



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

January 23, 2012

**Re:** Belmont County  
American Energy Corp.  
Murray Energy Corp.  
Construction Stormwater  
Industrial Stormwater  
Notice of Violation  
0GC01622\*AG, 0GC01566\*AG, 0GR00014

Mr. Crellin Scott  
56854 Pleasant Ridge Road  
Alledonia, Ohio 43902

Dear Mr. Scott:

On October 27, 2011, I conducted inspections of various permitted facilities in Belmont County owned by Murray Energy Corporation. The inspections were conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. As a result of the inspections, I have the following comments:

1. Construction Stormwater Permit # 0GC01622\*AG

Part III.G.2.h of the permit states that all sediment control practices must be maintained and repaired until the entire up slope area of the development has been stabilized. According to Part III.G.2.i. of the permit, controls must be inspected once every seven calendar days and within 24 hours after any storm event greater than one half an inch in 24 hours. Repairs must be accomplished within three days of the inspection, except in the case of sediment ponds, which must be repaired within 10 days. In accordance with Part III.G.2.d.vi., if inspections or other information indicates that a control is not functioning or ineffectual, then the permittee must replace or modify the control.

**Portions of silt fence had been broken down by equipment. Repair any sections of silt fence that have been rendered ineffective immediately.**

2. Construction Stormwater Permit # 0GC01566\*AG

Part III.G.2.b.i. (Table 2) of the permit requires that any area within 50 feet of a stream that will remain dormant for more than 21 days be stabilized within 2 days of the most recent disturbance.

**The road that was utilized to install the power line poles was not stabilized properly. Stabilize all areas that do not meet permit requirements immediately.**

3. Industrial Stormwater Permit # OGR00014

**This permit was applied for and coverage was granted in error. Please fill out a Notice of Termination (NOT) form and mail it in per the instructions. The following website contains the link to the appropriate forms.**

<http://www.epa.state.oh.us/dsw/storm/stormform.aspx>

4. **Please update me on the status of repairing the facilities fleet of coal cars and cleanup of the spilled coal.**

Please be advised that failure to comply with your NPDES permit may be cause for enforcement action pursuant to Ohio Revised Code Chapter 6111.

If you have any questions, please contact me at (740) 380-5277.

Sincerely,



Aaron Wolfe  
Storm Water Coordinator  
Division of Surface Water

AW/dh

c: Martha Horvitz, CO, DSW Legal