NOV 38 was modified to FTACO 44. On December 9, 2025, WVDEP issued Show Cause Order No. 2450 after finding that a pattern of violations exists on Permit S301219.

71. NOV 37 was issued on September 2, 2025 for failing “to construct SD 27 prior to mining. The permittee has cut trees prior to constructing and certifying SD-27,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.b.1. On September 16, 2025, NOV 37 was modified to FTACO 43. On December 9, 2025, WVDEP issued Show Cause Order No. 2450 after finding that a pattern of violations exists on Permit S301219.

72. NOV 36 was issued on August 25, 2025 for failing “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,” in violation of West Virginia Code section 22-3-13(b)(21) and West Virginia Code of State Regulations section 38-2-3.33. On September 16, 2025, NOV 36 was modified to FTACO 42. On December 9, 2025, WVDEP issued Show Cause Order No. 2450 after finding that a pattern of violations exists on Permit S301219.

73. NOV 35 was issued on August 25, 2025 for failing “to stabilize and grade areas between the haul road and sediment ditch. These areas include SD 5A, SD 5B, SD 7, SD 8A, and a small section of SD 6,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.l. On September 16, 2025, NOV 35 was modified to FTACO 41. On December 9, 2025, WVDEP issued Show Cause Order No. 2450 after finding that a pattern of violations exists on Permit S301219.

74. NOV 34 was issued on August 25, 2025 for failing “to prevent erosion on the regraded areas above sediment ditch 4, sediment ditch 8, sediment ditch 9 sediment ditch 12, sediment ditch 13, sediment ditch 14, sediment ditch 15A, Sediment ditch 15B, sediment ditch 22, sediment ditch 23, and sediment ditch 24,” in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m. On September 16, 2025, NOV 34 was modified to FTACO 40. On December 9, 2025, WVDEP issued Show Cause Order No. 2450 after finding that a pattern of violations exists on Permit S301219.

75. NOV 33 was issued on August 25, 2025 for failing “to establish temporary or permanent vegetative cover on regraded areas by the end of first growing season, in that, there are several regraded areas where vegetative cover establishment was unsuccessful. These areas include SD 3, SD 6 and SD 7,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f. On September 16, 2025, NOV 33 was modified to FTACO 39. On December 9, 2025, WVDEP issued Show Cause Order No. 2450 after finding that a pattern of violations exists on Permit S301219.

76. NOV 30 was issued on August 6, 2025 for failing “to reconstruct, construct sediment control and maintain sediment control. The permittee has failed to reconstruct sediment ditch 14 and sediment ditch 25A. The permittee has failed to fully construct sediment ditch 26 B and sediment ditch 29. Also, there is a section of ditch 28 B that has material blocking the ditch. The permittee needs to reconstruct SD 14 and SD 25A,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.a. On August 19, 2025, NOV 30 was modified to FTACO 32. On October 21, 2025, WVDEP issued Show Cause Order No. 2431 after finding that a pattern of violations exists on Permit S301219.

77. NOV 26 was issued on May 19, 2025 for failing “to stabilize and grade areas between the haul road and sediment ditch. These areas include SD 9, SD 10, SD 11, SD 12, SD 13, SD 22, SD 23, SD 24 and SD 25,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.1. On August 19, 2025, NOV 26 was modified to FTACO 31. On October 21, 2025, WVDEP issued Show Cause Order No. 2431 after finding that a pattern of violations exists on Permit S301219.

SF Deep Mine 2

78. Aurevo’s SF Deep Mine 2 is governed by WVSMCRA Permit U301991. That mine also has several unabated violations. Specifically, based on review of documents publicly available from WVDEP, the following notices of violation have not been terminated and the underlying violations remain at least partially unabated, such that Aurevo is now responsible for their immediate abatement.

79. NOV 11 was issued on January 7, 2026 for failing to maintain a valid WV/NPDES permit in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 11 was modified to FTACO 14.

80. NOV 10 was issued on November 5, 2025 for failing to submit rain gauge data in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 10 was modified to FTACO 13.

81. NOV 9 was issued on November 5, 2025 for failing to submit Article 3 water monitoring reports, also known as discharge monitoring reports (DMRs), in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 9 was modified to FTACO 12.

82. On September 16, 2025 Imminent Harm Cessation Order 8 was issued for “[m]ining activity being conducted without valid permit. The permittee has failed to request a new permit extension date in permit renewal #6,” in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. ICHO 8 was last extended on May 4, 2026 with an abatement deadline of June 2, 2026.

