WEST VIRGINIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF MINING AND RECLAMATION

INDUSTRY TRAINING

BOND RELEASE PROCEDURES

---AND---

REQUIREMENTS

INSTRUCTOR: BILL LITTLE
Current User: LITTLE, BILL
Applicant: VINDEX ENERGY LLC
Ref. Id: S-2007-89 Phase 2 and 3 Release (04/25/2017)
Type: Phase 3 Release (Final) #2
Status: ERIS - Closed - Issued
Permit No.: S200789

<table>
<thead>
<tr>
<th>Guidelines</th>
<th>MR-12: Request for Special Use</th>
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<td>General Information</td>
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<td>Phase 2 Attachments</td>
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<tr>
<td>Current Surface Owners</td>
<td></td>
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<tr>
<td>Copies of Letters and Return Receipts</td>
<td></td>
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<tr>
<td>Final Map</td>
<td></td>
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<td>Copy of MR-12 (Request for Special Use)</td>
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<td>MR-13: Certification of Drainage System</td>
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<tr>
<td>Notarized Statement</td>
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</tr>
<tr>
<td>Advertisement</td>
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</tr>
<tr>
<td>Height Measurement Tally Sheet</td>
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<tr>
<td>Height Measurement Tally Sheet</td>
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<tr>
<td>eMaps:</td>
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</tr>
<tr>
<td>Maps and eMap Data Section</td>
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<tr>
<td>DEP Only Section</td>
<td></td>
</tr>
<tr>
<td>Inspector</td>
<td></td>
</tr>
<tr>
<td>Phase I Release (Backfilling and Regrading)</td>
<td></td>
</tr>
<tr>
<td>Phase II Release (Vegetation)</td>
<td></td>
</tr>
<tr>
<td>Phase III Release (Final)</td>
<td></td>
</tr>
<tr>
<td>Quarry Release</td>
<td></td>
</tr>
<tr>
<td>Revegetation Calculation Form</td>
<td></td>
</tr>
<tr>
<td>Height Measurement Tally Sheet</td>
<td></td>
</tr>
</tbody>
</table>

The items listed to the right make up the application. By clicking on each item, you can fill out the required form and submit your application for approval.

Thursday July 27, 2017

"Promoting a Healthy Environment."
Please use Microsoft Internet Explorer 6.0 through 9.0

https://apps.dep.wv.gov/webapp/_dep/securearea/application/AppIndex.cfm

7/27/2017
<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>Phase I</th>
<th>Phase II</th>
<th>Phase III</th>
<th>Quarry</th>
<th>Prospect</th>
<th>*** Not Started</th>
<th>*** Totally (100%) Over Bonded</th>
<th>Increment PH I, II, III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspector Checklist</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Legal Advertisement</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td><strong>Water Data</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 year (12 months) raw water data (ie. inlet to structure, ponded, wet seal, etc.)</td>
<td>1 year (12 months) raw water data (ie. inlet to structure, ponded, wet seal, etc.)</td>
<td>X</td>
</tr>
<tr>
<td><strong>Land-Owner Notification</strong></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Include list of current surface owners</td>
<td>X</td>
<td>X</td>
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<tr>
<td><strong>Seal Certification</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Deep mine or auger</td>
<td>Grouting of bore holes</td>
<td>X</td>
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<tr>
<td><strong>Sediment Control Removal</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 years after **LAS with 1 year raw water data</td>
<td>2 years prior to Phase III</td>
<td>X</td>
</tr>
<tr>
<td><strong>MR-8 (Final Planting Report)</strong></td>
<td>Recommended</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Must be signed by inspector, and must be standard color code</td>
<td>Same as Phase II</td>
<td>Must accurately reflect reclaimed or not disturbed</td>
</tr>
<tr>
<td><strong>Final Maps</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Revisied if bonded area altered after original (ie. overbonded, repermitted)</td>
<td>X</td>
</tr>
<tr>
<td><strong>MR-12 (Request for Special Use)</strong></td>
<td>Roads / Buildings</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Copies of signed previous approved MR-12's</td>
<td>Copies of signed previous approved MR-12's</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Ponds / Gas Wells</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

NOTE: MR-12's must accompany a release application. You now have the capability to complete the MR-8, MR-12 and MR-13 as part of the application, by selecting the 'ADD' button to the right of their menu item.

**LAS - Last augmented seeding**

***Notarized letter from company officer stating "Not Started" or "Totally Overbonded"

X - Required
Blank - Not required
Applicant: VINDEX ENERGY LLC  Type: Phase 3 Release (Final) #2
Reference ID: S-2007-89 Phase 2 and 3 Release (04/25/2017)  Permit ID: S200789

General Information
Status: ERIS - Closed - Issued  Printed: Aug. 03, 2017 8:14 AM

Select Phase(s):
☐ Phase 1  ☑ Phase 2  ☑ Phase 3

Select if applicable:
☐ Quarry*  ☐ Prospect*  ☐ Not Started  ☐ Totally Overbonded  ☐ Mountaintop Removal*

* Denotes the item was automatically set from data in the DEP ERIS system. Contact Permit Reviewer if incorrect.

Related Permits (Office - Permit Number - Expire Date)
HPU WVO095061  10/28/2018

Pending Applications of Related Permits (Office - Permit Number - Type - Sequence)

County: Grant

Street: 100 TYGART DRIVE
City: GRAFTON
Country: United States of America  State: West Virginia
Zip: 26354  Phone: 304-265-9778

Correct address? If requesting a change, indicate address type: ☐ No Change  ☐ Default  ☐ Permit
Enter new address below:
Street:
City:
Country: United States of America  State: West Virginia
Zip:
Phone:

Indicate the premining land uses below.
Indicate the postmining land uses below.

<table>
<thead>
<tr>
<th>Primary</th>
<th>Secondary</th>
<th>Land Use Name</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>○</td>
<td>○</td>
<td>Hayland or Pasture</td>
<td>New</td>
</tr>
</tbody>
</table>

Date of last augmented seeding, fertilizing, irrigation or other work to ensure compliance with Chapter 22, Article 3, Section 13(b)(19): 6/29/2001

If Quarry, provide:

Date Mining Complete: [Date]

Total Acres Planted: [Number]

Date Reclaimed: [Date]

Current Acres: [Number]

Undisturbed Acres: [Number]

Total Disturbed Acres (Cumulative): [Number]

Total Reclaimed Acres (Cumulative): [Number]

*Ancillary Acres: [Number]

Overbonded Acres: [Number] (Do not include in Disturbed)

Special Use (MR-12) Acres (Cumulative): [Number] (Do not include in Disturbed)

Greg Nair

Name of Principal Officer

Power of Attorney

Officer Title

7/24/2017

Date

Signature: ____________________________

https://apps.dep.wv.gov/webapp/_dep/securearea/application/Templates/GenericPrinting.cf... 8/3/2017
Current User: LITTLE, BILL
Ref. Id: S-2007-89 Phase 2 and 3 Release (04/25/2017)
Status: ERIS - Closed - Issued

Applicant: VINDEX ENERGY LLC
Type: Phase 3 Release (Final) #2
Permit No.: S200789

Phase 2 Attachments

- Raw Water History
- Copy of MR-8 (Final Planting Report)
- MR-8: Final Planting Report

The items listed to the right make up the application.
By clicking on each item, you can fill out the required form and submit your application for approval.

"Promoting a Healthy Environment."
Please use Microsoft Internet Explorer 6.0 through 9.0
Provide 1 year history of raw water data.

NOTE: RAW WATER SAMPLED AND COLLECTED FOR BOND RELEASE WILL BE ANALYZED FOR ALL PARAMETERS ON THE APPLICABLE NPDES PERMIT WITH EFFLUENT LIMITATIONS OR THOSE PARAMETERS WITH MONITORING ONLY REQUIREMENTS FOR WHICH THERE IS AN APPLICABLE WATER QUALITY CRITERION.
Provide raw water data (one raw sample from each drainage area).

