



May 3, 2013

CERTIFIED MAIL

Oxford Mining Company, LLC
C/O Nate Leggett
P.O. Box 135
Strasburg, OH 44680

Re: Notice of Violation – Ellis Area Mine (0GM00501) and Ellis Adjacent Area Mine (0GM00526)

Dear Mr. Leggett:

On April 5, 2013, a complaint was received in the Ohio EPA Division of Surface Water (DSW) Southeast District Office (SEDO) regarding a “milky color” in Rush Run. In response to the complaint, Mr. Aaron Pennington (DSW-SEDO) traveled to the location and confirmed the stream was discolored, but could not readily identify the source. The matter was then referred to Ohio EPA’s Emergency Response section. Emergency Response On-Scene Coordinator (OSC) Mr. Michael Sherron investigated the area on April 5, 2013. He confirmed the initial observations of Mr. Pennington and attempted to locate the source with the assistance of Mr. Tim Powell, Oxford Mining Company’s (Oxford) supervisor. These efforts failed to identify the source because the investigation was halted for safety reasons due to darkness.

During the April 5th investigation by OSC Sherron of the Ellis Area mine (0GM00501*AG), a diversion ditch to Pond 001 was observed to have been breached allowing water to flow into the outfall end of the pond instead of the furthest upstream end of the pond. No water was observed in the ditch at the time of the inspection; however, the breach allowed for bypassing of treatment in Pond 001. Ohio EPA staff also observed footprints and a bucket of an oxidizing chemical positioned near the breach in the ditch indicating the problem with the ditch had been identified, but not repaired. This bypass and Oxford’s failure to mitigate it are violations of Part V, Items K and T of NPDES permit 0GM00501*AG.

On April 9, 2013, OSC Sherron continued the investigation into the source of the discolored water accompanied by Mr. Mark Johnson (DSW-Central Office [CO]). The discolored tributary was hiked to locate the origin of the discolored water. The investigation revealed that water was being pumped from a coal pit in the Ellis Adjacent Area mine (0GM00526*AG) into Pond 019 associated with Outfall 019. It was observed that this pond was failing to contain the water being pumped into it. Discolored water was observed in Rush Run on April 5th and April 9th indicating water had been pumped

from the coal pit to the pond for several days; however, the pond had little to no water accumulated during the investigation on April 9th.

The investigation determined that the pond was constructed from material that is allowing water to infiltrate through the bottom of the pond and drain to an unnamed tributary to Rush Run with insufficient treatment. The Ohio EPA staff observed that this tributary was highly discolored, turbid and the source of the discoloration of Rush Run. Ohio EPA staff informed Oxford personnel that the pond was leaking and that use of the pond should be discontinued until proper repairs had been made. The discolored water discharging from the Ellis Adjacent area mine site observed on April 5, 2013 and April 9, 2013, is in violation of Ohio Administrative Code (OAC) 3745-1-04 and Ohio Revised Code (ORC) Sections 6111.04 and 6111.07.

On April 16, 2013, Ohio Department of Natural Resources-Division of Mineral Resources Management (ODNR-DMRM) inspector Shawn Murphy informed Michael Sherron that Pond 019 was continuing to leak discolored water to Rush Run. The continued unauthorized discharge from usage of the failing pond is a violation of the NPDES permit. Each day that the pond continues to discharge discolored water constitutes a separate violation of the NPDES permit, OAC 3745-1-04 and ORC 6111.04 and 6111.07.

Within 10 days of receipt of this notice of violation, Oxford Mining Co., LLC must provide Ohio EPA with evidence that the breached diversion ditch on the Ellis Area mine (0GM00501*AG) has been repaired such that no water will bypass treatment associated with Outfall 001.

Within 10 days of receipt of this notice of violation, Oxford Mining Co., LLC, must provide Ohio EPA with a written action plan to prevent any future leaking from the Ellis Adjacent area mine's (0GM00526*AG) Pond 019. Due to the continued unauthorized discharge, use of Pond 019 should cease immediately and should not resume until repairs are made to the lining of the pond to prevent any future leaking.

Please provide a written response to this violation addressed to my attention no later than May 13, 2013, at the following address:

Ohio EPA, DSW
NPDES Permits & Compliance Unit
P.O. Box 1049
Columbus, OH 43216-1049

Please be advised that failure to comply with Ohio's rules and laws may be cause for enforcement action pursuant to ORC Chapter 6111.

If you have questions or concerns regarding this letter, I can be reached by telephone at (614) 644-4824 or email at sara.hise@epa.ohio.gov.

Sincerely,

Sara J. Hise

Sara Hise
Environmental Specialist
Division of Surface Water, NPDES Permits & Compliance
Ohio EPA, Central Office

encl: Attachment A – Ellis Area Mine Photographs
Attachment B – Ellis Adjacent Area Mine Photographs

cc: Paul Novak, Ohio EPA – CO DSW
Michael Sherron, Ohio EPA – SEDO DERR
Shawn Murphy, ODNR - DMRM
Ohio EPA CO DSW – File

Attachment A – Ellis Area Mine Photographs



Sediment spill in Rush Run, near Ellis Area and Ellis Adjacent Area Mine Sites – DSW-SEDO, April 5, 2013



Breachd diversion ditch to Outfall 001, view towards 001 – DSW-CO, April 9, 2013



Breachd diversion ditch to Outfall 001, top view – DSW-CO, April 9, 2013



Bucket of oxidizer near breachd diversion ditch – DSW-CO, April 9, 2013

Attachment B – Ellis Adjacent Area Mine Photographs



Sediment spill in Rush Run, near Ellis Area and Ellis Adjacent Area Mine Sites – DSW-SEDO, April 5, 2013



Outfall 019 – DSW-CO, April 9, 2013



Hose discharging to Outfall 019 – DSW-CO, April 9, 2013



Hose discharging to Outfall 019, view from pond to coal pit – DSW-CO, April 9, 2013



Hose pumping water from coal pit and discharging to Outfall 019 - DSW-CO, April 9, 2013



Coal pit, source of hose pumping to Outfall 019 - DSW-CO, April 9, 2013