



west virginia department of environmental protection

Division of Water and Waste Management
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Harold D. Ward, Cabinet Secretary
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**CONSENT ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 11**

TO: Harrison County Coal Resources, Inc.
Attn: James R. Turner, Jr.
46226 National Road West
St. Clairsville, OH 43950

DATE: July 9, 2025

ORDER NO.: 10302

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter “Director”), under the authority of West Virginia Code 22-11-1 et seq. to Harrison County Coal Resources, Inc.

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

Rymer I & II Stream Restoration Site – WVR112355

1. Harrison County Coal Resources, Inc. is conducting land disturbance activity associated with a stream mitigation project near Rymer, Marion County, West Virginia. Harrison County Coal Resources, Inc. was issued WV/NPDES Water Pollution Control Permit No. WV0115924, Registration No. WVR112355, on November 11, 2023.
2. On November 1, 2023, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, WVDEP personnel noted the following: sediment laden water was discharging from the project at multiple locations; soil had been placed directly in Warrior Fork to install an air bridge; a diversion ditch was cut directly into Buffalo Creek with no erosion/sediment controls in place; there were no erosion/sediment controls in place at the air bridge over

Promoting a healthy environment.

Buffalo Creek; and a pump was discharging sediment laden water directly into Buffalo Creek. In addition, violations of the following sections of WV State Code and WV Legislative Rules were observed and documented:

- a. 22-11-8.b.(1) – Harrison County Coal Resources, Inc. discharged pollutants from a land disturbance into waters of the State, i.e. Buffalo Creek, without an authorized WV/NPDES permit.
- b. 47CSR2 Section 3.2.a. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating distinctly visible settleable solids at the confluence of Buffalo Creek and Bartholomew Fork (39° 31 '41"N, 80° 25' 36"W).
- c. 47CSR2 Section 3.2.b. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of Warrior Fork (39° 32 '29"N, 80° 26' 37"W).

As a result of the aforementioned violations, Notice of Violation (NOV) No. W23-24-086-TDH was issued to Harrison County Coal Resources, Inc.

3. On November 6, 2023, WVDEP personnel conducted an inspection of the facility. During the inspection, WVDEP personnel noted that sediment laden water was discharging from the project at multiple locations, and there were multiple areas where perimeter controls had not been installed to prevent the discharge of sediment laden water. In addition, violations of the following sections of WV State Code and WV Legislative Rules were observed and documented:

- a. 22-11-8(b)(1) – Harrison County Coal Resources, Inc. discharged pollutants from a land disturbance into waters of the State, i.e. Buffalo Creek, without an authorized WV/NPDES permit.
- b. 47CSR2 Section 3.2.a. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in Buffalo Creek (39° 32 '30"N, 80° 26' 38"W).

As a result of the aforementioned violations, NOV No. W23-24-087-TDH was issued to Harrison County Coal Resources, Inc.

4. On December 14, 2023, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following section of the WV/NPDES permit were observed and documented:

- a. Section II.F. – Harrison County Coal Resources, Inc. failed to properly implement controls in accordance with standard procedures and as described in the approved Stormwater Pollution Prevention Plan (SWPPP). The temporary air bridges were installed improperly. Temporary air bridges were excavated down to ground level prior to installation. Loose earth was not removed from the stream banks and was left as sediment deposits inside the stream banks. The perimeter controls were not conjoined correctly to the bridge embankment to eliminate areas where sediment laden water could bypass installed controls. Rock approaches were not installed.

As a result of the aforementioned violations, NOV No. W23-24-106-TDH was issued to Harrison County Coal Resources, Inc.

7 West Bleeder Powerline – WVR111825

5. Harrison County Coal Resources, Inc. is conducting land disturbance activity near Smithfield, Wetzel County, West Virginia. Harrison County Coal Resources, Inc. was reissued WV/NPDES Water Pollution Control Permit No. WV0115924, Registration No. WVR111825, on December 15, 2023.
6. On January 30, 2024, and February 1, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the WV/NPDES Permit were observed and documented:
 - a. 47CSR2 Section 3.2.a. – Harrison County Coal Resources, Inc. caused conditions not allowable by creating distinctly visible settleable solids in the waters of the State. Settleable solids were observed in the Unnamed Tributary of Buck Run at or near N 39° 31.0515', W 80° 31.0495'.
 - b. 47CSR2 Section 3.2.b. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of the stream. A slip into an ephemeral UNT of Price Run was observed at or near N 39° 30.7128', W 80° 32.0076'. Sediment deposits were observed in the UNT of Glade Fork at or near N 39° 30.5966', W 80° 29.8266'.
 - c. Section II.F. – Harrison County Coal Resources, Inc. failed to properly implement controls in accordance with standard procedures and as described in the approved SWPPP. Best Management Practices (BMPs) were consistently missing throughout the site where they are called for in the approved SWPPP. The approved SWPPP calls for either belted silt retention fence (BSRF) or super silt fence (SSF) in several areas. These BMPs were not installed as outlined in the detail on Drawing B22-146-D7 of the approved SWPPP.
 - d. Appendix B.I.1. – Harrison County Coal Resources, Inc. failed to properly operate and maintain all activities and installed BMPs. The installed BMPs lacked maintenance.
 - e. Section III.C.2. – Harrison County Coal Resources, Inc. failed to modify the SWPPP whenever there was a change in design, construction, scope of operation, or maintenance of BMPs, which has the potential to adversely impact the surface waters of the State, or which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activities. The disturbed area of the project exceeded the permitted Limits of Disturbance (LOD). Disturbance was noted on areas throughout the right-of-way (ROW) in the form of travel lanes for equipment. There was an unpermitted access road at or near N 39° 30.8151', W 80° 31.7010', an unpermitted access road on the west side of Buck Run Rd. that led from the ROW to Buck Run Rd. north of the ROW, an unpermitted access road on the east side of Buck Run Rd. near a well plugging site, and an unpermitted access road that leads from Mannington Rd. (CR 2/1) to the ROW on the western side of the proposed access road on drawing Sheet 3 of the approved SWPPP. The additional disturbance outside of the permitted LOD exceeds a 0.5-

acre variance. A WV/NPDES permit modification to include the additional disturbed acreage was not submitted prior to this inspection.

- f. Section II.H.1.d. – Harrison County Coal Resources, Inc. failed to gravel or have other durable surfaces on all unpaved roads. The existing access road on Drawing Sheet 2 of the approved SWPPP was disturbed and not stabilized. The proposed access roads on Drawing Sheets 1, 2, 3, and 4 were not stabilized and lacked BMPs and a gravel surface as outlined in the detail on Drawing B22-146-D7 of the approved SWPPP.
- g. Section I.G. – Harrison County Coal Resources, Inc. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits were observed at or near N 39° 30.7171', W 80° 32.0392' which is on the ROW but is not in the permitted LOD. This deficiency was due to a lack of installed BMPs. Sediment deposits were observed consistently off site along the proposed access roads due to a lack of BMPs and stabilization efforts. Sediment laden water was leaving the existing access road on Sheet 2 of the approved SWPPP; at or near N 39° 30.5232', W 80° 30.5320'; and at N 39° 30.5349', W 80° 30.4875' due to a lack of BMPs and stabilization efforts.
- h. Section III.B.2.f. – Harrison County Coal Resources, Inc. failed to maintain records that document self-inspections of erosion control devices and maintenance activities.
- i. Section II.H.2. – Harrison County Coal Resources, Inc. failed to retain a copy of the SWPPP on site.

