



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

October 21, 2009

Re: Belmont County
American Energy Corp., Century Mine
01L00091*GD
Compliance Evaluation Inspection
Correspondence (IWW)

Mr. Farley Wood, Director of Env. Compliance
American Energy Corp. Century Mine
43521 Mayhugh Hill Road
Beallsville, Ohio 43716

Dear Mr. Wood:

On September 16, 2009, I conducted a Compliance Evaluation Inspection (CEI) at the American Energy Corporation (AEC) Century Mine. Fred Blumling, Engineer, represented AEC on the inspection.

The purpose of the inspection was to determine AEC's compliance status with the terms and conditions of the NPDES permit, federal number OH059552, state number 01L00091*CD. A copy of the inspection form is attached.

Based on the inspection and file review, the facility was found to be in compliance with the permit on the day of the inspection. As a result of the inspection and file review of information since the last inspection on November 14, 2006, I have the following comments:

1. A review of the Monthly Operating Reports (MORs) from January to September 2009 indicates the following violations of the NPDES permit at the sanitary sewage wastewater package plant outfall 017 and the sediment pond 015:

017: Dissolved Oxygen 1/09 daily minimum; Fecal Coliform 6/09 weekly and monthly averages.

015: Manganese 2/09 monthly average.

AEC must make every effort to comply with the NPDES permit.

2. The sewage treatment plant needs to be evaluated by a contract operator to see how it could operate better. Although the effluent complies with the limitations in the permit for the most part, AEC is controlling the effluent by pumping out sludge once a quarter instead of tweaking the plant to operate properly.

Also, the sand filter beds need to have weeds removed and the sand raked to be level. Any solids that have washed out onto the sand should be raked up and hauled to a landfill. Care should be taken not to remove too much sand, or more (approved sand filter) sand will need to be added.

3. The sewage treatment plant is operated by William Deter, class I wastewater operator, who works for Quality Environmental Services. As the Operator of Record, Mr. Deter must keep the records required by Ohio Administrative Code (OAC) chapter 3745-7-09. The records should include his hours at the plant and specific operation and maintenance activities that affect or have the potential to affect the quality or quantity of sewage or effluent. The records are to be kept on site (at the mine).
4. On March 22, 2007, Ohio EPA issued Directors Final Findings and Orders (DFFO) to AEC for a slurry line breach that affected Captina Creek. In accordance with the DFFO, AEC can request termination of the DFFO if a certification is submitted in writing indicating that AEC has performed all of the obligations under the orders. See page 8 of 10 of the DFFO, section VI. Termination. The DFFO can be found on our website at:
<http://www.epa.ohio.gov/portals/35/enforcement/AmericanEnergyCorp.pdf>
5. The NPDES permit will be renewed this year for AEC. Possible changes to the permit include: compliance schedules to meet Total Dissolved Solids and Toxicity limits; and additional metals monitoring.
6. Captina Creek is an exceptional warmwater habitat stream, one of the highest quality streams in the state of Ohio. It is imperative that AEC make every effort to protect the stream from damages and impacts from the coal mining and other industrial activities.

Please respond to the problems identified in items 2 and 3 above within 20 days of receipt of this notice. If there are any questions, please contact me at (740) 380-5284.

Sincerely,



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

AS/dh

Enclosure

c: Dave Clark, ODNR DMRM
c: AS file

NPDES
Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
OIL00091*GD	OH0059552	September 16, 2009	C	S	2

B. FACILITY DATA

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
American Energy Corp. Century Mine 43521 Mayhugh Hill Road Beallsville, Ohio 43716 (mine office (740) 926-9152)	10:00 a.m.	December 1, 2002
	Exit Time	Permit Expiration Date
	1:30 p.m.	July 31, 2007

Name(s) and Title(s) of On-Site Representative(s)	Phone Number(s)
Fred Blumling, Engineer	(740) 310-7040
Name, Address and Title of Responsible Official	Phone Number
Farley Wood, Dir. Env. Compliance & Corp. Permitting	(740) 926-1351

C. AREAS EVALUATED DURING INSPECTION

<u>S</u> Permit	<u>N/A</u> Flow Measurement	<u>N/A</u> Pretreatment
<u>S</u> Records/Reports	<u>S</u> Laboratory	<u>N/A</u> Compliance Schedules
<u>S</u> Operations & Maintenance	<u>S</u> Effluent/Receiving Waters	<u>S</u> Self-Monitoring Program
<u>S</u> Facility Site Review	<u>S</u> Sludge Storage/Disposal	Other
<u>N/A</u> Collection System		

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated; N/A = Not Applicable)

D. SUMMARY OF FINDINGS/COMMENTS (attach additional sheets if necessary)


Abbot Stevenson, Inspector, Ohio EPA, Southeast District Office

10/21/09
Date


Timothy M. Campbell, Reviewer, Ohio EPA, Southeast District Office

10/21/09
Date

E. PERMIT VERIFICATION

Inspection Observations Verify the Permit	Yes	No	N/A	N/E
a. Correct name and mailing address of permittee	X			
b. Correct name and location of receiving waters	X			
c. Product(s) and production rates conform with permit application (industries)	X			
d. Flows and loadings conform with NPDES permit	X			
e. Treatment processes are as described in permit application/briefing memo	X			
f. New treatment process(es) added since last inspection		X		
g. Notification given to state of new, different, or increased discharges	X			
h. All discharges are permitted	X			
i. Number and location of discharge points are as described in permit		X		

Comments: i. Outfall 012 is not a direct discharge, it discharges to pond 08.