**NOTE:** RAW WATER SAMPLED AND COLLECTED FOR BOND RELEASE WILL BE ANALYZED FOR ALL PARAMETERS ON THE APPLICABLE NPDES PERMIT WITH EFFLUENT LIMITATIONS OR THOSE PARAMETERS WITH MONITORING ONLY REQUIREMENTS FOR WHICH THERE IS AN APPLICABLE WATER QUALITY CRITERION.
<table>
<thead>
<tr>
<th>Applicant:</th>
<th>VINDEX ENERGY LLC</th>
<th>Type:</th>
<th>Phase 3 Release (Final) #2</th>
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<tr>
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<td>S-2007-89 Phase 2 and 3 Release (04/25/2017)</td>
<td>Permit ID:</td>
<td>S200789</td>
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<tr>
<td>Copy of MR-8 (Final Planting Report)</td>
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<td>Printed:</td>
<td>Jul. 27, 2017 10:56 AM</td>
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<td>Status</td>
<td>ERIS - Closed - Issued</td>
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</table>

Provide copy of approved MR-8 (Final Planting Report) or use "Add" button on next menu item.
MR-8: Final Planting Report

FINAL PLANTING REPORT
(For Surface Coal Mine and Quarry Permits)
W. Va. Code 22 Articles 3 and 4

<table>
<thead>
<tr>
<th>Standard</th>
<th>Incremental</th>
<th>Addendum to Original</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Increment Number: 1
Increment Acres: 79
Total Permitted Acres: 79
Total Disturbed Acres: 72.10
Total Reclaimed Acres: 72.10
Date of Phase I Release: 5/16/2014
Date Planting Completed: 6/29/2001

Yes  No

1. Postmining soil characteristics:
   - Acidity (pH): 6.0

2. Was soil treatment and revegetation accomplished according to approved Reclamation Plan?
   - No

3. Is postmining soil analysis where mine soils have a past history of or the potential of producing acidic chemical characteristics attached?

4. Where soil pH is less than 5.5, indicate rate per acre and method(s) used to neutralize acidity:
   - Rate/acre: N/A
   - Method: N/A
   - Final soil pH: N/A

5. Indicate rate and analysis of fertilizer:
   - Rate/acre: 600
   - Analysis: 10-20-20

6. Is rate and analysis of fertilizer based on soil analysis? If yes, attach a copy of soil analysis to this report.
   - Yes

7. Indicate rate and type of mulch:
   - Rate/acre: 4000
   - Type: Hay

8. Complete revegetation schedule and rate below:

9. Actual cost of revegetation: $600.00

<table>
<thead>
<tr>
<th>Species</th>
<th>Rate/Acre</th>
<th>Planting Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kentucky 31 Fescue</td>
<td>50</td>
<td>All</td>
</tr>
<tr>
<td>Birdsfoot Trefoil</td>
<td>10</td>
<td>All</td>
</tr>
<tr>
<td>Redtop</td>
<td>10</td>
<td>All</td>
</tr>
<tr>
<td>Perennial Ryegrass</td>
<td>15</td>
<td>All</td>
</tr>
<tr>
<td>Oats</td>
<td>15</td>
<td>All</td>
</tr>
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</table>

Greg Nair
Name of Principal Officer

Power of Attorney
Officer Title

Date: 8/4/14

Signature: [Signature]
<table>
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<tr>
<th>Applicant</th>
<th>VINDEX ENERGY CORPORATION</th>
<th>Type</th>
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<td>Printed</td>
<td>Apr. 25, 2017 1:40 PM</td>
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- **Approved**: ○
- **Denied**: ○
- **Inspector**: HARPER, DAVID PHILIP
- **Date**: 8/8/2016

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<tr>
<th>Action</th>
<th>○ Approved</th>
<th>○ Denied</th>
<th>○ Withdrawn</th>
<th>○ Terminated</th>
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<tr>
<td><strong>Date</strong></td>
<td>8/10/2016</td>
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<tr>
<td><strong>DEP Release Specialist</strong></td>
<td>WASHBURN, TERRY</td>
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</table>
List current surface owners with addresses.

<table>
<thead>
<tr>
<th>Name:</th>
<th>Vindex Energy Corporation - TRACT A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street:</td>
<td>100 Tygart Drive</td>
</tr>
<tr>
<td>City:</td>
<td>Grafton</td>
</tr>
<tr>
<td>Country:</td>
<td>United States of America</td>
</tr>
<tr>
<td>Zip:</td>
<td>26354</td>
</tr>
<tr>
<td>Name:</td>
<td>Andrew Lee Evans, et al - TRACT B</td>
</tr>
<tr>
<td>Street:</td>
<td>782 Arnold Mine Road</td>
</tr>
<tr>
<td>City:</td>
<td>Grafton</td>
</tr>
<tr>
<td>Country:</td>
<td>United States of America</td>
</tr>
<tr>
<td>Zip:</td>
<td>26354</td>
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<tr>
<td>Applicant:</td>
<td>VINDEX ENERGY LLC</td>
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<tr>
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</tr>
<tr>
<td>Reference ID:</td>
<td>S-2007-89 Phase 2 and 3 Release (04/25/2017)</td>
</tr>
<tr>
<td>Copies of Letters and Return Receipts</td>
<td>Status</td>
</tr>
</tbody>
</table>

Provide copies of letters and return receipts sent to:

- Current surface owners of record.
- Adjoining property owners of record.*
- Planning agencies.*
- Sewage and water treatment authorities or companies.*

* Not required for Quarry permits.
<table>
<thead>
<tr>
<th>Action</th>
<th>Description</th>
<th>Select file to upload</th>
<th>File name/Upload date</th>
<th>Version CBI?</th>
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<tbody>
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<td>Current Surface Owners of Record</td>
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<td>Adjoining Property Owners of Record</td>
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<tr>
<td></td>
<td>Sewage and Water Treatment Authorities or Companies</td>
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<td>S-2007-89 Sewage-Water Companies_6.12.17.pdf</td>
<td>1</td>
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</table>
April 25, 2017

CERTIFIED MAIL No. 7011 3500 0001 0569 5409
Return Receipt Requested

Vindex Energy Corporation
100 Tygart Drive
Grafton, WV 26354

To Whom it May Concern:

In compliance with the surface mining laws Legal Advertisement for Vindex Energy Corporation newspaper in conjunction with applying to the West Virginia Department of Environmental Protection for a Phase 2 and 3 release on Permit No. S-2007-89. This site is located in Union District of Grant County, 3.8 miles southeast of Mt. Storm and discharges into Laurel Run and an unnamed tributary of Abram Creek of Abram Creek of the North Branch Potomac River.

Current laws and regulations require that current surface landowners of property be notified of this release, Permit No. S-2007-89 and be given the opportunity to comment on it.

Vindex Energy Corporation
April 25, 2017

CERTIFIED MAIL No. 7011 3500 0001 0569 5416
Return Receipt Requested

Andrew Lee Evans, et al
782 Arnold Mine Road
Elk Garden, WV 26717

To Whom it May Concern:

In compliance with the surface mining laws, Vindex Energy Corporation is issuing a legal advertisement for a permit. The permit, Number S-2007-89, is for the construction of a 3.8-mile-long roadway and associated drainage structures to transport coal from the mine site to the processing plant. The roadway is located in the vicinity of Mount Storm and discharges into Laurel Run, a tributary of the Potomac River.

Current laws and regulations require that current surface landowners of property be notified of this release, Permit No. S-2007-89 and be given the opportunity to comment on it.

Vindex Energy Corporation

[Image of official mail receipt]
TYPICAL COMMENT/CORRECTION SENT TO PERMITTEE WHEN NOTIFICATION LETTERS ARE "UNCLAIMED/RETURN-TO-SENDER".

----------------------------------------------------------

Provide copies of Notification Letters and Return Receipts (Green Cards) sent to:
- Current surface owners of record.
- Adjoining property owners of record.*
- Planning agencies.*
- Sewage and water treatment authorities or companies.*

[NOTE: Permittee "MUST" provide evidence (Green Cards) that "all" required notifications for this increment were received. This means that all notification "must" be delivered and permittee "must" exhaust all effort (i.e., County Courthouse Research, Hand Delivery, etc.) of making sure said notifications was achieved. [NOTE: Returned Mail/Envelope (i.e., Return to Sender, Not Deliverable As Addressed, Unable to Forward, etc.) does "not" meet the requirements - -and/or-- exceptable for "notification for any phase release application. This matter/issue is the responsibility of the permittee --and-- needs to be resolved before this release request can be approved.]
Provide final map.
If underground, highwall, or auger mining occurred, a development and/or subsidence map is required.