As a result of the aforementioned violations, NOV No. W24-52-005-MJS was issued to Harrison County Coal Resources, Inc.

- 7. On April 4, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the WV/NPDES Permit were observed and documented:
 - a. 47CSR2 Section 3.2.b. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of the UNT of Price Run, the UNT of Buck Run, and the UNT of Glade Fork. Conditions not allowable in the form of sediment deposits were observed at or near N 39° 30.7218', W 80° 31.9736' in the UNT of Price Run, at or near N 39° 31.0503', W 80° 31.1356' in the UNT of Buck Run, and at or near N 39° 30.5966', W 80° 29.8266' in the UNT of Glade Fork.
 - b. 47CSR2 Section 3.2.a. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating distinctly visible settleable solids at two separate locations within Buck Run. Conditions not allowable in the form of distinctly visible settleable solids were observed at or near N 39° 31.0584', W 80° 31.2407' in Buck Run and at or near N 39° 31.1185', W 80° 31.2579' in Buck Run.
 - c. Section III.C.2. – Harrison County Coal Resources, Inc. failed to modify the SWPPP whenever there was a change in design, construction, scope of operation, or maintenance of BMPS, which has the potential to adversely impact the surface waters of the State, or which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if the SWPPP proves to be

ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activities. The disturbed area of the project exceeded the permitted LOD. Disturbance was noted on areas throughout the ROW in the form of travel lanes for equipment, unvegetated areas from the initial tree removal on the ROW, and areas for the installation of a small utility line adjacent to the power line. There was an unpermitted access road at or near N 39° 30.8187', W 80° 31.6944', at or near N 39° 30.9806', W 80° 31.3774', at or near N 39° 31.0736', W 80° 30.3038', at or near N 39° 31.1366', W 80° 31.2743', and at or near N 39° 31.0950', W 80° 30.9033', as well as an unpermitted road at station 115+00 from Buck Run Rd. to the ROW. The additional disturbance outside of the permitted LOD exceeded a 0.5-acre variance. A WV/NPDES permit modification to include the additional disturbed acreage was not submitted prior to this inspection.

- d. Appendix B.I.1. – Harrison County Coal Resources, Inc. failed to properly operate and maintain all activities and installed BMPs. The BMPs lacked maintenance.
- e. Section II.H.1.d. – Harrison County Coal Resources, Inc. failed to gravel, or have other durable surfaces, on all unpaved roads. The existing access road on drawing sheet 2 of the approved SWPPP was disturbed and was not stabilized. The proposed access roads on drawing sheets 1, 2, 3, and 4 were not stabilized and lacked a gravel surface as outlined in the detail on drawing B22-146-D7 of the approved SWPPP.
- f. Section I.B. – Harrison County Coal Resources, Inc. failed to comply with the approved SWPPP. The access roads throughout the site lacked BMPs as outlined in the detail on drawing B22-146-D7 of the approved SWPPP.
- g. Section II.H.3.b.9. – Harrison County Coal Resources, Inc. failed to protect fill slopes. Erosion channels were observed consistently throughout the site on the disturbed area of the ROW.
- h. Section I.G. – Harrison County Coal Resources, Inc. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits in the form of slips were observed on the ROW but not within the permitted LOD at or near N 39° 30.7161', W 80° 32.0194' and at or near N 39° 30.7951', W 80° 31.7864'. Sediment laden water was leaving the site at or near the following locations:
 - i. Unpermitted access road at station 137+00 at or near GPS N 39° 30.8187', W 80° 31.6944': N 39° 30.7677', W 80° 31.7202'; N 39° 30.7563', W 80° 31.7213'.
 - ii. Proposed access road on drawing sheet 3 of the approved SWPPP: N 39° 30.8977', W 80° 31.6754'; N 39° 30.9685', W 80° 31.6435'; N 39° 30.9789', W 80° 31.6173'; N 39° 30.9782', W 80° 31.6087'; N 39° 30.9947', W 80° 31.5719'; N 39° 30.9891', W 80° 31.5432'; N 39° 30.9795', W 80° 31.5251'; N 39° 30.9749', W 80° 31.5214'; N 39° 30.9694', W 80° 31.4477'.
 - iii. From the ROW between stations 120+00 and 125+00: N 39° 30.9457', W 80° 31.4481'; N 39° 30.9490', W 80° 31.4326'.
 - iv. Unpermitted access from the ROW at or near N 39° 30.9806', W 80° 31.3774' down to Buck Run Rd.: N 39° 30.9895', W 80° 31.3772'; N 39°

- 31.0243', W 80° 31.3335'; N 39° 31.8484', W 80° 31.3387'; N 39° 31.0498', W 80° 31.3283'.
- v. Unpermitted access road at or near N 39° 31.0736', W 80° 30.3038': N 39° 31.0532', W 80° 31.3045'; N 39° 31.0410', W 80° 31.3097'; N 39° 31.0373', W 80° 31.3126'; N 39° 31.0187', W 80° 31.3165'; N 39° 31.0050', W 80° 31.3265'; N 39° 31.0779', W 80° 31.3070'.
 - vi. Unpermitted access road at or near N 39° 31.1366', W 80° 31.2743': N 39° 31.0703', W 80° 31.2682'; N 39° 31.0366', W 80° 31.2721'; N 39° 31.0110', W 80° 31.2872'.
 - vii. Existing access road on drawing sheets 2 and 3 of the approved SWPPP that connects the ROW to Pickenpaw Rd.: N 39° 30.9805', W 80° 30.5575'; N 39° 30.9827', W 80° 30.5636'; N 39° 30.9633', W 80° 30.6066'; N 39° 30.9899', W 80° 30.6936'; N 39° 31.0252', W 80° 30.7007'; N 39° 31.0457', W 80° 30.7318'.
 - viii. Unpermitted access road between Buck Run Rd. and Pickenpaw Rd. at or near N 39° 31.0950', W 80° 30.9033': N 39° 31.1043', W 80° 30.9749'.
 - ix. Between stations 100+00 and 115+00 on the ROW and from the unpermitted access road at station 115+00: N 39° 31.0461', W 80° 31.0244'; N 39° 31.0460', W 80° 31.0529'; N 39° 31.0306', W 80° 31.1208'; N 39° 31.0380', W 80° 31.1585'.
 - x. The proposed access road on drawing sheet 2 of the approved SWPPP: N 39° 30.8158', W 80° 29.8998'; N 39° 30.8884', W 80° 29.9053'; N 39° 30.8959', W 80° 29.9284'; N 39° 30.9030', W 80° 29.9669'; N 39° 30.8934', W 80° 30.0364'; N 39° 30.8757', W 80° 30.1005'; N 39° 30.8552', W 80° 30.1391'.
 - xi. The existing access road on drawing sheet 2 of the approved SWPPP: N 39° 30.8219', W 80° 30.2317'; N 39° 30.8112', W 80° 30.2427'; N 39° 30.7948', W 80° 30.2454'; N 39° 30.7025', W 80° 30.2817'; N 39° 30.6554', W 80° 30.3161'; N 39° 30.5328', W 80° 30.4918'; N 39° 30.5143', W 80° 30.5347'; N 39° 30.4742', W 80° 30.5793'; N 39° 30.4381', W 80° 30.5532'; N 39° 30.4200', W 80° 30.5298'; N 39° 30.3899', W 80° 30.4622'.
 - xii. The proposed access road on drawing sheet 1 of the approved SWPPP: N 39° 30.4346', W 80° 29.3473'; N 39° 30.4201', W 80° 29.4334'.
- i. Section III.B.2.a. – Harrison County Coal Resources, Inc. failed to conduct inspections in accordance with the following inspection frequencies: Once every four (4) calendar days, and within 24 hours of a precipitation event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. The self inspection reports were observed on April, 16 2024. These were located in the mailbox at the 7 West substation. The inspection dates were all roughly seven (7) days apart with some larger time gaps.
 - j. Section II.F. – Harrison County Coal Resources, Inc. failed to properly implement controls in accordance with standard procedures and as described in the approved SWPPP. Incorrect BMPs were installed at station 48+00 at or near N 39° 30.7266', W 80° 29.9277' and along the proposed access road on drawing sheet 2 of the approved SWPPP.

As a result of the aforementioned violations, NOV No. W24-52-014-MJS was issued to Harrison County Coal Resources, Inc.

8. On June 6, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the WV/NPDES Permit were observed and documented:
 - a. 47CSR2 Section 3.2.b. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of the UNT of Price Run, the UNT of Buck Run, and the UNT of Glade Fork. Conditions not allowable in the form of sediment deposits were observed at or near N 39° 30.7209', W 80° 32.0479' in UNT Price Run, at or near N 39° 30.9039', W 80° 31.5246' in UNT Buck Run, at or near N 39° 31.0451', W 80° 31.1414' in UNT Buck Run, and at or near N 39° 30.6051', W 80° 29.8265' in UNT Glade Fork.
 - b. 47CSR2 Section 3.2.a. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in UNT Buck Run and Buck Run. Conditions not allowable in the form of distinctly visible settleable solids were observed at or near N 39° 30.9039', W 80° 31.5246' in UNT Buck Run, at or near N 39° 31.0767', W 80° 31.2218' in UNT Buck Run, and at or near 39°31'02.0"N 80°31'14.0"W in Buck Run.
 - c. Section I.G. – Harrison County Coal Resources, Inc. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment laden water was leaving the site at or near the following locations: N 39° 30.7195', W 80° 31.9785' in the form of a slip on the ROW and off the LOD; at or near N 39° 30.7951', W 80° 31.7864' in the form of a slip on the ROW and off the LOD; off the proposed access road on sheets 3 and 4 of the approved SWPPP drawings; on the ROW at or near station 137+00 in the form of a slip off the LOD but on the ROW; the unpermitted road at or near N 39° 30.9762', W 80° 31.3966' that leads down to Buck Run; the proposed access road and ROW between stations 75+00 and 100+00; station 104+50 at or near N 39° 31.0509', W 80° 31.0313'; station 110 at or near N 39° 31.0430', W 80° 31.0574'; the unpermitted access road to the ROW at or near N 39° 30.7013', W 80° 29.9235'; the proposed access road on drawing sheets 1 & 2 of the approved SWPPP; the existing access road on drawing sheet 2 of the approved SWPPP; and the proposed access road on drawing sheet 1 of the approved SWPPP.
 - d. Section III.C.2. – Harrison County Coal Resources, Inc. failed to modify the SWPPP whenever there was a change in design, construction, scope of operation, or maintenance of BMPS, which has the potential to adversely impact the surface waters of the State, or which has a significant effect on the potential for the discharge of pollutants to the waters of the State, or if the SWPPP proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activities. The disturbed area of the project exceeded the permitted LOD. Disturbance was noted on areas throughout the ROW in the form of travel lanes for equipment, unvegetated areas from the initial tree removal on the ROW, and disturbed areas for the installation of a small utility line adjacent to the power line. There were unpermitted access roads at or near N 39° 30.8187', W 80° 31.6944'; at or near N 39° 30.9806', W 80°

31.3774'; at or near N 39° 31.0736', W 80° 30.3038'; at or near N 39° 31.1366', W 80° 31.2743'; and at or near N 39° 31.0950', W 80° 30.9033'; as well as an unpermitted road at station 115+00 from Buck Run Rd. to the ROW. Additional disturbance since the previous inspection on April 4, 2024 was observed on the ROW but off the LOD between stations 150+00 and 165+00, and there was an additional unpermitted access road from the ROW at or near station 47+00 which led to small utility poles on the ROW. Additional disturbance outside of the permitted LOD exceeded a 0.5-acre variance. A WV/NPDES permit modification to include the additional disturbed acreage was submitted on April 19, 2024, but had not yet been approved.

- e. Appendix B.I.1. – Harrison County Coal Resources, Inc. failed to properly operate and maintain all activities and installed BMPs. The BMPs lacked maintenance.
- f. Section II.H.1.d. – Harrison County Coal Resources, Inc. failed to gravel, or have other durable surfaces, on all unpaved roads. The existing access road on drawing sheet 2 and sheets 2 and 3 of the approved SWPPP was disturbed and not stabilized. The proposed access roads on drawing sheets 1, 2, 3, and 4 were not stabilized and lacked a gravel surface as outlined in the detail on drawing B22-146-D7 of the approved SWPPP.
- g. Section I.B. – Harrison County Coal Resources, Inc. failed to comply with the approved SWPPP. Access roads lacked any upslope ditching with cross culverts, water bars, or broad-based dips as indicated in the approved SWPPP.
- h. Section II.H.3.b.9. – Harrison County Coal Resources, Inc. failed to protect fill slopes. Erosion channels were observed consistently throughout the site on the disturbed area of the ROW.
- i. Section III.A.2. – Harrison County Coal Resources, Inc. failed to minimize the exposure of materials present on the site to stormwater. Nylon baling twine was discarded on the right-of-way between stations 150+00 and 165+00.

As a result of the aforementioned violations, NOV No. W24-52-029-MJS was issued to Harrison County Coal Resources, Inc.

- 9. On August 26, 2024, WVDEP issued Order No. 10284 to Harrison County Coal Resources, Inc. The Order was issued in response to violations, of WV Legislative Rules and the WV/NPDES Permit, which occurred at the aforementioned facility (i.e., Permit No. WV0115924, Registration No. WVR111825). On September 12, 2024, WVDEP approved Harrison County Coal Resources, Inc.'s Plan of Corrective Action (POCA), which was submitted on September 10, 2024, to fulfill the requirement of Order No. 10284.
- 10. On October 31, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the WV/NPDES Permit were observed and documented:
 - a. 47CSR11 Section 2.5.a. – Harrison County Coal Resources, Inc. failed to take any and all measures necessary to clean up, remove, and otherwise render a spill or discharge harmless to the waters of the State. Harrison County Coal Resources, Inc. had made no apparent effort to remove the material that had been discharged

into UNT Buck Run at or near N 39° 30.9039', W 80° 31.5246' at approximately station 130+00. Slip material documented during the previous inspection on June 6, 2024 was still present in the stream.

- b. 47CSR2 Section 3.2.b. – Harrison County Coal Resources, Inc. caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of UNT Buck Run at or near GPS coordinate 39° 31 '01.2"N 80° 31' 11.8"W.
- c. Section I.B. – Harrison County Coal Resources, Inc. failed to comply with the approved SWPPP. The access roads that began at the base of Pickenpaw Road near station 75+00 and at Buck Run Road near station 113+00 lacked water bars/cross culverts, ditch checks, and a graveled surface as outlined on the detail sheet (sheet 3.0) of the approved SWPPP.
- d. Section I.G. – Harrison County Coal Resources, Inc. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment was observed offsite in the form of rollout at or near N 39° 30.9679', W 80° 30.5184' and adjacent to the waterbar outlet at station 77+50.
- e. Appendix B.I.1. – Harrison County Coal Resources, Inc. failed to properly operate and maintain all activities and installed BMPs. BMPs between stations 150+00 and 165+00 and BMPs between stations 75+00 and 80+00 lacked maintenance.

As a result of the aforementioned violations, NOV No. W24-52-055-MJS was issued to Harrison County Coal Resources, Inc.

7 West Bleeder Shaft CR Refurbishment – WVR111548

- 11. Harrison County Coal Resources, Inc. is conducting land disturbance activity in Smithfield, Wetzel County, West Virginia. Harrison County Coal Resources, Inc. was reissued WV/NPDES Water Pollution Control Permit No. WV0115924, Registration No. WVR111548, on August 1, 2023.
- 12. On February 13, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the WV/NPDES Permit were observed and documented:
 - a. Appendix B.I.1. – Harrison County Coal Resources, Inc. failed to properly operate and maintain all activities and installed BMPs. Rock ditch checks and installed silt fence were consistently lacking maintenance throughout the site. A slip was present at or near station 29+25. The slip material was deposited in Ditch A-6 upgradient of Ephemeral 8. The slope where the slip occurred and ditch A-6 lacked maintenance.
 - b. Section II.F. – Harrison County Coal Resources, Inc. failed to properly implement controls in accordance with standard procedures and as described in the approved SWPPP. Drop inlet protection was missing on inlets B2, B3 and B4. Inlet protection was missing at the culvert inlet at Station 9+00 for UNT 2, Station 20+00 for UNT 4 and 5, and Station 37+00 for Ephemeral 11.
 - c. Section I.G. – Harrison County Coal Resources, Inc. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment was observed off site at or near station 24+00, and sediment laden water was leaving the site at or near station 29+00.

- d. Section III.A.2. – Harrison County Coal Resources, Inc. failed to minimize the exposure of materials to stormwater. Turf reinforcement matting (TRM) was piled on and off the LOD at or near station 24+00.

As a result of the aforementioned violations, NOV No. W24-52-007-MJS was issued to Harrison County Coal Resources, Inc.

13. On March 27, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the WV/NPDES Permit were observed and documented:

- a. Section I.G. – Harrison County Coal Resources, Inc. failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment laden water was leaving the site from stormwater discharge 11 at station 37+00 and at discharge point 9 at station 25+00.
- b. Appendix B.I.1. – Harrison County Coal Resources, Inc. failed to properly operate and maintain all activities and installed BMPs. The BMPs lacked maintenance throughout the project area.
- c. Section II.F. – Harrison County Coal Resources, Inc. failed to properly implement controls in accordance with standard procedures and as described in the approved SWPPP. Rock checks were missing throughout the project area, and inlet protection was missing at drop inlets for Discharge point 4, Discharge point 3, Discharge point 2, drop inlet B3, B2, and B1. The incorrect type of silt fence was installed at stations 29+50, 29+00, and 15+50.
- d. Section III.A.2. – Harrison County Coal Resources, Inc. failed to minimize the exposure of materials present on the site to stormwater. Turf reinforcement matting was piled and discarded on the site at or near N 39° 30.7077', W 80° 32.7780' and between stations 15+00 and 20+00.

As a result of the aforementioned violations, NOV No. W24-52-015-MJS was issued to Harrison County Coal Resources, Inc.

General Information

14. On November 12, 2024, WVDEP personnel and representatives of Harrison County Coal Resources, Inc. met to discuss the terms and conditions of this Order.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

- 1. Harrison County Coal Resources, Inc. shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
- 2. Within twenty (20) days of the effective date of this Order, Harrison County Coal Resources, Inc. shall submit for approval a proposed plan of corrective action and

schedule, outlining action items and completion dates for how and when Harrison County Coal Resources, Inc. will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The plan of corrective action shall include, but not be limited to, provisions for proper remediation of all areas identified in this Order where conditions not allowable were observed and documented in waters of the State, as defined in WV Legislative Rule 47CSR2 Section 3.2. In addition, the plan of corrective action shall include, but not be limited to, provisions for submittal of a report which documents that proper remediation of the aforementioned areas has occurred. The plan of corrective action shall make reference to WV/NPDES Permit No. WV0115924, Registration Nos. WVR111548, WVR111825, WVR112355, and Order No. 10302. The plan of corrective action shall be submitted to:

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

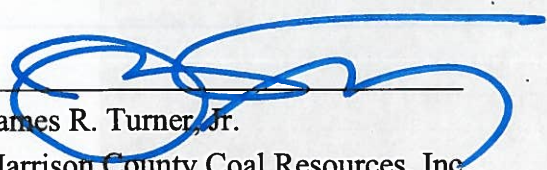
3. Because of Harrison County Coal Resources, Inc.'s violations, Harrison County Coal Resources, Inc. shall be assessed a civil administrative penalty of seventy-six thousand eight hundred ninety dollars (\$76,890) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund in accordance with the following schedule: six thousand four hundred seven dollars and fifty cents (\$6,407.50) shall be submitted within thirty (30) days after the effective date of this Order and by the first day of each month thereafter for the next eleven (11) months. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. Harrison County Coal Resources, Inc. hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, Harrison County Coal Resources, Inc. agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, Harrison County Coal Resources, Inc. does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding Harrison County Coal Resources, Inc. other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, Harrison County Coal Resources, Inc. shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Harrison County Coal Resources, Inc. becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which Harrison County Coal Resources, Inc. intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of Harrison County Coal Resources, Inc. (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Harrison County Coal Resources, Inc. of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Harrison County Coal Resources, Inc. to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on Harrison County Coal Resources, Inc., its successors and assigns.

7. This Order shall terminate upon Harrison County Coal Resources, Inc.'s notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



James R. Turner, Jr.
Harrison County Coal Resources, Inc.

7/16/2025

Date

Public Notice begin:

Date

Public Notice end:

Date

Jeremy W. Bandy, Director
Division of Water and Waste Management

Date



Conditions not allowable as sediment deposit on bottom of Warrior Fork (39° 32 '29"N, 80° 26' 37"W).



Confluence of Warrior Fork and Buffalo Creek.



Disturbance on the project.



A diversion ditch was cut directly into Buffalo Creek with no erosion sediment controls in place.



Air bridge over Buffalo Creek in the middle of the project with no controls in place.



Conditions of Buffalo Creek above the pumping operation.



Red arrow shows discharge end of pump is directly in Buffalo Creek.



Conditions not allowable as visible settleable solids at the Confluence of Buffalo Creek and Bartholomew Fork (39° 31 '41''N, 80° 25' 36''W).



Confluence of Warrior Fork and Buffalo Creek.



Conditions not allowable - visible settleable solids in Buffalo Creek (39° 32 '30''N, 80° 26' 38''W).

Harrison County Coal Resources, Inc.
Unpermitted
November 6, 2023



Area above active work area where water is clear in Buffalo Creek. Missing perimeter controls along the edge of the stream.



Perimeter controls were not tied to the bridge correctly creating bypasses in the controls.



Approximately 30 feet of unprotected area close to Warrior Fork lacked perimeter controls.



Approximately 30 feet of unprotected area close to Warrior Fork lacked perimeter controls.



Perimeter controls were not tied to the bridge correctly, creating bypasses in the controls.



Temporary stream crossing bridge was excavated to ground level to be installed. Temporary bridge was not installed as depicted in the SWPPP.



By excavating the temporary bridge down to ground level, sediment is being placed directly in the stream where it can be transported outside the LOD during a rain event.



Photo # DSCF1498: Disturbed travel lane outside of LOD at or near station 170+00.



Photo # DSCF1501: Area at or near station 165+00 that is missing BMPs (BSRF or super silt fence).



Photo # DSCF1523: Sediment deposits in Ephemeral UNT Price Run at or near N 39° 30.7128', W 80° 32.0076.



Photo # DSCF1531: Sediment laden water and non-maintained BMPs. The BMPs are not installed as detailed in the SWPP.



Photo # DSCF1532: Area at or near station 152+00 that is missing BMPs.



Photo # DSCF1566: Disturbed travel lane off LOD between stations 137+00 and 150+00.



Photo # DSCF1572: Slip in disturbed area off LOD at or near station 145+00.



Photo # DSCF1595: Area that is missing BMPs (BSRF or super silt fence) at or near station 137+00.



Photo # DSCF1607: Unpermitted access road that leaves the ROW at or near N 39° 30.8151', W 80° 31.7010'.



Photo # DSCF1620: Slip adjacent to the proposed access road on sheets 3 and 4.



Photo # DSCF1625: Unstabilized proposed access road on sheet 3 and 4.



Photo # DSCF1632: Silt fence lacks maintenance at or near station 123+00 and is not the BMP (BSRF or super silt fence) described in the SWPPP.



Photo # DSCF1639: Unpermitted access road on the north side of the ROW from station 123+00 leading down to the west side of Buck Run.



Photo # DSCF1718: Conditions not allowable at or near N 39° 31.0515', W 80° 31.0495'.



Photo # DSCF1722: Conditions not allowable in UNT Buck Run at or near N 39° 31.0515', W 80° 31.0495'.



Photo # DSCF1725: Conditions not allowable in UNT Buck Run downstream of N 39° 31.0515', W 80° 31.0495'.



Photo # DSCF1728: Conditions not allowable in UNT Buck Run (red arrow) with visibly settleable solids downstream of N 39° 31.0515', W 80° 31.0495'.



Photo # DSCF1678: Confluence of UNT and Buck Run at N 39° 31.0559', W 80° 31.2483'.



Photo # DSCF1680: Unpermitted access road off of the east side of Buck Run Rd at or near station 115+00.



Photo # DSCF1683: Unpermitted access road off of the east side of Buck Run Rd at or near station 112+00.



Photo # DSCF1685: Sediment laden water leaving adjacent to the unpermitted access road off the east side of Buck Run Rd at or near station 112+00.



Photo # DSCF1694: Unpermitted disturbance off the LOD in the powerline ROW between stations 112+00 and 100+00. No BMPs installed.



Photo # DSCF1700: Sediment off LOD leading to a UNT near station 110+00.



Photo # DSCF1704: BMPs at or near station 110+00 lacked maintenance and are not the BMPs detailed in the SWPPP.



Photo # DSCF1707: Improperly installed silt fence, which is not the BMP detailed in the SWPPP.



Photo # DSCF1710: Disturbance outside of the permitted LOD.
between stations 110+00 and 100+00



Photo # DSCF1744: Unpermitted access road that starts off Mannington Rd. (CR 2/1) at or near 39°30'24.4"N 80°31'44.1"W.



Photo # DSCF1789: Sediment laden water leaving the unstabilized existing access road found on Sheet 2 of the drawings in the SWPPP.



Photo # DSCF1792: Incorrect BMPs installed at or near station 63+00. The SWPPP calls for BSRF or super silt fence.



Photo # DSCF1798: Area missing BMPs (BSRF or super silt fence) at or near station 63+00.



Photo # DSCF1828: Proposed access road found on Sheet 2 of the drawings in the SWPPP lacks stabilization.



Photo # DSCF1830: Incorrect BMPs installed which lack maintenance at or near station 47+00. The SWPPP calls for BSRF or super silt fence.



Photo # DSCF1843: Disturbed area outside of the permitted LOD between stations 47+00 and 38+00.



Photo # DSCF1846: Sediment deposits in UNT Glade Fork at or near N 39° 30.5966', W 80° 29.8266.



Photo # DSCF1850: Sediment deposits in UNT Glade Fork at or near N 39° 30.5966', W 80° 29.8266.



Photo # DSCF1856: Unpermitted access road off of Pickenpaw Rd. at or near 39°30'52.62"N, 80°30'28.76"W.



Photo # DSCF1861: BMPs lack maintenance between stations 75+00 and 80+00.



Photo # DSCF1863: Disturbed area outside of LOD between stations 75+00 and 80+00.



Photo # DSCF18785: Disturbed area outside of LOD between stations 80+00 and 100+00.



Photo # DSCF1877: BMPs are not installed as detailed in the SWPPP at or near station 80+00.



Photo # DSCF1889: Proposed access road on drawing Sheet 1 lacks stabilization.



Photo # DSCF1892: Installed BMPs are not installed as detailed in the SWPPP at or near station 12+00.



Photo # DSCF1894: Disturbed area outside of the LOD between station 12+00 and 25+00



Photo # DSCF3591: ROW and travel lane between stations 165+00 and 152+00.



Photo # DSCF3605: BMPs lack maintenance at or near station 157+00.



