



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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www.epa.state.oh.us

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

December 23, 2008

**Re:** Tuscarawas County  
Tusky Coal, LLC  
Notice of Violation  
OIL00141, OH0128180  
Correspondence (IWW)

Mr. John McNab, President  
Tusky Coal, LLC  
3 Kilsyth Court  
St. Clairsville, Ohio 43950

Dear Mr. McNab:

We have received your self-monitoring reports covering the months of May 2004 through October 2008 for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance are as follows:

Outfall	Date	Parameter	Reported	Units	Permit Limitation
<b>October 2004:</b>					
003	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
003	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
003	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
003	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>April 2005:</b>					
003	Weeks 1-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
003	Weeks 1-4	pH	None	S.U.	Reporting required ½ weeks
003	Weeks 1-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
003	Weeks 1-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>June 2005:</b>					
001	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
001	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
001	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
001	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>March 2006:</b>					
001	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
001	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
001	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks

Outfall	Date	Parameter	Reported	Units	Permit Limitation
001	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
003	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
003	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
003	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
003	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>April 2006:</b>					
005	Average	Suspended Solids	79.5	mg/l	35
005	4/14	Suspended Solids	113	mg/l	70
<b>May 2006:</b>					
001	Average	Iron, Total	3310	ug/l	3000
001	Average	Suspended Solids	94	mg/l	35
001	5/15	Suspended Solids	94	mg/l	70
001	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
001	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
001	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
001	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>June 2006:</b>					
001	Weeks 1-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
001	Weeks 1-4	pH	None	S.U.	Reporting required ½ weeks
001	Weeks 1-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
001	Weeks 1-4	Iron, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>August 2006:</b>					
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>September 2006:</b>					
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>October 2006:</b>					
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks

Outfall	Date	Parameter	Reported	Units	Permit Limitation
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>November 2006:</b>					
005	Weeks 1-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>March 2007:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>April 2007:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>May 2007:</b>					
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>July 2007:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>August 2007:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>October 2007:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>November 2007:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>December 2007:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks

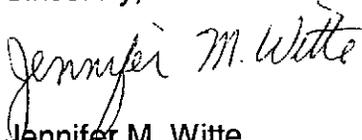
Outfall	Date	Parameter	Reported	Units	Permit Limitation
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>January 2008:</b>					
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>March 2008:</b>					
001	Average	Suspended Solids	39	mg/l	35
<b>April 2008:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>June 2008:</b>					
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>July 2008:</b>					
005	Weeks 3-4	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 3-4	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 3-4	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 3-4	Iron, Total	None	ug/l	Reporting required ½ weeks
<b>August 2008:</b>					
005	Weeks 1-2	Suspended Solids	None	mg/l	Reporting required ½ weeks
005	Weeks 1-2	pH	None	S.U.	Reporting required ½ weeks
005	Weeks 1-2	Manganese, Total	None	ug/l	Reporting required ½ weeks
005	Weeks 1-2	Iron, Total	None	ug/l	Reporting required ½ weeks

Please inform this office in writing within ten days of receipt of this notification as to the reasons for the aforementioned violations, as well as a description of actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed for completion of the actions.

Please be advised that failure to comply with the effluent limitations and/or monitoring requirements specified in your NPDES permit may be cause for enforcement action pursuant to Ohio Revised Code, Chapter 6111. If these violations continue to occur and if satisfactory progress is not made, it may be necessary to initiate enforcement action to achieve compliance.

If there are any questions, please contact me at (740) 380-5206.

Sincerely,



Jennifer M. Witte  
Chemical Engineer - Environmental Specialist 2  
Division of Surface Water

JMW/dh