☐ N/A
Applicant: VINDEX ENERGY LLC
Facility: S-2007-89 Phase 2 and 3 Release (04/25/2017)

Type: Phase 3 Release (Final) #2
Permit: S200789

Action Description

Final Map

Select file to upload

File name/ Upload date
S-2007-89 Ph. 2.3 FINAL MAP_signed 5.1.17.pdf
05/01/2017

Version CBI?
0

https://apps.dep.wv.gov/webapp/_dep/securearea/application/Templates/Objects/objDocu... 7/27/2017
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<th>Description</th>
<th>Acres</th>
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<tbody>
<tr>
<td>PERMIT AREA NOT DISTURBED</td>
<td>0.00</td>
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<tr>
<td>REGRADING AREA</td>
<td>65.45</td>
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<tr>
<td>HAULROAD (covered by MR-12)</td>
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<tr>
<td>DRAINAGE SYSTEM (covered by MR-12)</td>
<td>3.90</td>
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<tr>
<td>AREA OVER-BONDED BY PERMIT S-2007-93</td>
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<tr>
<td><strong>TOTAL PERMITTED AREA</strong></td>
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<tr>
<td>MR-12 Special Use Areas</td>
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<tr>
<td>Action</td>
<td>Description</td>
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<tr>
<td>--------</td>
<td>-----------------------------------------</td>
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<td></td>
<td>Final Map</td>
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https://apps.dep.wv.gov/webapp/_dep/securearea/application/Templates/Objects/objDocu... 7/27/2017
Phase I Release Map
Increment No. 1
Met Resources, LLC
P.O. Box 5064 Princeton, WV 24740
McComas Surface Mine No. 1
Poca 6, 9, 7 & Splits, & Firecreek Seams
WV DEP Number S-4015-08
MSHA Number 46-09311
NPDES Number WV0103870

Rock District, Mercer County, West Virginia
Crumpier 7 1/2 Series USGS Quadrangle

DATE: March 2017

DRAWN BY: TGR

I, the undersigned, hereby certify that this map is
correct and shows to the best of my knowledge and
belief all the information required by the surface
mining laws of this state.

P.E. or L.P.S.

STATE OF WEST VIRGINIA, COUNTY OF McDOWELL
Taken, subscribed and sworn to before me this
Day of __________, 2017
My commission expires

Notary Public
<table>
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<tr>
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<td>Jul. 27, 2017 11:10 AM</td>
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<td>Printed:</td>
<td>Jul. 27, 2017 11:10 AM</td>
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</tbody>
</table>

Provide copy of approved MR-12 (Special Use Request) or use "Add" button on next menu item.

☐ N/A
Applicant: VINDEX ENERGY LLC
Facility: S-2007-89 Phase 2 and 3 Release (04/25/2017)
Type: Phase 3 Release (Final) #2
Permit: S200789

Action Description | Select file to upload | File name/Upload date | Version CBI?
---|---|---|---
Copy of MR-12 | Copy of Andrew L Evans-Roads MR-12 | 2 Andrew L Evans-HR 1_Access Roads_12.11.13.pdf | 0 
| Copy of MR-12 | Copy of Andrew S Evans-Roads MR-12 | 3 Andrew S Evans-HR 1_Access Roads_12.11.13.pdf | 0 
| Copy of MR-12 | Copy of John Lough-Roads MR-12 | 4 John Lough-HR 1 and Access Roads_12.11.13.pdf | 0 
| Copy of MR-12 | Copy of Vindex Energy-Drainage MR-12 | 5 Vindex_MR-12-DRAINAGE_1.2.14.pdf | 0 
| Copy of MR-12 | Copy of Vindex Energy-Haulroad MR-12 | 5 Vindex_MR-12-HAULROAD_1.2.14.pdf | 0 
| Copy of MR-12 | Copy of Vindex Energy-Roads MR-12 | 1 Vindex Energy-Access Roads_12.11.13.pdf | 0 

https://apps.dep.wv.gov/webapp/_dep/securearea/application/Templates/Objects/objDocu... 7/27/2017
REQUEST FOR SPECIAL USE

For more desirable land use, drainage structures, recreation sites, buildings, etc. Request is made for permission to carry out a special use project on disturbed land as detailed in the Mining and Reclamation Plan submitted with the application for the permit listed below or as detailed in the supplemental plan attached herewith.

Description of Special Use Project:

To leave Haulroad, haulroad ditch, haulroad sump, 18" culvert and sump, 24" culvert and sump in place for landowners access onto property.

☐ Building    ☑ Road    ☐ Drainage Structure    ☐ Other

Size of Special Use Project: 1.45 acres

NOTE: Structure(s) must be in use by landowner prior to Phase III approval

Permittee Name and Address:

Name: VINDEX ENERGY CORPORATION
Street: 265 GLASS DR
City: MOUNTAIN LAKE PARK
Country: United States of America    State: Maryland
Zip: 21550    Phone: 301-334-6497

Landowner Name and Address:

Name: Vindex Energy Corporation
Street: 266 Glass Dr
City: Mountain Lake Park
Country: United States of America    State: Maryland
Zip: 21550    Phone: 301-334-6497

https://apps.dep.wv.gov/webapp/_dep/securearea/application/Templates/GenericPrinting... 12/11/2013
The undersigned hereby grants permission to develop a Special Use Project as described in the associated permit. Provide the appropriate signatures (notarized) and dates as follows:

Vindex Energy Corporation
(Name of Surface Owner)

[Signature] [Date]

State of: Maryland
County: Carroll
Taken, subscribed and sworn to before me this 30th day of December, 2013.
My Commission Expires

[Signature] [Notary Public]

Thomas S. Brown
(Permittee Principal Officer)

[Signature] [Date]

State of: Maryland
County: Carroll
Taken, subscribed and sworn to before me this 30th day of December, 2013.
My Commission Expires

[Signature] [Notary Public]
<table>
<thead>
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<th>Type</th>
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<td>Permit ID</td>
<td>S200789</td>
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<td>MR-12</td>
<td>Request for Special Use - DEP Section</td>
<td>Status</td>
<td>ERIS - Closed - Issued</td>
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| ROCKWOOD, DAVID   |                                       | 04/04/2014            |                    |
| Inspector        |                                       | Date                  |                    |

| WASHBURN, TERRY   |                                       | 4/4/2014              |                    |
| DEP Release Specialist |                                   | Date                  |                    |
SUBJECT: MR-12’s

1. Purpose: Clarification of submittal and routing of MR-12’s.

2. Definitions: Special Use

3. Legal Authority: 38-2-4.9, 38-2-5.5

4. Policy/Procedures:

There are several scenarios that involve leaving roads and drainage structures in place after final bond release. This procedure describes the process and the approval routing for these situations.

Roads

1. If a road is proposed to be left [in the original permit application] an MR-12 Special Use Form is not required.

2. If the road(s) is(are) proposed to be left and the proposal is not in the permit application, an MR-12 Special Use Form needs to be executed. Submittal of the MR-12 is at the time of application for Phase I bond release and shall be made part of the Phase I application package.

3. If circumstances arise where the permittee wants to leave a road after a phase of release has been granted, the MR-12 will be submitted upon and included with the application for the next phase of bond release.

4. The road proposed to be left shall be shown on the final map as disturbed/unreclaimed acreage. The bond calculation will reflect this and 100% bond for this acreage will be maintained until final release.

Water Retention Structures

1. If a water retention structure is proposed to be left, an MR-12 form must be executed.
2. The size and configuration of the structure must be certified by an approved person which demonstrates that the structure meets current regulation requirements.

3. The MR-12 will be submitted as part of an application for Phase II bond release. The Phase II release application will be submitted to the local inspector and after the inspector signs off on the certification (MR-13) he/she forwards the total release application to the bond release unit.

GENERAL NOTE: It is the permittees' responsibility to maintain roads and water retention structures until final (Phase III) bond release is approved.
SUBJECT: Roads/Water Retention Structures/Other Structures

1. Purpose: To leave roads and water retention structures and other structures for the benefit of the landowner.

2. Definitions: Surface Mining Operations

3. Legal Authority: 22-3-13, 38-2-5.5
   22-3-23, 38-2-4.9

4. Policy/Procedures:
   At the time of application for Phase II release, if a structure or road is to be left unreclaimed, an MR-12 form must be included with the release package.

   The MR-12 will be revised to include this statement: "It is the permittee’s responsibility to maintain this structure until final bond release".