Lost Flats #2 Surface Mine

83. Aurevo’s Lost Flats #2 Surface Mine is governed by WVSMCRA Permit S303393. That mine also has numerous unabated violations. Specifically, based on review of documents publicly available from WVDEP, the following notices of violation have not been terminated and the underlying violations remain at least partially unabated, such that Aurevo is now responsible for their immediate abatement.

84. NOV 16 was issued on January 5, 2026 for failing to maintain a valid WV/NPDES permit in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 12, 2026, NOV 16 was modified to FTACO 19.

85. NOV 15 was issued on November 5, 2025 for failing to submit rain gauge data in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 15 was modified to FTACO 18.

86. NOV 14 was issued on November 5, 2025 for failing to submit Article 3 water monitoring reports, also known as discharge monitoring reports (DMRs), in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 2, 2026, NOV 14 was modified to FTACO 17.

87. NOV 9 was issued on August 27, 2025 for failing “maintain sediment control structures, in that, sediment ditches D, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 have large trees growing in and on the berms,” in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.a. On September 16, 2025, NOV 9 was modified to FTACO 12. On December 8, 2025, WVDEP issued Show Cause Order No. 2447 after finding that a pattern of violations exists on Permit S303393.

88. NOV 8 was issued on April 27, 2025 for failing “to prevent erosion on the regarded areas above sediment ditch D drainage,” in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m. On September 16, 2025, NOV 8 was modified to FTACO 11. On December 8, 2025, WVDEP issued Show Cause Order No. 2447 after finding that a pattern of violations exists on Permit S303393.

FIRST CLAIM FOR RELIEF
(Violations at Lost Flats Surface Mine #1)

89. Plaintiffs incorporate by reference all allegations contained in paragraphs 1 through 88 *supra*.

90. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), allows citizen suits in federal court against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this subchapter.”

91. Under W. Va. Code St. R. § 38-2-3.33.c, all performance standards are incorporated as conditions in permits issued under the State Act.

92. As demonstrated by unabated NOV 62 and FTACO 63 on Permit S013878, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.

93. As demonstrated by unabated NOV 58 and FTACO 61 on Permit S013878, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b. On February 3, 2026, NOV 58 was modified to FTACO 61.

94. As demonstrated by unabated NOV 57 and FTACO 60 on Permit S013878, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

95. As demonstrated by unabated NOV 56 and FTACO 59 on Permit S013878, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

96. As demonstrated by unabated NOV 51 and FTACO 54 on Permit S013878, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

97. As demonstrated by unabated NOV 39 and FTACO 44 on Permit S013878, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f.

98. As demonstrated by unabated NOV 38 on Permit S013878, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.b.6.

99. Consequently, Aurevo has committed one or more violations of the performance standards incorporated in the regulations under SMCRA.

100. Because those performance standards are permit conditions, Aurevo is also in violation of the terms and conditions of Permits S013878.

101. Unless enjoined, Aurevo will remain in ongoing and continuing violation of

SMCRA.

SECOND CLAIM FOR RELIEF
(Violations at Pretty Ridge Surface Mine)

102. Plaintiffs incorporate by reference all allegations contained in paragraphs 1 through 101 *supra*.

103. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), allows citizen suits in federal court against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this subchapter.”

104. Under W. Va. Code St. R. § 38-2-3.33.c, all performance standards are incorporated as conditions in permits issued under the State Act.

105. As demonstrated by unabated NOV 50 and FTACO 51 on Permit S300219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.

106. As demonstrated by unabated NOV 47 and FTACO 49 on Permit S300219, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

107. As demonstrated by unabated NOV 46 and FTACO 48 on Permit S300219, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

108. As demonstrated by unabated NOV 42 and FTACO 45 on Permit S300219, Aurevo is in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

109. As demonstrated by unabated NOV 41 and FTACO 44 on Permit S300219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f.

110. As demonstrated by unabated NOV 40 and FTACO 43 on Permit S300219, Aurevo is in violation of West Virginia Code section 22-3-13(b)(3) and West Virginia Code of State Regulations section 38-2-14.8.a.4.

111. As demonstrated by unabated NOV 39 and FTACO 39 on Permit S300219, Aurevo is in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

112. Consequently, Aurevo has committed one or more violations of the performance standards incorporated in the regulations under SMCRA.

113. Because those performance standards are permit conditions, Aurevo is also in violation of the terms and conditions of Permits S300219.

