



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

July 2, 2009

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

Mr. D. Michael Jamison, General Manager
Tusky Coal, LLC
101 E. Market Street
Cadiz, Ohio 43907

Dear Mr. Jamison:

We have received your self-monitoring reports covering the months of November 2008 through April 2009 for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance are as follows:

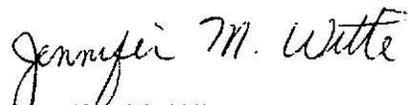
Outfall	Date	Parameter	Reported	Units	Permit Limitation
November 2008:					
001	Average	Suspended Solids	127	mg/l	35
001	Average	Manganese, Total	2338	ug/l	2000
001	Average	Iron, Total	7810	ug/l	3000
001	11/4 & 11/25	Suspended Solids	74-271	mg/l	70
001	11/25	Iron, Total	14900	ug/l	6000
December 2008:					
001	Average	Manganese, Total	2370	ug/l	2000
001	Average	Iron, Total	4425	ug/l	3000
January 2009:					
001	1/8	Iron, Total	7040	ug/l	6000

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