   If, during the time period between MR-12 approval and Phase III release the surface owner changes, the MR-12 is no longer valid and must be re-executed or the structure(s) must be reclaimed. If the landowner changes his mind between time of MR-12 approval and Phase III release, the WVDEP will consider that a property rights dispute and proceed as such.

   This policy/procedure does not in any way prohibit a permittee from executing an MR-12 at Phase III (final) release. The proper time for MR-12 application is at Phase II release, but circumstances will arise that precludes this.

   The approval path for MR-12’s follows the same path as any other bond release application with the exception of permitting section involvement. After the appropriate inspector signs off, he delivers application to the permitting supervisor. Once the permit supervisor has signed off on the MR-12, the release package goes to the release specialist/Supervisor for final disposition.

   The MR-12’s will no longer be recorded at the courthouse.
SUBJECT: Oil and Gas Wells on Permitted Areas

1. **Purpose:** Establish procedure allowing oil and gas operations on permitted areas

2. **Definitions:** Oil and Gas operations include, but are not limited to: oil well, gas well, pipelines, access roads, storage tanks, ancillary oil & gas facilities.

3. **Legal Authority:** 22-3-10, 38-2-7

4. **Policy/Procedures:**
   
   Oil and gas activities may take place on reclaimed mining operations without additional liability to the permittee if the following procedure is followed:

   1. For the areas to be utilized by the oil and gas operation, a post-mining land use change to "light" industry is submitted and approved.

   2. A Phase I or Phase II bond release application is submitted and approved. When the release is processed, the areas shown on the map as oil and gas sites will have 100% of the bond released, thereby deleting them from the permit.

   3. If the access road is part of the proposed oil and gas operation, a dual use letter signed by both parties allowing ingress & egress by the mining permittee.

Page 16 of 24
Provide demonstration in accordance with 38-2-12.2(e) if chemically treating discharge. *(Not required for Quarry permits.)*

☑️ N/A
WV Reg. 38-2-14.7.d., the regulation states: "If it is established on basis of such monitoring that the hydrologic balance is being preserved without treatment, the treatment facilities may be removed. A one (1) year "raw water" history of meeting the applicable effluent limitations shall be adequate to establish that the hydrologic is being preserved."

In conclusion, the following DEP Bond Release recommendation/suggestion is as follows:

[1] Withdraw submitted Incremental Phase 1 Bond Releases,

[2] Remove "all" water treatment equipment from this permit/bonded area if no longer needed,

[3] Obtain one (1) year "raw water" history of meeting the existing applicable effluent limitations after elimination water treatment.

[4] Resubmit the "Withdrawn" Incremental Phase 1 Bond Release applications (Inc. #4, #5, #6) back the WVDEP Bond Release Unit for review........ [NOTE: Please respond with 10 days of this comment/correction delivery.]
SUBJECT: Chemical Water Treatment

1. Purpose: To clarify the differences between "Passive", "Prevention", and "Remediation" as those terms relate to chemical water treatment.

2. Definitions:
   a) "Passive Treatment" includes, anoxic drains, limestone trenches, artificial wetlands and other systems designed to alleviate the need to actively add neutralizing agents to water in order to meet effluent limits.
   b) "Prevention" in this context refers to approved selective materials handling, addition of alkaline material to pit floors, backfill, backstack and other areas to prevent the formation of acidic drainage.
   c) "Remediation" means the active, on-going treatment of acid mine drainage in order to meet effluent limits.

3. Legal Authority: 22-3-2(c)(5), 22-3-3(a), 38-2-2.21 Policy/Procedures: 38-2-12.2.e,

   Since the Office of Surface Mining did not approve the definition of chemical treatment (as it relates to passive treatment), the following guidelines shall be followed.

   (A) Bond releases will not be approved on sites using passive treatment systems. (See definition of passive system) Exception: Phase 1 is approvable under provisions of 38-2-12.2.e.

   (B) Bond releases will be granted on areas that utilized preventive measures to control acid formation and are meeting effluent limits without active chemical treatment of water.

   (C) Bond releases will not be granted on areas that have remedial chemical water treatment in order to meet effluent limits. Exception: Phase 1 is approvable under provisions of 38-2-12.2.e.
This clarification in no way limits placement of limestone rip-rap in
sediment ditches, diversion ditches, pond entrance/exit channels, etc...

The inspector along with the bond release specialist will have to utilize
judgment and on-site experience to determine if an operation is routing poor or
marginal quality water through a ditch rip-rapped with limestone to remedy the
water quality problem or if the rip-rap is solely for erosion control.

This clarification also does not limit the utilization of limestone as a
durable surfacing material for haulroads.
| Applicant: | VINDEX ENERGY LLC | Type: | Phase 3 Release (Final) #2 |
| Reference ID: | S-2007-89 Phase 2 and 3 Release (04/25/2017) | Permit ID: | S200789 |
| Copy of MR-13 (Certification of Drainage System) | Status | ERIS - Closed - Issued | Printed: Jul. 27, 2017 11:15 AM |

Provide copy of approved MR-13 (Certification of Drainage System) certifying compliance with 38-2-13.5.f. for drill hole management (Prospect only) or use "Add" button on next menu item.

- [x] N/A
- [ ] Mine Seal
- [ ] Auger Hole Seal
- [ ] Other
SUBJECT: Removal of Sediment Control Structures

PURPOSE

The purpose of this guidance is to identify the procedure for removal of sediment control structures upon a drainage area meeting the definition of “reclamation area” per 40CFR434 for post mining areas (backfilling and grading complete, revegetation commenced) while ensuring preservation of the hydrologic balance and meeting applicable regulations pertaining to abandonment procedures of sediment control structures.

DISCUSSION

According to 38CSR2-14-7(d), “Where any discharge from the permit requires treatment during the mining operation in order to meet applicable effluent limitations, water monitoring of such discharges shall continue following grading approval. If it is established on the basis of such monitoring that the hydrologic balance is being preserved without treatment, the treatment facilities can be removed. A one (1) year history of meeting applicable effluent limitations shall be adequate to establish that the hydrologic balance is being preserved.”

Additionally, 38CSR2-5.4(h) Abandonment Procedures, states “abandonment and/or removal of sediment control or other water retention structures shall not occur within 2 years after the last augmented seeding nor less than 2 years before final bond release.”

“Adequate treatment” is defined in Chapter 22, Article 3, Section 3 as “treatment of water by physical, chemical or other approved methods in a manner so that the treated water does not violate the effluent limitations or cause a violation of the water quality standards…”

38CSR2-2 further defines chemical treatment and sediment control structures as follows:

Chemical Treatment means the treatment of water from a surface coal mining operation using chemical reagents such as but not limited to sodium hydroxide, calcium carbonate, or anhydrous ammonia for the purpose of meeting applicable state and federal effluent limitations. Chemical treatment does not include passive treatment systems such as but not limited to limestone drains, wetlands, alkaline addition, application of fly ash, agricultural lime, or injection of fly ash, limestone, or other minerals into underground coal operations.

Sediment Control or Other Water Retention Structure, Sediment Control or Other Water Retention System, or Sediment Pond means an impoundment designed, constructed, and maintained in accordance with this rule for the purpose of removing solids from water in order to meet applicable water quality standards or effluent limitations before the water is discharged into the receiving stream. Examples include wildlife ponds, settling basins, and all ponds and facilities or structures used for water treatment.

Sediment control structures will be considered treatment facilities, requiring one year of monitoring to ensure the hydrologic balance, for the purpose of this policy. Chemical treatment can be removed at any point when no longer necessary. Diversion ditches/conveyances used strictly for conveyance of surface runoff only are not considered sediment control structures for the purpose of this policy and therefore, not considered treatment. Diversions/conveyances, even if not designed for sediment control, should not be removed until appropriate raw water is sampled at the entrance to the sediment control structure(s).

Therefore, the procedures set forth in the following paragraphs shall be followed to determine data requirements to ensure preservation of the hydrologic balance prior to removal of a sediment control structure:
PROCEDURE

1. Permittee shall collect and submit the following data required to ensure preservation of the hydrologic balance to the inspector for review. Raw water shall be analyzed for all parameters on the approved NPDES permit.

A. Outlets with sediment control structures – Provide one (1) year of raw water data, sampled prior to the sediment control structure, and submitted no sooner than two (2) years after the last augmented seeding. This raw water data is necessary to request removal of the sediment control structure or grant an MR-12 to allow a structure to remain in place after Phase III bond release. Provide corresponding discharge data for the raw water sampling.