Photo # DSCF3612: BMPs lack maintenance near station 155+00.



Photo # DSCF3616: Slip material at or near N 39° 30.7218', W 80° 31.9736' entering UNT Price Run.



Photo # DSCF3626: Sediment deposits on the bottom of UNT Price Run at or near N 39° 30.7218', W 80° 31.9736'.



Photo # DSCF3639: Overview of the project ROW between stations 152+00 to 165+00.



Photo # DSCF3640: Slip (circled) and material (arrow) entering UNT Price Run at or near N 39° 30.7218', W 80° 31.9736'.



Photo # DSCF3652: Travel lane on the ROW between stations 150+00 and 140+00.



Photo # DSCF3661: Disturbed travel lane in ROW off LOD between stations 150+00 and 140+00.



Photo # DSCF3673: Unpermitted access road at station 137+00 at or near N 39° 30.8187', W 80° 31.6944'.



Photo # DSCF3681: Sediment laden water leaving unpermitted access road at or near N 39° 30.7677', W 80° 31.7202'.



Photo # DSCF3682: Sediment laden water and sediment leaving the unpermitted access road at or near N 39° 30.7563', W 80° 31.7213'.



Photo # DSCF3684: Unpermitted access road that starts at ROW at or near N 39° 30.8187', W 80° 31.6944' with no BMPs or stabilization.



Photo # DSCF3690: Proposed access road on drawing sheet 3 of the SWPPP lacks stabilization.



Photo # DSCF3694: Sediment laden water leaving the proposed access road on sheet 3 at or near N 39° 30.8977', W 80° 31.6754'.



Photo # DSCF3699: Sediment laden water leaving the proposed access road on sheet 3 at or near N 39° 30.9685', W 80° 31.6435'.



Photo # DSCF3700: Proposed access road on drawing sheet 3 of the approved SWPPP lacks stabilization and BMPs.



Photo # DSCF3704: Source of sediment laden water leaving the proposed access road on sheet 3 at or near N 39° 30.9789', W 80° 31.6173'.



Photo # DSCF3714: Proposed access road on drawing sheet 3 of the approved SWPPP lacks stabilization and BMPs.



Photo # DSCF3718: Sediment laden water leaving the proposed access road on sheet 3 at or near N 39° 30.9891', W 80° 31.5432'.



Photo # DSCF3725: Sediment laden water leaving the proposed access road on sheet 3 at or near N 39° 30.9749', W 80° 31.5214'.



Photo # DSCF3727: Proposed access road on drawing sheet 3 of the approved SWPPP lacks stabilization and BMPs.



Photo # DSCF3730: Sediment laden water leaving the proposed access road on sheet 3 at or near N 39° 30.9694', W 80° 31.4477'.



Photo # DSCF3733: Erosion in the travel lane off LOD in the ROW between stations 130+00 and 135+00.



Photo # DSCF3737: Sediment laden water leaving from the ROW between stations 120+00 and 125+00 at or near N 39° 30.9457', W 80° 31.4481'.



Photo # DSCF3740: Sediment laden water leaving from the ROW between stations 120+00 and 125+00 at or near N 39° 30.9490', W 80° 31.4326'.



Photo # DSCF3744: Unpermitted access road at or near N 39° 30.9806', W 80° 31.3774' that leads down to Buck Run Rd. and lacks stabilization and BMPs.



Photo # DSCF3751: Unpermitted access road at or near N 39° 30.9806', W 80° 31.3774' that leads down to Buck Run Rd. and lacks stabilization and BMPs.



Photo # DSCF3757: Sediment laden water leaving the unpermitted access road to Buck Run Rd.
at or near N 39° 31.0243', W 80° 31.3335'.



Photo # DSCF3761: Sediment laden water leaving the unpermitted access road to Buck Run Rd.
at or near N 39° 31.8484', W 80° 31.3387'.



Photo # DSCF3762: Unpermitted access road at or near N 39° 30.9806', W 80° 31.3774' that leads down to Buck Run Rd. and lacks stabilization and BMPs.



Photo # DSCF3774: Unpermitted access road at or near N 39° 31.0736', W 80° 30.3038' that lacks stabilization and BMPs.



Photo # DSCF3776: Sediment laden water leaving the unpermitted access road at N 39° 31.0736', W 80° 30.3038' at or near N 39° 31.0410', W 80° 31.3097'



Photo # DSCF3779: Sediment laden water leaving the unpermitted access road at N 39° 31.0736', W 80° 30.3038' at or near N 39° 31.0373', W 80° 31.3126'.



Photo # DSCF3783: Sediment laden water leaving the unpermitted access road at N 39° 31.0736', W 80° 30.3038' at or near N 39° 31.0187', W 80° 31.3165'.



Photo # DSCF3785: Sediment laden water leaving the unpermitted access road at N 39° 31.0736', W 80° 30.3038' at or near N 39° 31.0050', W 80° 31.3265'.



Photo # DSCF3793: Unpermitted access road to Buck Run that lacks stabilization and BMPs.



Photo # DSCF3800: Sediment laden water leaving the unpermitted access road near N 39° 31.1366', W 80° 31.2743' at or near N 39° 31.0703', W 80° 31.2682'.



Photo # DSCF3805: Sediment laden water leaving the unpermitted access road near N 39° 31.1366', W 80° 31.2743' at or near N 39° 31.0366', W 80° 31.2721'.



Photo # DSCF3808: Sediment laden water leaving the unpermitted access road near N 39° 31.1366', W 80° 31.2743' at or near N 39° 31.0110', W 80° 31.2872'.



Photo # DSCF3812: Unpermitted access road to Buck Run that lacks stabilization and BMPs.



Photo # DSCF3813: Sediment laden water leaving the unpermitted access road to Buck Run.



Photo # DSCF3818: Sediment laden water and sediment off of the unpermitted road to Buck Run.



Photo # DSCF3821: Sediment laden water from the unpermitted access road to Buck Run flowing toward Buck run.



Photo # DSCF3995: Sediment laden water entering Buck Run at or near N 39° 31.1185', W 80° 31.2579' creating conditions not allowable in the form of distinctly visible settleable solids.



Photo # DSCF4153: Sediment laden water leaving the proposed access road on sheet 1 at or near N 39° 30.4346', W 80° 29.3473'.



Photo # DSCF3857: Silt fence lacks maintenance at or near N 39° 30.9564', W 80° 30.5013'.



Photo # DSCF3858: Existing access road on sheets 2 and 3 from Pickenpaw Rd. lacks stabilization and BMPs.



Photo # DSCF3867: Sediment laden water leaving the existing access road on sheets 2 and 3 from Pickenpaw Rd. at or near N 39° 30.9805', W 80° 30.5575'.



Photo # DSCF3870: Sediment laden water leaving the existing access road on sheets 2 and 3 from Pickenpaw Rd. at or near N 39° 30.9827', W 80° 30.5636'.



Photo # DSCF3891: Existing access road on sheets 2 and 3 from Pickenpaw Rd. lacks stabilization and BMPs.