F. COMPLIANCE SCHEDULES/VIOLATIONS

	Yes	No	N/A	N/E
a. Any significant violations since the last inspection		X		
b. Permittee is taking actions to resolve violations			X	
c. Permittee has compliance schedule		X		
d. Compliance schedule contained in: _____			X	
e. Permittee is meeting compliance schedule			X	

Comments:

G. OPERATION AND MAINTENANCE

Treatment Facility Properly Operated and Maintained	Yes	No	N/A	N/E
a. Standby power available: Generator: _____ Dual Feed: _____		X		
b. Adequate alarm system available for power or equipment failures	X			
c. All treatment units in service other than backup units	X			
d. Sufficient operating staff provided: No. of shifts: <u>1</u> Days/Week: <u>5</u>	X			
e. Operator holds unexpired license of class required by permit Class: <u>1</u>	X			
f. Routine and preventive maintenance schedule/performed on time	X			
g. Any major equipment breakdown since last inspection		X		
h. Operation and maintenance manual provided and maintained		X		
i. Any plant bypasses since last inspection		X		
j. Regulatory agency notified of bypasses: _____ on MORS _____ 800 No.			X	
k. Any hydraulic and/or organic overloads experienced since last inspection		X		

Comments: It is recommended that AEC hire a consultant to troubleshoot the sewage treatment plant.

Collection System	Yes	No	N/A	N/E
a. Percent combined system: <u> 0 </u> %		X		
b. Any collection system overflows since last inspection: CSO <u> </u> SSO: <u> </u>		X		
c. Regulatory agency notified of overflow (SSOs)			X	
d. CSO O and M plan provided and implemented			X	
e. CSOs monitored and reported in accordance with permit			X	
f. Portable pumps used to relieve system			X	
g. Lift station alarm systems provided and maintained	X			
h. Are lift stations equipped with permanent standby power or equivalent				
i. Is there an inflow/infiltration problem (separate sewer system), or were there any major repairs to collection system since last inspection		X		
j. Any complaints received since last inspection of basement flooding			X	
k. Are any portions of the sewer system at or near capacity			X	

Comments:

H. SLUDGE MANAGEMENT

	Yes	No	N/A	N/E
a. Sludge adequately disposed (Method: Septic Hauler)	X			
b. If sludge is incinerated, where is ash disposed of?			X	
c. Is sludge disposal contracted (Name: Septic Hauler)	X			
d. Has amount of sludge generated changed significantly since last inspection		X		
e. Adequate sludge storage provided at facility	X			
f. Land application sites monitored and inspected per state rules			X	
g. Records kept in accordance with state rules	X			
h. Any complaints received in last year regarding sludge		X		
i. Is sludge adequately processed (digestion, dewatering, pathogen control) in accordance with Ohio EPA rules	X			

Comments:

SELF-MONITORING PROGRAM

Part 1 – Flow Measurement	Yes	No	N/A	N/E
a. Primary flow measuring device properly operated & maintained. Type of device: <u> </u> ultrasonic & parshall flume <u> </u> calculated from influent <u> </u> weir <u> X </u> other <u> </u> ultrasonic & weir specify: Estimates	X			
b. Calibration frequency adequate (date of last calibration:)			X	
c. Secondary instruments (totalizers, recorders, etc.) properly operated and maintained			X	
d. Flow measurement equipment adequate to handle expected ranges of flows			X	
e. Actual flow discharged is measured			X	
f. Flow measuring equipment inspection frequency: N/A <u> </u> Daily <u> </u> Weekly <u> </u> Monthly <u> </u> Other				

Comments:

K. MULTIMEDIA OBSERVATIONS

	Yes	No	N/A	N/E
a. Are there indications of sloppy housekeeping or poor maintenance in work and storage areas or laboratories		X		
b. Do you notice staining or discoloration of soils, pavement, or floors		X		
c. Do you notice distressed (unhealthy, discolored, dead) vegetation		X		
d. Do you see unidentified dark smoke or dustclouds coming from sources		X		
e. Do you notice any unusual odors or strong chemical smells		X		
f. Do you see any open or unmarked drums, unsecured liquids, or damaged containment facilities		X		

If any of the above are observed, ask the following questions:

1. What is the cause of the conditions?
2. Is the observed condition or source a waste product?
3. Where is the suspected contaminant normally disposed?
4. Is this disposal permitted?
5. How long has the condition existed and when did it begin?

Comments:

L. SAMPLING PROCEDURES (FOR CSI'S)

- Grab samples obtained
- Composite obtained
- Compositing frequency: _____ Preservation: _____
- Flow proportioned sample obtained
- Automatic sampler used
- Sample split with permittee
- Chain of custody employed
- Sample obtained from facility sampling device
- Sample refrigerated during compositing: Yes No
- Sample representative of volume and nature of discharge: _____

Comments: