



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 21, 2008

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

Mr. Robert Murray
Ohio Valley Coal Company
56854 Pleasant Ridge Road
Alledonia, Ohio 43902

Dear Mr. Murray:

On February 28, 2008, Ohio Valley Coal Company (OVCC) discharged coal slurry from outfall 001, the #2 slurry impoundment, into Perkins Run and Captina Creek. Ohio EPA personnel observed that Captina Creek was turned black by the discharge. The discoloration lasted for at least 3 days and was noticeable 22 miles downstream, all the way to the Ohio River. This discharge violated Part III, Sections (2)(A) and (C) of your NPDES permit by depositing putrescent or otherwise objectionable sludge deposits into waters of the state and discharging effluent containing substances that altered the natural color of the receiving streams. In addition, OVCC failed to monitor the discharge from the slurry impoundment from February 7 to February 28, 2008, in accordance with its NPDES permit. In accordance with Ohio Revised Code (ORC) Chapter 6111.09, violations of the permit are subject to civil penalties up to \$10,000 per day per violation.

The initial telephone slurry release report and the follow-up letter did not address all of the information required by the permit. Please respond to the list of questions attached within 14 days of receipt of this notice.

On our most recent site visit on March 5, 2008, the slurry impoundment appeared to be full. Every effort must be made to prevent another spill of slurry or any other adverse impact to Captina Creek. The Southeast District Office is recommending formal enforcement action for these violations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. C. for". The signature is written in a cursive style with a long horizontal line extending to the right.

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

AS/dh

Enclosure

- c: Dan Osterfeld, DSW, CO
- c: Mark Mann, DSW, CO
- c: Linda Slater, ODNR Division of Mineral Resource Management
- c: Brian Baker, ODNR Division of Wildlife
- c: Jerry Schulte, ORSANCO
- c: Kathleen Brinkman, Porter, Wright, Morris and Arthur

QUESTIONS TO SATISFY THE REPORTING REQUIREMENTS OF THE NPDES PERMIT PART III, SECTION 12 FOR THE OHIO VALLEY COAL (OVC) RELEASE THAT OCCURRED 2/28/08

- A. Additional Information that should have been provided in the initial telephone non-compliance notification
1. Provide the times at which the discharge occurred and was discovered.
 2. Provide the approximate amount in gallons (estimate if necessary) and the characteristics of the discharge;
 3. Provide a detailed explanation of what caused the discharge (address why the facility was pumping this water in the first place, how long pumping had been going on, what day did the pumping start)
 4. Provide the names and telephone numbers of the persons present when the discharge occurred, and other persons who have knowledge of these circumstances.
 5. Provide what remedial steps were taken to eliminate the discharge and it's impact.
 6. Provide names and telephone numbers of the persons responsible for such remedial steps.
- B. Written follow-up report information that was not adequately addressed in the March 3, 2008 letter received from Kathleen Brinkman for OVC
1. Provide the limitation(s) which has been exceeded.
 2. Provide the sample results.
 3. Provide the cause of the exceedance(s).
 4. Provide more detail on the steps being taken to prevent future occurrences. Include an estimate of the effective settling depth and volume in the slurry impoundment.