B. On-bench outlets (precipitation-induced) are associated with sediment control structures designed to minimize solids. Therefore, the one (1) year raw water requirements apply to on-bench outlets as well. Provide one (1) year of raw water data, sampled when flow exists and document other sample dates as "no flow"; submit effluent data as confirmation of "no flow" conditions and inspector confirmation is required. If outlet does not flow, provide one (1) year of documentation demonstrating that no influent (raw water) flow occurred with confirmation from the inspector. Samples of pooled raw water are not necessary.

2. Assuming all raw water and effluent data meets effluent limitations (monthly average and daily maximum) and applicable water quality criterion for report only parameters, the required time frame of a minimum of two (2) years after the last augmented seeding has been completed, and the structure can be removed per the post-mining SWROA plan, permittee shall submit a "Request for Structure Removal" form to inspector for approval. The approved form will be submitted by the inspector with the subsequent MR-6 inspection form.

3. Permittee shall commence structure removal as soon as possible after approval from Environmental Inspector Supervisor is received.

4. Permittee shall notify inspector when removal is complete so inspector can document on MR-6 inspection form.

5. Once the sediment structure is removed, the permittee shall request deletion of the outlet on the associated NPDES permit through a modification or reissuance application.

MUST NOTE:

i. For wet seals, if sediment control structure is removed, then outlet must be relocated to the wet seal. This outlet and its associated monitoring requirements will remain until Phase III bond release.

ii. If multiple sources of flow exist into the structure(s), then individual inflow sources must be collected at the entrance of the sediment control structure. All observed sources of flow, i.e. valley fill toes, deep mine discharge seals, must be sampled individually at the point of flow origin, even if they have a common outlet. The sampling frequency is the same as set forth in the current NPDES permit and is parameter-specific. Therefore, if semi-monthly sampling is required at the associated outlet for a particular parameter, then the raw water sampling frequency is semi-monthly. If the outlet has a reduced monitoring frequency of quarterly, then the sampling frequency for raw water is quarterly.

** A form for this policy has been created (MR-13R) you can find this form on our web page under DMR forms.
<table>
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<tr>
<th>Applicant:</th>
<th>VINDEX ENERGY LLC</th>
<th>Type:</th>
<th>Phase 3 Release (Final) #2</th>
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<td>Jul. 27, 2017 11:38 AM</td>
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Provide copy of notarized statement by the permittee that all applicable reclamation requirements specified in the permit have been completed. *(Not required for Quarry permits.)*

☐ N/A
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April 25, 2017

Mr. William Little – Release Specialist
WV Department of Environmental Protection
47 School Street, Suite 301
Philippi, WV 26416

RE: Vindex Energy Corporation
Permit S-2007-89
Phase 2 and 3 Release

Dear Sir:

We would like to inform you that Vindex Energy Corporation has completed all applicable reclamation requirements specified in the permit application.

[Signature]

Subscribed and sworn before me this 1st day of May, 2017.

My Commission Expires: May 02, 2021

[Notary Public Seal]
INSTRUCTIONS

This advertisement is for an application for a release of an Article 3 permit.

Initial Date of Publication: 5/2/2017

Ad will be published once a week for four successive weeks with six full days between publication. Advertisement must include a location map.

Final Date of Publication: 5/23/2017

ADVERTISEMENT

Notice is hereby given that

VINDEX ENERGY CORPORATION, 100 TYGART DRIVE, GRAFTON, WV 26354 has submitted an application with the Department of Environmental Protection (DEP), 47 School Street, Suite 301, Philippi, WV, 26416-1600 for a Phase 2 and 3 release on Permit Number S200789 issued for 79 acres.

The permit is located in UNION District of Grant □

County, 3.8 miles southeast (Direction) of MOUNT STORM (Nearest PO) on Laurel Run and an unnamed tributary of Abram Creek (Primary Receiving Stream) of Abram Creek (Secondary Receiving Stream) of N. Potomac River (Major Drainage Basin).

VINDEX ENERGY CORPORATION completed final reclamation on 6/29/2001 (Date) and is requesting release of 100 percent of the reclamation performance bond currently in the amount of $40,000.00.

Written comments will be received at the DEP address above until 6/22/2017, or thirty (30) days from date of final publication.
*REMINDER*

AS PER THE "BASIC BOND RELEASE APPLICATION REQUIREMENTS",
LEGAL ADVERTISEMENT FOR BOND RELEASE APPLICATIONS CAN "ONLY"
BEING PUBLICATION IN THE NEWSPAPER ON-OR-AFTER THE SAID BOND RELEASE APPLICATION HAS BEEN SUBMITTED TO WVDEP.

<<<REASON>>> THE BOND RELEASE APPLICATION MUST BE ON FILE @ DEP FOR PUBLIC REVIEW WHILE LEGAL AD IS BEING PUBLISHED.
INSTRUCTIONS

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Written comments will be received at the DEP address above until 6/22/2017, or thirty (30) days from date of final publication.
LOCATION MAP

SCALE: 1 INCH = 1 MILE

ART. 3 PERMIT NO. S-2007-89
NPDES PERMIT NO. WV0095061
USGS Mt. Storm, WV Quad, 7.5' Min. Series
Union, District, Grant County, WV
Nearest (P.O.): Mt. Storm, WV Approx. 3.8 miles

Receiving Stream: Laurel Run and
an unnamed tributary of Aoram Creek
of the North Branch Potomac River
Certificate of Publication

State of West Virginia
County of Grant, to-wit:

The undersigned hereby certifies that the annexed notice was duly published in the

Grant County Press
a weekly newspaper published at Petersburg, Grant County, West Virginia, for 4 consecutive weeks ending on the 23 day of May 2017

GRANT COUNTY PRESS

Advertising Manager

Publishing Notice $447.20
Hand Bills
Miscellaneous
Total $447.20

Sworn before me on this the 23 day of May 2017

Peggy G Hughes
Notary Public

Dec 17, 2022
My Commission Expires
ADVERTISEMENT

Notice is hereby given that VINDEX ENERGY CORPORATION, 100 Tygart Drive, Grantville, WV 26354, has submitted an application with the Department of Environmental Protection (DEP), 47 School Street, Suite 301, Philippi, WV 26416-1600 for a Phase 2 and 3 release on Permit Number S2007/69 issued for 79 acres.

The permit is located in Union District of Grant County, 3.8 miles southeast of Mount Storm on Laurel Run and an unnamed tributary of Abram Creek of Abram Creek of N. Potomac River.

Vindex Energy Corporation completed final reclamation on 6/29/2001 and is requesting release of 100 percent of the reclamation performance bond currently in the amount of $40,000.00.

Written comments will be received at the DEP address above until 6/22/2017, or thirty (30) days from date of final publication.

LOCATION MAP

SCALE: 1 INCH = 1 MILE

ART. 3 PERMIT NO S-2007-89
NPDES PERMIT NO. WV0045061
USGS Mt. Storm, WV Quad, 7-1/2 Min. Series
Union District, Grant County, WV
Nearest (P.O.): Mt. Storm, WV Approx. 3.8 miles
**HEIGHT MEASUREMENT TALLY SHEET**

*Click here for Policy for Ground Cover and Productivity Success Standards*

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Date: **8/7/2013**

Total measured: **0**

Total inches measured: **0**

Average height of above samples: **NaN**

Forage Mass in Tons: **NaN**

**CALIBRATION WORK SHEET**

Date: **N/A**

Use distribution of height data to arrive at range definitions.

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Applicant: VINDEX ENERGY LLC
Facility: S-2007-89 Phase 2 and 3 Release (04/25/2017)

Type: Phase 3 Release (Final) #2
Permit: S200789

Action Description: Other

Select file to upload: 2013 Vegetation Study

File name: Job 88 2013 report+appendix.pdf
Upload date: 04/25/2017

Version CBI?: 0

https://apps.dep.wv.gov/webapp/_dep/securearea/application/Templates/Objects/objDocu... 7/27/2017
August 14, 2013

Mr. Terry Nair
Arch Coal Company
2708 Cranberry Square
Morgantown, West Virginia 26508

Subject: 2013 Vegetation Yield Evaluation at Vindex Job 88 Surface Mine
(Permit S-2007-89), Grant County, West Virginia.
SURVEYOR & ASSOCIATES Project No. 13-530

Dear Mr. Nair:

SURVEYOR & ASSOCIATES INC. is pleased to provide this summary report describing the results of the post-reclamation vegetation yield evaluation at the above-referenced surface mine site. The goal of the study was to provide vegetation yield data requested by the West Virginia Department of Environmental Protection (WVDEP) for reclamation bond release.