Photo # DSCF3896: Sediment laden water leaving the existing access road on sheets 2 and 3 from Pickenpaw Rd. at or near N 39° 31.0252', W 80° 30.7007'.



Photo # DSCF3902: Silt fence lacks maintenance at or near N 39° 31.0547', W 80° 30.8078.



Photo # DSCF3913: Unpermitted access road between Buck Run Rd. and Pickenpaw Rd. at or near N 39° 31.0950', W 80° 30.9033' that lacks stabilization and BMPs.



Photo # DSCF3925: Sediment laden water leaving the unpermitted access road between Buck Run Rd. and Pickenpaw Rd. at or near N 39° 31.1043', W 80° 30.9749'.



Photo # DSCF3928: Overview of the ROW from stations 100+00 to 115+00.



Photo # DSCF3932: Overview of the ROW from stations 100+00 to 115+00.



Photo # DSCF3942: BMPs lacking maintenance and sediment laden water leaving the ROW at or near N 39° 31.0460', W 80° 31.0529'.



Photo # DSCF3945: BMPs lacking maintenance and sediment laden water leaving the ROW at or near N 39° 31.0460', W 80° 31.0529'.



Photo # DSCF3952: BMPs lack maintenance (undercut) at station 110+00.



Photo # DSCF3955: Sediment laden water leaving the ROW at or near N 39° 31.0306', W 80° 31.1208'.



Photo # DSCF3962: Sediment deposits creating conditions not allowable in UNT Buck Run at or near N 39° 31.0503', W 80° 31.1356'.



Photo # DSCF3967: Unpermitted road from Buck Run Rd. at station 115+00.



Photo # DSCF3973: Sediment laden water leaving the unpermitted road from Buck Run Rd. at station 115+00 at or near N 39° 31.0380, W 80° 31.1585'.



Photo # DSCF3981: Sediment laden water from unpermitted access road at station 115+00 entering a culvert (red arrow) along Buck Run Rd.



Photo # DSCF3983: Sediment laden water exiting culvert on Buck Run Rd. in UNT Buck Run.



Photo # DSCF3986: UNT Buck Run (left) entering Buck Run (right) creating conditions not allowable in the form of distinctly visible settleable solids at or near N 39° 31.0584', W 80° 31.2407'.



Photo # DSCF4003: Sediment deposits creating conditions not allowable in UNT Glade Fork at or near N 39° 30.5966', W 80° 29.8266'.



Photo # DSCF4004: Travel lane on disturbed ROW off LOD at station 39+00 with no BMPs. UNT Glade Fork noted by red arrow.



Photo # DSCF4007: Sediment deposits creating conditions not allowable in UNT Glade Fork at or near N 39° 30.5966', W 80° 29.8266'.



Photo # DSCF4010: Overview of the disturbed ROW between stations 35+00 and 28+00.



Photo # DSCF4024: Disturbed travel lane in ROW between stations 40+00 and 47+00. No BMPs installed.



Photo # DSCF4030: Incorrect BMPs installed at station 48+00 at or near N 39° 30.7266', W 80° 29.9277'.



Photo # DSCF4032: Overview of disturbed ROW between stations 52+00 and 63+00.



Photo # DSCF4034: Proposed access road on drawing sheet 2 lacks stabilization and BMPs.



Photo # DSCF4040: Sediment laden water leaving the proposed access road on drawing sheet 2 at or near N 39° 30.8158', W 80° 29.8998'. Note lack of maintenance on the incorrect silt fence.



Photo #DSCF4045: Incorrect silt fence along the proposed access road on drawing sheet 2 of the approved SWPPP.



Photo # DSCF4049: Sediment laden water leaving the proposed access road on drawing sheet 2 at or near N 39° 30.8884', W 80° 29.9053'.



Photo # DSCF4052: Sediment laden water leaving the proposed access road on drawing sheet 2 at or near N 39° 30.8959', W 80° 29.9284'



Photo # DSCF4054: Proposed access road on drawing sheet 2 lacks stabilization and BMPs.



Photo # DSCF4056: Sediment laden water leaving the proposed access road on drawing sheet 2 at or near N 39° 30.9030', W 80° 29.9669'.



Photo # DSCF4061: Sediment laden water leaving the proposed access road on drawing sheet 2 at or near N 39° 30.8934', W 80° 30.0364'.



Photo # DSCF4067: Sediment laden water leaving the proposed access road on drawing sheet 2 at or near N 39° 30.8552', W 80° 30.1391'.



Photo # DSCF4068: Sediment laden water leaving the proposed access road on drawing sheet 2 at or near N 39° 30.8552', W 80° 30.1391'.



Photo # DSCF4084: Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.8219', W 80° 30.2317'.



Photo # DSCF4088: Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.8112', W 80° 30.2427'.



PHoto # DSCF4090: Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.7948', W 80° 30.2454'.



Photo # DSCF4102: Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.6554', W 80° 30.3161'



Photo # DSCF4106: Existing access road on sheet 2 lacks stabilization and BMPs.



Photo # DSCF4111: Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.5328', W 80° 30.4918'.



Photo # DSCF4112:Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.5328', W 80° 30.4918'.



Photo # DSCF4117:Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.5143', W 80° 30.5347'.



Photo # DSCF4131: Sediment laden water leaving the existing access road on sheet 2 at or near N 39° 30.3899', W 80° 30.4622'.



Photo # DSCF4137: Existing access road on sheet 2 lacks stabilization and BMPs.



Photo # DSCF4143: Overview of the disturbed ROW between stations 5+00 and 15+00.



Photo # DSCF4145: Proposed access road on sheet 1 lacks stabilization and BMPs.



Photo # DSCF5096:Nylon baling twine between stations 150+00 and 165+00.



Photo # DSCF5113: Additional unpermitted disturbance between stations 150+00 and 165+00 that was not present during the previous inspection on 4-4-2024.



Photo # DSCF5121: Sediment deposits at or near N 39° 30.7209', W 80° 32.0479' in UNT Price Run.



Photo # DSCF5130: Sediment deposits at or near N 39° 30.7209', W 80° 32.0479' in UNT Price Run.



Photo # DSCF5148: Slip on the ROW but off of the LOD at or near N 39° 30.7195', W 80° 31.9785'.



Photo # DSCF5175: Unpermitted access road at or near N 39° 30.8187', W 80° 31.6944.



Photo # DSCF5189: Sediment laden water leaving the proposed access road found on sheets 3 and 4 of the approved SWPPP drawings.



Photo # DSCF5201: Sediment laden water leaving the proposed access road found on sheets 3 and 4 of the approved SWPPP drawings.



Photo # DSCF5217: Erosion rilling starting on the proposed access road found on sheets 3 and 4 of the SWPPP drawings.



Photo # DSCF5226: Slip (red arrow) on the ROW that settled at the bottom of the slope at or near N 39° 30.9039', W 80° 31.5246' in UNT Buck Run.



Photo # DSCF5240: Slip material in UNT Buck Run at or near N 39° 30.9039', W 80° 31.5246'.



