



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

April 14, 2008

Re: Belmont County
Ohio Valley Coal Co.
NPDES Permit 01L00046*DD
Compliance Sampling Inspection
Correspondence (IWW)

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

Dear Mr. Murray:

On March 5, 2008, Tim Campbell, Kelly Capuzzi and I, of Ohio EPA's Division of Surface Water, conducted a Compliance Sampling Inspection (CSI) at the Ohio Valley Coal Company (OVCC) Powhatan #6 mine. Fred Blumling represented the Ohio Valley Coal Company during the inspection.

The purpose of the inspection was to determine the facility's compliance status with the terms and conditions of the NPDES permit, Federal Number OH0012661, State Number 01L00046*CD, and to follow up on the slurry release of February 28, 2008. Samples were taken during the inspection. Copies of the inspection report form and the sample results are attached.

The following comments/problems were noted as a result of the inspection:

1. The discharge from the #2 slurry impoundment, outfall 001 in the NPDES permit is currently directed to pond 13, outfall 013. You did not obtain authorization to make this modification. You must take immediate action to return to compliance by either removing this discharge to pond 13 or submit Permit to Install and NPDES permit applications.
2. The sample taken the day of the inspection indicates the discharge from pond 13 violated effluent limitations for the following parameters: Total Iron and Total Manganese. Provide an explanation of the cause of these violations and your actions to prevent future occurrences.
3. The sample taken the day of the inspection indicates the discharge from pond 10 violated effluent limitations for the following parameters: Total Iron and Total Manganese. Provide an explanation of the cause of these violations and your actions to prevent future occurrences.

4. A review of the Discharge Monitoring Reports (formerly called Monthly Operating Reports) since the last inspection of August 7, 2007, indicates the sewage treatment plant outfall 002 violated the concentration and loading daily and monthly effluent limitations for cBOD5 for the month of October 2007. Provide an explanation of the cause of these violations and your actions to prevent future occurrences.
5. After the site review of ponds 13 and 10, it appears that they are undersized and additional sediment ponds are needed. Submit a drainage control map for the entire site indicating watershed size and disturbed area. Also, provide current capacity conditions for all ponds (surface area, actual water depth available and a determination of how full the ponds are of sediment).
6. The treatment methodology used to remove iron and manganese at pond 13 is inadequate for a constant flow condition of acid mine drainage (AMD) entering the pond from the slurry impoundment underdrains. There is insufficient control of the addition of neutralizing agents and a lack of retention in the pond to allow the iron to adequately settle out in the pond. OVCC must properly characterize the quality of the untreated influent and propose a long term AMD treatment system for this pond.
7. As of the day of the inspection, the sampler and flow meter were not yet installed for the new discharge location for the slurry pond at outfall 001, as required by the NPDES permit. The outfall was relocated in August 2007. Why was this equipment not installed prior to the pumped discharges in February 2008?

OVCC failed to monitor all pollutants in the discharge from the slurry impoundment during the months of January and February 2008. Failure to monitor is a violation of the 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.

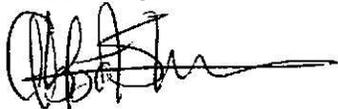
In your response to this letter, please explain why the samples were not collected and your actions to prevent this from happening again.

8. On the day of the inspection, coal fines were being dragged out onto State Route 148 by the loaded coal trucks down by the clean coal pile (see attached photo). This deposition of solids results in the unpermitted discharge of pollutants to Captina Creek and constitutes a violation of ORC 6111.04. The measures you are using to control the drag-out are not adequate. Please explain the measures to be taken in the future to prevent drag out and return the facility to compliance.
9. Ohio EPA is concerned that the levy that separates the clean coal pile from Captina Creek is inadequate. What is the elevation of this levy? What storm event is it designed for?

10. It has come to our attention that OVCC may be damming up Captina Creek during low flow so that the intake structure can more easily draw water from the creek. Before this activity occurs again, OVCC must contact Dan Osterfield of the Ohio EPA's 401 section at (614) 644-2152 to obtain any necessary permits for this activity.
11. Due to changes in OAC 3745-7 regarding certified operators, OVCC will be required, when the permit is renewed, to obtain the services of a class A wastewater operator for the operation of the sewage treatment plant.
12. On December 17, 2007, I requested additional information about the chemicals added to the slurry impoundment. This information is necessary in order to continue processing the NPDES permit renewal. The email is attached for reference. Provide this information with your response to this letter.
13. The chronic releases of slurry from this facility to Perkins Run and Captina Creek must stop. The cause of these spills is OVCC's failure to properly manage refuse disposal from both the OVCC and it's sister mine American Energy Corp.'s Century Mine preparation plants. OCC must make every effort to prevent future slurry releases.

Please respond to the above comments, in writing, within 20 days of receipt of this notice. If you have any questions, please contact me at (740) 380-5284 at your convenience.

Sincerely,



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: Kim Reinbold, DAPC, SEDO

NPDES
Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
01L00046*DD	OH0012661	March 5, 2008	S	S	2

B. FACILITY DATA

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Ohio Valley Coal Co. Powhatan #6 Mine 56854 Pleasant Ridge Road Alledonia, Ohio 43902	9:15 a.m.	
	Exit Time	Permit Expiration Date
	2:00 p.m.	

Name(s) and Title(s) of On-Site Representative(s)	Phone Number(s)
Fred Blumling, Engineer	(740) 926-9152
Name, Address and Title of Responsible Official	Phone Number
Robert Murray, Director	(740) 926-1351

C. AREAS EVALUATED DURING INSPECTION

<u>U</u> Permit	<u>U</u> Flow Measurement	<u>NA</u> Pretreatment
<u>N</u> Records/Reports	<u>N</u> Laboratory	<u>S</u> Compliance Schedules
<u>U</u> Operations & Maintenance	<u>U</u> Effluent/Receiving Waters	<u>U</u> Self-Monitoring Program
<u>U</u> Facility Site Review	<u>S</u> Sludge Storage/Disposal (does not include slurry)	<u> </u> Other
<u>NA</u> Collection System		

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

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

1. Permit – the permit is outdated and does not reflect actual conditions. See also items 1 & 7 in the attached letter.
2. O&M – see items 5, 6, 8, 9, 10, & 13 in the attached letter.
3. Flow measurement – see item 7 in the attached letter.
4. Effluent – see items 2, 3, & 4 in the attached letter.
5. Self-monitoring – see item 7 in the attached letter.
6. Facility site review – see items 5, 6, 8, 9, 10 & 13 in the attached letter.


Abbot Stevenson, Inspector, Ohio EPA, DSW, SEDO

4/14/08
Date


Kelly Capuzzi, Inspector, Ohio EPA, DSW, SEDO

4/14/08
Date


Timothy Campbell, Reviewer, Ohio EPA, DSW, SEDO

4/14/08
Date