Introduction

Vegetation yield studies were initiated at six reclaimed Patriot Mining Company surface mine sites in Monongalia County in the late summer and fall 2003. The studies were performed under the direction of Ron Harrill, with technical assistance from Dr. Jeff Skousen of the West Virginia University Division of Plant and Soil Sciences. Reclaimed mine sites where post-mining land use included hay harvesting were evaluated by counting the total number of hay bales harvested to determine yield per acre. Reclaimed mine sites where no hay harvesting has been conducted were initially evaluated by collecting vegetation samples at regular intervals; drying the samples and weighing to determine dry weight; and extrapolating the sample weights to an average yield per acre for comparison to per acre hay yield data collected by the West Virginia Department of Agriculture.

A number of additional assessments have been performed since 2003 at reclaimed mine sites in Barbour, Grant, Harrison, Lewis, Monongalia, Marion, and Preston Counties. The evaluations have been performed by 1) using actual yield records (i.e. documentation of hay harvested); 2) vegetation sampling and weighing according to guidance provided by West Virginia University Division of Plant and Soil Science; 3) height measurement with the pasture plate meter; and 4) a combination of techniques (1) and (2) or techniques (1) and (3) for partially harvested sites.

In March 2007 WVDEP published Productivity and Ground Cover Success Standards. These standards, which were finalized in September 2008, recognized the pasture plate method
described by Rayburn and Rayburn (1998) as an acceptable means of estimating forage mass. This guidance established a yield of 1.6 tons of dry matter per acre as a minimal standard for successful revegetation; an average vegetation height of 8.5 inches (for unharvested sites) as determined by the pasture plate meter is also an acceptable standard for success.

The reclaimed Job 88 Surface Mine in the Union District of Grant County was subsequently added as a study site in 2013. No previous vegetation assessments have been performed at this site.

There has been no measured hay harvesting at the revegetated site, therefore height measurements with the pasture plate meter were used to evaluate vegetation productivity.

**Site Description**

Permit S-2007-89 is a coal surface mine in the Upper and Lower Freeport and Lower Kittanning coal seams. The site is located in the Union District of Grant County, and lies on the Mount Storm 7.5-minute topographic quadrangle. The operation was originally bonded for a total of 79 acres. According to the final map, the total disturbed and regraded area consisted of about 69.55 acres, plus an additional 8.45 acres for haul road and drainage control. The regraded acreage was designated for Pasture/Hayland post-mining land use.

**Methods of Investigation**

Eighty vegetation height measurement points were established in a grid-like pattern for the purpose of plate meter height measurements. The points were plotted on site aerial photography to facilitate location of the points in the field. The number of measurement points is consistent with WVDEP guidance for the use of the pasture plate meter, which specifies at least 60 but not more than 200 height measurements (Productivity and Ground Cover Success Standards, September 2008). The regraded portion of the reclaimed permit area designated as pasture/Hayland and height measurement locations, plotted on a 2011 aerial photograph of the study area, are shown on Figure 1 in Appendix A. An enlarged version of the aerial photograph was used to locate the measurement points in the field. Vegetation heights were measured on August 7, 2013.

Height measurements were recorded to the nearest inch on a tally sheet. Average forage mass was determined from average height measurements according to the following equation:

\[
FM \text{ (tons/acre)} = \frac{502 \times HT - 9.25 \times (HT)^2}{2000} \quad (1)
\]

Where

- \( FM = \) Forage Mass in tons/acre
- \( HT = \) Height in inches

The height (HT) value used in the above equation is the mean height as determined from an appropriate number of measurements with the pasture plate meter.

**Results**

Forage heights as determined with the pasture plate meter were recorded on tally sheets that are presented in Appendix B. Representative photographs of the revegetated areas are shown in Appendix C.
The average plate meter height at 80 measurement points on the unharvested Job 88 site was determined to be 11.49 inches. Therefore, vegetation growth would be considered successful based on height alone in the unharvested area. Forage mass calculations using the average height of 11.49 inches in Equation 1 above gives an average yield of 2.27 tons/acre for the unharvested area, which exceeds the 1.6 tons/acre success standard expressed in WVDEP guidance.

Conclusions and Recommendations

Site-specific height measurements with the pasture plate meter on regraded portions of the Job 88 Surface Mine in 2013 indicated that the vegetation cover is successful both on the basis of height (average height of 11.49 inches) and calculated forage mass (2.27 tons/acre).

It is our understanding that WVDEP presently requires two years of site-specific vegetation yield data prior to bond release. Therefore, a vegetation yield assessment study should be performed again in 2014 to provide the additional vegetation yield data needed to initiate bond release.

Please do not hesitate to contact us with any questions or comments you may have regarding this report or any of the data included herein.

Sincerely,

SURVEYOR & ASSOCIATES INC.

Gary M. Hilgar, PG, LRS
Senior Geologist

Attachments

Cc: Ryan Sweetwood
APPENDIX A

Measurement Point Locations
APPENDIX B

Measurement Tally Sheets
<table>
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<th>Height (in.)</th>
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<tr>
<td><strong>Totals</strong></td>
<td>80 pts</td>
<td>91 9 inches</td>
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</table>

** Avg HT = 11.49 inches**
APPENDIX C

2013 Site Photographs
Photograph # 1:
S view over S end of site near haul road.

Photograph # 2:
SW view from central portion of site.
Photograph # 3:
NW view from central portion of site.

Photograph # 4:
W view over N end of site.
Photograph # 5:
SW view from NE corner of site.

Photograph # 6:
SE view vicinity of site pond area.
Photograph # 7:
S view over NW portion of site.

Photograph # 8:
S-SE view from NW portion of site.
This section is to attach, where appropriate, the proposal, drainage, and subsidence control maps along with the eMap. Click the 'Attachments' button at the top right.

The eMap file is used by WVDEP to update the GIS database. It will prevent errors in representing the applicant's permit features that arise from manually georeferencing and digitizing scanned images of permit maps. It also will reduce misrepresentation due to data being out of date.

1. This file should contain a subset of features found on proposal/drainage and subsidence control plan maps.
2. A file is only required for actions that also require a proposal/drainage map, renewal/progress map, final map, or subsidence control plan map.
3. Applicants should use the available CAD templates for DWG files, or follow instructions for creating shapefiles or a personal geodatabase.

The eMap file for this application should conform to the WVDEP eMap standards as defined at the following location:

**See eMap Standards Requirements**

**WVDEP eMap AutoCAD Templates are available at the following locations:**

Template files for North Zone
Template files for South Zone

A free dwg file viewer can be downloaded from the following location: (Click the "Download Now" button)

Free Autodesk DWG viewer

For any questions about the eMap file or standards, please contact:

Nick Schaefer  (Email: Nick.A.Schaefer@wv.gov  Phone: 304-926-0499 ext 1510)
Mike Shank    (Email: Michael.C.Shank@wv.gov  Phone: 304-926-0499 ext 1620)
Applicant: VINDEX ENERGY LLC
Facility: S-2007-89 Phase 2 and 3 Release (04/25/2017)

Type: Phase 3 Release (Final) #2
Permit: S200789

---

Action Description
eMap ONLY please
Proposal, drainage, and subsidence control maps

---

Select file to upload
File name/Upload date
S-2007-89 Ph. 2.3 FINAL MAP_signed 5.1.17.pdf
05/01/2017

Version CBI?
0

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https://apps.dep.wv.gov/webapp/_dep/securearea/application/Templates/Objects/objDocu... 7/27/2017
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EXAMPLES
-----OF-----
BOND RELEASE
"OFFICE REVIEW"
COMMENTS
AND/OR
CORRECTIONS
RETURNED TO
COMPANY
05/31/2017 - Provide copy of notarized statement by the "permittee" [not the operator] that all applicable reclamation requirements specified in the permit have been completed.

Advertisement
05/31/2017 - Permittee should have/needs to start publication of Legal Ad. When received, include copy of Legal Ad —and— Cert. of Publication.

General Information
05/31/2017 - Include "up-to-date" information that supports "Authorized as the "Authorized Agent" for..."

