



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 9, 2010

Re: Belmont County
Ohio Valley Coal Co.
OIL00046*DD
Notice of Violation
Correspondence (IWW)

Mr. Farley Wood
Director of Permit Compliance
Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

Dear Mr. Wood:

On February 23, 2010, Ohio EPA received a complaint alleging that Ohio Valley Coal Company (OVCC) was dragging coal fines and mud out onto State Route 149 at the clean coal loading facility. At approximately 12:00 p.m. on February 24, 2010, Tim Campbell and Scott Foster, both of the Ohio EPA Division of Surface Water, drove through the area to investigate the complaint. Photographs taken at that time show black material from OVCC deposited along the highway berm, guardrail, snow and grass along the road. No provisions have been made to prevent this material from entering Captina Creek nearby. Discharges of industrial waste or other waste such as this to waters of the state are prohibited by Ohio Revised Code Section 6111.04.

It is necessary for you to clean up the material and dispose of it properly. Additional measures must be taken to prevent this material from leaving your site.

Please respond, within 14 days of receipt of this Notice of Violation, with a compliance plan to prevent offsite deposition of this material. It is recommended consideration be given to re-routing the traffic pattern, installing an up-to-date recycling wheel washer, concreting surfaces, and revising the sweeping schedule. A Permit-to-Install may be required depending upon the changes that are proposed.

If you have any questions, please contact me at (740) 380-5284.

Sincerely,

A handwritten signature in black ink, appearing to be "John Puterbaugh", written over a horizontal line.

Ms. Abbot Stevenson
Environmental Engineer
Permits and Enforcement Section
Division of Surface Water

AS/mlm

Enclosure

- c: Kim Reinbold, DAPC, SEDO
- c: Larry Reeder, DSW, CO
- c: Martha Horvitz, Legal
- c: John Puterbaugh, ODNR Division of Mineral Resource Management