114. Unless enjoined, Aurevo will remain in ongoing and continuing violation of SMCRA.

THIRD CLAIM FOR RELIEF
(Violations at Blue Knob Surface Mine)

115. Plaintiffs incorporate by reference all allegations contained in paragraphs 1 through 114 *supra*.

116. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), allows citizen suits in federal court against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this subchapter.”

117. Under W. Va. Code St. R. § 38-2-3.33.c, all performance standards are incorporated as conditions in permits issued under the State Act.

118. As demonstrated by unabated NOV 42 and FTACO 44 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-17(a)) and West Virginia Code of State Regulations section 38-2-20.3.b.

119. As demonstrated by unabated NOV 41 and FTACO 43 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

120. As demonstrated by unabated NOV 38 and FTACO 40 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

121. As demonstrated by unabated NOV 37 and FTACO 39 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

122. As demonstrated by unabated NOV 33 and FTACO 36 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

123. As demonstrated by unabated NOV 32 and FTACO 35 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f.

124. As demonstrated by unabated NOV 31 and FTACO 34 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-13(b)(3) and West Virginia Code of State Regulations section 38-2-14.8.a.4.

125. As demonstrated by unabated NOV 28 and FTACO 30 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-13(b)(10) and West Virginia Code of State Regulations section 38-2-14.15.m.

126. As demonstrated by unabated NOV 27 and FTACO 29 on Permit S300511, Aurevo is in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

127. Consequently, Aurevo has committed one or more violations of the performance standards incorporated in the regulations under SMCRA.

128. Because those performance standards are permit conditions, Aurevo is also in violation of the terms and conditions of Permits S300511.

129. Unless enjoined, Aurevo will remain in ongoing and continuing violation of SMCRA.

FOURTH CLAIM FOR RELIEF
(Violations at Laurel Creek Contour Mine No. 1)

130. Plaintiffs incorporate by reference all allegations contained in paragraphs 1 through 129 *supra*.

131. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), allows citizen suits in federal court against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this subchapter.”

132. Under W. Va. Code St. R. § 38-2-3.33.c, all performance standards are incorporated as conditions in permits issued under the State Act.

133. As demonstrated by unabated NOV 34 on Permit S301016, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.

134. As demonstrated by unabated NOV 21 and FTACO 23 on Permit S301016, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

135. As demonstrated by unabated NOV 20 and FTACO 22 on Permit S301016, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

136. As demonstrated by unabated NOV 18 and FTACO 19 on Permit S301016, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.11.a.

137. As demonstrated by unabated NOV 16 and FTACO 17 on Permit S301016, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.b.6.

138. As demonstrated by unabated NOV 9 and FTACO 12 on Permit S301016, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f.

139. As demonstrated by unabated NOV 8 and FTACO 11 on Permit S301016, Aurevo is in violation of West Virginia Code section 22-3-13(b)(16) and West Virginia Code of State Regulations section 38-2-15.14.b.4.

140. Consequently, Aurevo has committed one or more violations of the performance standards incorporated in the regulations under SMCRA.

141. Because those performance standards are permit conditions, Aurevo is also in violation of the terms and conditions of Permits S301016.

142. Unless enjoined, Aurevo will remain in ongoing and continuing violation of

SMCRA.

FIFTH CLAIM FOR RELIEF
(Violations at Rocky Run Surface Mine)

143. Plaintiffs incorporate by reference all allegations contained in paragraphs 1 through 142 *supra*.

144. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), allows citizen suits in federal court against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this subchapter.”

145. Under W. Va. Code St. R. § 38-2-3.33.c, all performance standards are incorporated as conditions in permits issued under the State Act.

146. As demonstrated by unabated NOV 58 and FTACO 61 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

147. As demonstrated by unabated NOV 52 and FTACO 56 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

148. As demonstrated by unabated NOV 51 and FTACO 55 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

149. As demonstrated by unabated NOV 50 and FTACO 54 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.d.

150. As demonstrated by unabated NOV 46 and FTACO 49 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(b)17 and West Virginia Code of State Regulations section 38-2-4.8.a.

151. As demonstrated by unabated NOV 45 and FTACO 48 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(b)16 and West Virginia Code of State Regulations section 38-2-14.15.b.6.A.

152. As demonstrated by unabated NOV 22 and FTACO 47 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-3.33.a.

153. As demonstrated by unabated NOV 38 and FTACO 44 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.11.a.

154. As demonstrated by unabated NOV 37 and FTACO 43 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.b.1.

155. As demonstrated by unabated NOV 36 and FTACO 42 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(b)(21) and West Virginia Code of State Regulations section 38-2-3.33.