Copies of Letters and Return Receipts
05/31/2017 - Provide copies of "original" notification letters and return receipts (green cards) sent to: • Current surface owners of record. • Adjoining property owners of record.* • Planning agencies.* • Sewage and water treatment authorities or companies.*

Copy of MR-12 (Request for Special Use)
05/31/2017 - [NOTE: Prior to Phase I Approval, All "Main and Internal Haul/Access Roads "must" be abandoned reclaimed and seeded according to the approved plan (See "Original Permit" Section Q = Attachment Q-1) —or— obtain MR-12 (Request for Special Use) for landowner(s) to retain said roads —and/or— drainage structures after Phase III (Final) Approval. [NOTE: Provide copy of approved MR-12 (Special Use Request) or use "Add" button on next menu item...This will allow the Env. Inspector and Bond Release Representative to approve/sign said submitted MR-12.]

Copy of MR-13 (Certification of Drainage System)
05/31/2017 - 1.) Please include verification to validate that all of the "Final" Construction Certifications for the permanent drainage control, valley fills, flumes, etc. associated with this INCREMENT have been certified...

Final Map
05/31/2017 - The permittee/applicant must include/show the extent of "all" actual augering/highwall mining, approved auger limits, augering direction, etc. of "all" highwall/auger mining for every seam mined associated with this increment. [NOTE: "All" submitted e-release maps must be signed by R.P.E. and notarized. Also, include copy of "approved" Incremental Bonding Map in this section.]
conjunction with it. The records must demonstrate that the average annual productivity for the property is equal to at least 1.6 tons of hay per acre

Copy of MR-13 (Certification of Drainage System)
06/06/2017
1. Please include verification to validate that all of the "Final" Construction Certifications for the permanent drainage control, valley fills, flumes, etc. associated with this INCREMENT have been certified.

Include Regrading X-Sections that show "before, proposed regrade and existing regrade" ground lines that represent this INCREMENT. Also, X-Sections must be @ the same locations as show on the Proposal/Drainage Map --and/or-- any update to the approved permit. Also, permittee "must" meet the "approved" PMLU for this permit/increment.

Copy of MR-8 (Final Planting Report)
06/05/2017
Due to the complexity of the approved planting plan (Revision No.11 - Approved: 12/4/2013), permittee needs to obtain confirmation w/information that said approved planting plan has been followed and "all" aspects (i.e., planting design, standards for success, maintenance schedule and performance standards) of the mentioned planting plan has been achieved.

Current Surface Owners
06/05/2017
"Current Surface Owners" submitted doesn't match the "Current Surface Owners" on Increment No. 1 Phase III Final Map. Please review and correct. [NOTE: If "Current Surface Owners" don't match, permittee "must" notify the correct surface owners.]

Copies of Letters and Return Receipts
06/02/2017
Provide copies of Notification Letters and Return Receipts (Green Cards) sent to: • Current surface owners of record. • Adjoining property owners of record. • Planning agencies. • Sewage and water treatment authorities or companies. [NOTE: Permittee "MUST" provide evidence (Green Cards) that "all" required notifications for this increment were received. This means that all notification "must" be delivered and permittee "must" exhaust all effort (i.e., County Courthouse Research, Hand Delivery, etc.) of making sure said notifications was achieved. [NOTE: Returned Mail/Envelope (i.e., Return to Sender, Not Deliverable As Addressed, Unable to Forward, etc.) does "not" meet the requirements --and/or-- acceptable for "notification for any phase release application. This matter/issue is the responsibility of the permittee --and-- needs to be resolved before this release request can be approved.]

Copy of MR-12 (Request for Special Use)
06/05/2017
Obtain MR-12 (Request for Special Use) for landowner(s) to retain said roads --and/or-- drainage structures after Phase III (Final) Approval. [NOTE: Provide copy of signed (by Inspector & Bond Release Representative)/approved MR-12 (Special Use Request) --or-- use "Add" button on next menu item.......This will allow the Env. Inspector and Bond Release Representative to approve/sign said submitted MR-12. [Note: Permittee might want to use/upload the MR-12 information that was included in the "WITHDRAWN" Incremental Phase 3 that was submitted on 8/27/2013.]

Final Map
06/05/2017
[NOTE: "All" submitted e-release maps must be signed by R.P.E. and notarized. Also, Include copy of "approved" Incremental Bonding Map in this section.]

General Information
06/05/2017
As per WV Reg. 38-2-9.3.f., "For areas areas to be developed for hayland or pasture land, the operator shall achieve at least a ninety (90) percent ground cover and a productivity level as set forth by the Secretary during any two (2) years of the responsibility period except for the first year.......Please provide two years of productivity records based on hay and/or cattle production for this permit and any permit managed in
Current Surface Owners
07/05/2017 - Please provide updated address for landowners [redacted].
WVDEP Landowner notification was returned 07/03/17 stating "Moved left no address" and "Unable to forward".

Copies of Letters and Return Receipts
07/10/2017 - Provide copies of letters and return receipts (GREEN CARDS) sent to: • Current surface owners of record. • Adjoining property owners of record.* • Planning agencies.* • Sewage and water treatment authorities or companies.*

MR-7-AD: Advertisement
07/10/2017 - When received, provide copy of Legal Ad —and— Cert. of Publication.

Raw Water History
07/10/2017 - Provide information (dates) when Sediment Channel No.1, Cells 1-6 were eliminated/removed. [Also, provide approved/signed copies with raw water information of MR-13R's for the above mentioned drainage structures.]

Copies of Letters and Return Receipts
06/16/2017 - Provide copies of Notification Letters and Return Receipts (Green Cards) sent to: • Current surface owners of record. • Adjoining property owners of record.* • Planning agencies.* • Sewage and water treatment authorities or companies.* [NOTE: Permittee "MUST" provide evidence (Green Cards) that "all" required notifications for this increment were received. This means that all notification "must" be delivered and permittee "must" exhaust all effort (i.e., County Courthouse Research, Hand Delivery, etc.) of making sure said notifications was achieved. [NOTE: Returned Mail/Envelope (i.e., Return to Sender, Not Deliverable As Addressed, Unable to Forward, etc.) does "not" meet the requirements —and/or— acceptable for "notification for any phase release application. This matter/issue is the responsibility of the permittee —and— needs to be resolved before this release request can be approved.]

General Information
06/22/2017 - Upon my review it was found that the PMLU is not currently being met for Phase 3 Release. The PMLU of this permit is "Residential". According to the original permit, Section "N" - Attachment N.1.B. - Page 170.1 - Item No. 9. "Upon completion of mining, regarding and satisfactory completion of revegetation is established, Pond A will be filled in as the site is regraded to A.O.C. The house will then be returned to a new foundation on the reclaimed site, so as to conform to the desired post-mining land use, which is "residential." As a result of this, the application will need to be withdrawn. There are a few options on how to proceed. 1) You may either apply for Phase 2 release after withdrawing this application, at which point you could do the required work for the house foundation and then apply for Phase 3 release. 2) You may seek a permit revision after withdrawing this application to change the PMLU to something such as hay land/pasture. However you would need to provide at a minimum two years of productivity reports. If this data is available from past years then this may be a more favorable route.

06/28/2017 - SECOND NOTICE: Although, as of this day, Revision No. 1 (PUMA) has been submitted (5/12/2017), reviewed and was returned back to permittee w/ comments on 5/18/2017. Permittee must diligently pursue approval of Revision No. 1 (PUMA). Therefore, again, As per PUMA Policy Clarification (6/13/2016), "All underground mine permits must be evaluated to determine the need for a PUMA, with such determination documented in the permit record." Therefore, within 30 days of the completion of underground mining operations [inspector should have notified the company/permittee via MR-6 (inspection report) of the said PUMA revision], the permittee shall submit —and—obtain approval of a DEEP MINE ABANDONMENT PLAN in the form
Copy of MR-12 (Request for Special Use)
05/26/2017 - THIRD REQUEST>>>>>> When received......Include/Provide a copy of signed/approved MR-12 (Special Use Request) or use "Add" button on next menu item.....***This will allow the Env. Inspector and Bond Release Representative to approve/sign said submitted MR-12.*** [NOTE: "ONLY" Resubmit this "Incremental Bond Release Request" when this comment has been resolved/corrected.]

