



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 31, 2009

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

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

Dear Mr. Murray:

On February 11, 2009, Craig Butler, Randy Spencer, Kelly Capuzzi and I conducted a reconnaissance inspection at the Ohio Valley Coal Company (OVCC) Powhatan #6 mine.

On the way to a meeting at the mine office with the OVCC environmental staff, Ohio EPA personnel observed pond #10 discharging. Since pond #10 is not a permitted outfall, this discharge was a violation of Ohio Revised Code Chapter 6111 which prohibits discharging without a permit. Samples were taken and results will be forwarded to OVCC as soon as they are available. Later, after the meeting, Ohio EPA employees informed the OVCC staff of the discharge, to which they indicated they were unaware that a discharge was occurring.

OVCC has a history of unauthorized discharges from pond #10. Often the staff seems unaware of the discharges when they are occurring. OVCC must take action to prevent future illegal discharges from pond #10. This violation is subject to enforcement action including fines up to \$10,000 per day.

Within 10 days of the receipt of this notice of violation, OVCC must provide Ohio EPA with a written action plan to prevent any future discharges from pond #10 including an alarm system to be installed to notify company personnel of a pending discharge from the pond. The action plan shall include a time table for submission of a permit to install, and a final completion of construction date. The plan must also include work to be done to restore pond #10 to its original volume or provide a revised watershed map with a determination of a revised sediment control volume and data showing the pond volume is adequate. Once the plan is approved, OVCC will be required to complete the construction by the date included in the plan.

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: Martha Horvitz, Legal
- c: Peggy Malone, AGO
- c: Linda Slater, ODNR Division of Mineral Resource Management
- c: Brian Baker, ODNR Division of Wildlife
- c: Jerry Schulte, ORSANCO

NPDES
Compliance Inspection Report

A. NATIONAL DATA SYSTEM CODING

Permit No.	NPDES No.	Date	Inspection Type	Inspector	Facility Type
0IL00046*DD	OH0012661	February 11, 2009	R	S	2

B. FACILITY DATA

Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Ohio Valley Coal Co. 56854 Pleasant Ridge Road Alledonia, Ohio 43902	11:00 a.m.	July 1, 2000
	Exit Time	Permit Expiration Date
	12:30 p.m.	June 30, 2005

Name(s) and Title(s) of On-Site Representative(s)	Phone Number(s)
None	
Name, Address and Title of Responsible Official	Phone Number
Mr. Robert Murray 56854 Pleasant Ridge Road Alledonia, Ohio 43902	(740) 926-1351

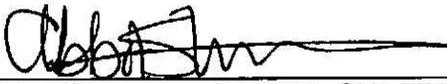
C. AREAS EVALUATED DURING INSPECTION

<u>U</u> Permit	<u>N</u> Flow Measurement	<u>NA</u> Pretreatment
<u>N</u> Records/Reports	<u>N</u> Laboratory	<u>N</u> Compliance Schedules
<u>U</u> Operations & Maintenance	<u>N</u> Effluent/Receiving Waters	<u>N</u> Self-Monitoring Program
<u>N</u> Facility Site Review	<u>N</u> Sludge Storage/Disposal	<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)

Permit and O&M - Pond #10 discharging during inspection and is not authorized to discharge.


Abbot Stevenson, Inspector, Ohio EPA, Southeast District Office

3/31/09
Date


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

3/31/09
Date