156. As demonstrated by unabated NOV 35 and FTACO 41 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.l.

157. As demonstrated by unabated NOV 34 and FTACO 40 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

158. As demonstrated by unabated NOV 33 and FTACO 39 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.f.

159. As demonstrated by unabated NOV 30 and FTACO 32 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.a.

160. As demonstrated by unabated NOV 26 and FTACO 31 on Permit S301219, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-14.15.l.

161. Consequently, Aurevo has committed one or more violations of the performance standards incorporated in the regulations under SMCRA.

162. Because those performance standards are permit conditions, Aurevo is also in violation of the terms and conditions of Permits S301219.

163. Unless enjoined, Aurevo will remain in ongoing and continuing violation of SMCRA.

SIXTH CLAIM FOR RELIEF
(Violations at SF Deep Mine 2)

164. Plaintiffs incorporate by reference all allegations contained in paragraphs 1 through 163 *supra*.

165. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), allows citizen suits in federal court against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this subchapter.”

166. Under W. Va. Code St. R. § 38-2-3.33.c, all performance standards are incorporated as conditions in permits issued under the State Act.

167. As demonstrated by unabated NOV 11 and FTACO 14 on Permit U301991, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

168. As demonstrated by unabated NOV 10 and FTACO 13 on Permit U301991, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

169. As demonstrated by unabated NOV 9 and FTACO 12 on Permit U301991, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

170. As demonstrated by IHCO 8 on Permit U301991, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

171. Consequently, Aurevo has committed one or more violations of the performance standards incorporated in the regulations under SMCRA.

172. Because those performance standards are permit conditions, Aurevo is also in violation of the terms and conditions of Permits U301991.

173. Unless enjoined, Aurevo will remain in ongoing and continuing violation of SMCRA.

SEVENTH CLAIM FOR RELIEF
(Violations at Lost Flats #2 Surface Mine)

174. Plaintiffs incorporate by reference all allegations contained in paragraphs 1 through 173 *supra*.

175. Section 520(a) of SMCRA, 30 U.S.C. § 1270(a), allows citizen suits in federal court against any “person who is alleged to be in violation of any rule, regulation, order or permit issued pursuant to this subchapter.”

176. Under W. Va. Code St. R. § 38-2-3.33.c, all performance standards are incorporated as conditions in permits issued under the State Act.

177. As demonstrated by unabated NOV 16 and FTACO 19 on Permit S303393, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b

178. As demonstrated by unabated NOV 15 and FTACO 18 on Permit S303393, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

179. As demonstrated by unabated NOV 14 and FTACO 17 on Permit S303393, Aurevo is in violation of West Virginia Code section 22-3-17(a) and West Virginia Code of State Regulations section 38-2-20.3.b.

180. As demonstrated by unabated NOV 9 and FTACO 12 on Permit S303393, Aurevo is in violation of West Virginia Code section 22-3-13(a) and West Virginia Code of State Regulations section 38-2-5.4.a.

181. As demonstrated by unabated NOV 8 and FTACO 11 on Permit S303393, Aurevo is in violation of West Virginia Code section 22-3-13(b)(4) and West Virginia Code of State Regulations section 38-2-14.15.m.

182. Consequently, Aurevo has committed one or more violations of the performance standards incorporated in the regulations under SMCRA.

183. Because those performance standards are permit conditions, Aurevo is also in violation of the terms and conditions of Permits S303393.

184. Unless enjoined, Aurevo will remain in ongoing and continuing violation of SMCRA.

RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that this court enter an Order:

- (1) Declaring that Aurevo is in continuing violation performance standards promulgated pursuant to SMCRA and incorporated into its WV/SMCRA permits;
- (2) Ordering Aurevo to immediately commence and proceed as expeditiously as possible with abatement of all outstanding violations;
- (3) Ordering Aurevo to immediately comply with all applicable performance standards the terms and conditions of its WVSCMRA Permits;
- (4) Enjoining Aurevo from coal removal activities until all outstanding violations are abated, unless such removal is incidental to and strictly necessary to abate those violations;
- (8) Awarding Plaintiffs' attorney and expert witness fees and all other reasonable expenses incurred in pursuit of this action; and
- (9) Granting other such relief as the Court deems just and proper.

Dated: October 29, 2026

Respectfully submitted,



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