Copy of MR-12 (Request for Special Use)
07/17/2017 - Permittee needs remove uploaded MR-12's for this Phase 3 application -- and-- just include a copy of the approved MR-12's. [See Phase 1 & 2 Bond Release Application (Approved: 7/26/2016) for said copy of "approved" MR-12's (5).]

Notarized Statement
07/17/2017 - Permittee needs to provide a "Notarized Statement" for this Phase 3 Bond Release Request. [NOTE. The submitted "Notarized Statement" was for the "approved" Phase 1 & 2 Release Application ....... So remove and replace with the correct "Notarized statement".

Guidelines
07/17/2017 - As per " BASIC BOND RELEASE APPLICATION REQUIREMENTS", Legal Advertisement must be included in "all" Phase 1, 2, 3, Quarry and Incremental Phase 1,2, & 3 Bond Release Applications.

General Information
07/17/2017 - Include a copy of the "Approved" MR-8's (Trees and Grasses - Final Planting Report).

MR-12: Request for Special Use
07/17/2017 - See MR-12 Comment.....
07/17/2017 - See MR-12 Comment.....
07/17/2017 - See MR-12 Comment.....
07/17/2017 - See MR-12 Comment.....
07/17/2017 - See MR-12 Comment.....
07/17/2017 - See MR-12 Comment.....
of an Article 3 permit revision. [NOTE: The permittee will "NOT" obtain APPROVAL of this Phase 3 Bond Release Request until this PUMA matter has been resolved.] If you have any questions on this PUMA matter/issue, please contact your I&E Inspector --and/or-- his Supervisor. [NOTE: Permittee has 7 days to "Withdraw --or-- this bond release request will be "DENIED".]

**MR-7-AD: Advertisement**

06/28/2017 - Permittee should have/needs to start publication of Legal Ad. When received, include copy of Legal Ad --and-- Cert. of Publication.

**Raw Water History**

06/28/2017 - Provide a copy of the "approved" MR-13R for "Excavated Sediment Pond A" w/ 12 months of raw water analyzed as per the existing NPDES effluent limits during the time of removal/elimination of said drainage structure.

[NOTE: Although, Selenium (Se), Hardness and Total Settleable Solids are "Report Only", raw water samples must be collected, analyzed and reported for these "mentioned" NPDES parameters.]

**Copy of MR-8 (Final Planting Report)**

06/28/2017 - Include/Provide a copy of signed/approved by Inspector & Bond Release Specialist MR-8 (Final Planting Report) or use "Add" button on next menu item....***This will allow the Env. Inspector and Bond Release Representative to approve/sign said submitted MR-8.***
06/06/2017 - Permittee should have started the publication of the Legal Ad upon the submittal of this Incremental Phase 1 Bond Release Request. When received, include copy of the Legal Ad --and-- Certificate of Publication.

Copies of Letters and Return Receipts
06/06/2017 - Provide copies of the "actual" notification letters and return receipts (Green Cards) sent to: • Current surface owners of record. • Adjoining property owners of record.* • Planning agencies.* • Sewage and water treatment authorities or companies.* [JUST A REMINDER: Permittee "MUST" provide evidence (Green Cards) that "all" required notifications were received. This means that the permittee "must" exhaust all effort (i.e., County Courthouse Research, Hand Delivery, etc.) of making sure said notifications was achieved. [NOTE: Returned Mail/Envelope (i.e., Return to Sender, Not Deliverable As Addressed, Unable to Forward, etc.) does "not" meet the requirements --and/or-- acceptable for "notification for any phase release application. This type of matter/issue needs to be resolved before any release request can be approved.]

Copy of MR-12 (Request for Special Use)
06/06/2017 - [NOTE: Prior to Phase I Approval, All "Main and Internal Haul/Access Roads "must" be abandoned, reclaimed and seeded according to the approved plan (See "Original Permit" Section Q = Attachment Q-1) ---or--- obtain MR-12 (Request for Special Use) for landowner(s) to retain said roads -- and/or-- drainage structures after Phase III (Final) Approval. [NOTE: Provide copy of approved MR-12 (Special Use Request) or use "Add" button on next menu item......This will allow the Env. Inspector and Bond Release Representative to approve/sign said submitted MR-12.]

General Information
06/06/2017 - As per WV Reg. 38-2-12.2.c., the Secretary may not release all or part of the bond for the permit or increment thereof in accordance with the following schedule if violations (N.O.V.) exist relative to the permitted site. Also, this matter/issue "must" be resolved before any further review (office/field) can occur that pertains to the Incremental Phase 1 bond release application. [NOTE: Permittee has 7 days from the receipt of this comment to either "Withdraw" this release application --and/or-- the release could possibly be "Denied".]

Advertisement

https://apps.dep.wv.gov/webapp/_dep/securearea/application/sendMail.cfm

https://apps.dep.wv.gov/webapp/_dep/securearea/application/sendMail.cfm
eMaps: Maps and eMap Data Section
07/12/2017 - Move submitted FINAL MAP in this section to the "Final Map Section".

Final Map
07/12/2017 - Move submitted FINAL MAP in this section to the "eMaps: Maps and eMap Data Section".

Copy of MR-13 (Certification of Drainage System)
07/12/2017 - Provide map --and/or-- drawing to show location(s) of mine seals (dry & wet).

Final Map
07/12/2017 - Show/color all associated drainage system info (i.e., discharge points, structure w/ name, show how runoff is being lowered across the regraded/reclaimed area, etc.)

Raw Water Data
07/12/2017 - What NPDES Outlets --and-- Drainage Structures were associated with this permit? Provide information......

General Information
07/14/2017 - Include signed copy of MR-7 Form.

Final Map
07/14/2017 - Please remove submitted "Final Map" if no revisions or changes has occurred since Phase 1 Approval (12/5/2014).

Guidelines
07/14/2017 - As per "BASIC BOND RELEASE APPLICATION REQUIREMENTS", Legal Advertisement must be included in Phase 1, 2, 3, Quarry and "all" Incremental Phase 1,2, & 3 Bond Release Applications.

Notarized Statement
07/14/2017 - Provide a "Notarized Statement" that reflects the "new" request for a Phase 2 & 3 Release -- not -- Phase 1 Release since it was approved on 12/5/2014.

Copy of MR-13 (Certification of Drainage System)
07/14/2017 - It has been determined by information obtained from present Environmental Inspector, past MR-6 Inspection Reports and "Google Earth" Imagery that Pond No. 1 (Outlet 001) and Pond No. 2 (Outlet 004) was "not" eliminated/removed until June 2016. Therefore, as per WV Reg. 38-2-5.4.h., this permit/operation will "not" be eligible for Phase 3 (Final) Release until June 1st, 2018. [NOTE: Permittee should consider "Withdraw" of this Phase 2 & 3 Bond Release Request Application, complete/correct "all" comments and resubmit on -or- after June 1st, 2018. Also, permittee should think about submitting a NPDES Modification to delete outlets (001 & 004)......just a suggestion!]

Copies of Letters and Return Receipts
07/14/2017 - Provide copies of actual/signed (Phase 2 & 3) notification letters and return receipts (Green Cards) sent to: • Current surface owners of record. • Adjoining property owners of record. • Planning agencies. • Sewage and water treatment authorities or companies. • [NOTE: Obtain this information and include with resubmittal.]

Copy of MR-8 (Final Planting Report)
07/14/2017 - ....Include/Provide a copy of signed by Env. Inspector --and-- Bond Release Specialist/approved MR- (Final Planting Report) for trees or use "Add" button on next menu item...."This will allow the Env. Inspector and Bond Release Representative to approve/sign said submitted MR-8's "[NOTE: See "Original/Approved" Permit Application Attachment O-9 Item G (Trees and Shrub Planting)>>Permittee must followed the "Approved" Planting Plan. The present submitted MR-8 shows that "Dogwood and Redbud" was planted for the "Trees and Shrub Planting which was not the approved -nor- mentioned tree or shrub to be planted @ this site......Please...
explain -and/or- include if any tree and shrub species were planted on the submitted MR-8 (Final Planting Report).]

Raw Water History
07/14/2017 - Permittee "must" submit one year (12 months) of raw samples (within the last twelve (12) months for each outlet (001 & 004) associated with this permit. [Also, Permittee "must" include (signed/approved) information from the Environmental Inspector to confirm "NO FLOW" at any outlets associated with this permit.]
QUESTIONS ????????