Photo # DSCF5241: Slip material in UNT Buck Run at or near N 39° 30.9039', W 80° 31.5246'.



Photo # DSCF5243: Slip material and distinctly visible settleable solids in UNT Buck Run at or near N 39° 30.9039', W 80° 31.5246'.



Photo # DSCF5252: Erosion rilling on the ROW between stations 115+00 and 110+00.



Photo # DSCF5258: Sediment laden water leaving the unpermitted access road to buck run that begins at or near N 39° 30.9806', W 80° 31.3774'.



Photo # DSCF5268: Sediment laden water leaving the unpermitted access road that begins at or near N 39° 30.9806', W 80° 31.3774'.



Photo # DSCF5324: Erosion rilling on the existing access road between stations 75+00 and 100+00.



Photo # DSCF5366: Sediment laden water leaving the site near station 104+50 at or near N 39° 31.0509', W 80° 31.0313'.



Photo # DSCF5374: silt fence lacks maintenance and sediment laden water leaving the site at station 110+00 at or near N 39° 31.0430', W 80° 31.0574'.



Photo # DSCF5377: Sediment laden water leaving the site at station 110+00 at or near N 39° 31.0430', W 80° 31.0574'.



Photo # DSCF5392: Sediment deposits in UNT Buck Run at or near N 39° 31.0451', W 80° 31.1414'.



Photo # DSCF5395: Sediment deposits in UNT Buck Run at or near N 39° 31.0451', W 80° 31.1414'.



Photo # DSCF5422: Distinctly visible settleable solids in UNT Buck Run at or near N 39° 31.0767', W 80° 31.2218'.



Photo # DSCN0080: Conditions not allowable in Buck Run at or near 39°31'02.0"N 80°31'14.0"W.



Photo # DSCF5429: Sediment deposits and straw matting in UNT Glade Fork at or near N 39° 30.6051', W 80° 29.8265'.



Photo # DSCF5451: Sediment laden water leaving the proposed access road found on drawing sheets 1 and 2 of the approved SWPPP.



Photo # DSCF5464: Sediment laden water leaving the proposed access road found on drawing sheets 1 and 2 of the approved SWPPP.



Photo # DSCF5468: Proposed access road found on sheets 1 and 2 of the approved SWPPP is unstabilized.



Photo # DSCF5515: Sediment laden water leaving the existing access road found on drawing sheet 2 of the approved SWPPP.



Photo # DSCF5521: Sediment laden water leaving the existing access road found on drawing sheet 2 of the approved SWPPP.



Photo # DSCF0008: Slip material remaining in UNT Buck Run at or near N 39° 30.9039', W 80° 31.5246' at approximately station 130+00.



Photo # DSCF0009: Stream channel downstream of remaining slip material at or near N 39° 30.9039', W 80° 31.5246' at approximately station 130+00.

HARRISON COUNTY COAL RESOURCES, INC., WVR111825, 7 West Bleeder Powerline, 10-31-2024



Photo # DSCF0026: Access road beginning at station 75+00 from Pickenpaw Rd. lacks water bars/cross culverts, ditch checks, and a graveled surface as outlined on the detail sheet (sheet 3.0) of the approved SWPPP drawing.



Photo # DSCF0034: Silt fence lacks maintenance between stations 75+00 and 80+00.



Photo # DSCF0036: Sediment offsite adjacent to the waterbar outlet at station 77+50.



Photo # DSCF0039: Rollout at or near N 39° 30.9679', W 80° 30.5184'.



Photo # DSCF0077: Sediment deposit (red arrow) from digging a large sump in UNT Buck Run at or near 39° 31 '01.2"N 80° 31' 11.8"W.



Photo # DSCF0080: Sediment deposit in UNT Buck Run from digging a large sump at or near 39° 31 '01.2"N 80° 31' 11.8"W. Original stream channel labeled with red arrow.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2042: No inlet protection present at the culvert inlet for Ephemeral 11 at or near station 37+00.



Photo # DSCF2052: Silt fence lacks maintenance below stormwater discharge point 11.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2065: Area between station 35+00 and 37+00 that lacks rock check dams.



Photo # DSCF2067: Area between stations 30+00 and 32+00 that lacks rock check dams.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2074: Slip in ditch A-6 at or near station 29+25.



Photo # DSCF2075: Slip in ditch A-6 at or near station 29+25. Inlet for culvert to ephemeral 8 denoted by red arrow.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2076: Inlet protection lacks maintenance at or near station 29+20.



Photo # DSCF2082: Stormwater discharge point 10 at or near station 29+00. Silt fence lacks maintenance leading into ephemeral 8.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2087: Fill material in ditch near station 28+00.



Photo# DSCF2093: No inlet protection at the culvert inlet (red arrow) at station 25+00.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2096: Silt fence lacks maintenance below the culvert outlet at station 25+00.



Photo # DSCF2112: Pile of TRM off LOD at or near station 24+00.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2118: No inlet protection at or near station 20+00.



Photo # DSCF2119: Slope above the inlet lacking inlet protection at station 20+00.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2128: No inlet protection present at or near station 15+50.



Photo # DSCF2139: No inlet protection at or near 14+50.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
2-13-2024



Photo # DSCF2153: No inlet protection at drop inlet B4.



Photo # DSCF2155: No inlet protection at drop inlet B3.



Photo # DSCF3329: Sediment laden water leaving the site from discharge point 11 at station 37+00, and silt fence lacks maintenance.



Photo # DSCF3332: Slip in wetland F near station 37+00.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
3-27-2024



Photo # DSCF3335: Slip material in wetland F near station 37+00.



Photo # DSCF3340: Rock checks missing in roadside ditch near station 36+00.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
3-27-2024



Photo # DSCF3352: Slip in roadside ditch at or near N 39° 30.7076', W 80° 32.7174'.



Photo # DSCF3361: Incorrect silt fence installed at station 29+50.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
3-27-2024



Photo # DSCF3377: Discharge point 9 at station 25+00.



Photo # DSCF3380: BMPs lack maintenance at station 25+00.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
3-27-2024



Photo # DSCF3382: Sediment laden water leaving at station 25+00



Photo # DSCF3386: Sediment deposits in UNT 6 (UNT Bear Run) below discharge point 9 at station 25+00 at or near N 39° 30.7007', W 80° 32.7780'.

HARRISON COUNTY COAL RESOURCES, INC., WVR111548, 7 West Bleeder CR Refurbishment,
3-27-2024



Photo # DSCF3404: Discarded turf matting between stations 15+00 and 20+00



Photo # DSCF3407: Incorrect silt fence installed below discharge point 7 at station 15+50 lacks maintenance.



Photo # DSCF3412: Sediment deposits in UNT Bear Run at or near N 39° 30.5461', W 80° 32.9112 below discharge point 7 at station 15+50. These were observed last inspection on 2-13-2024.



Photo # DSCF3444: Drop inlet protection missing from drop inlet B1.

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Harrison County Coal Resources, Inc. **Receiving Stream:**

Treatment System Design Maximum Flow: MGD

Treatment System Actual Average Flow: MGD (if known)

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#												
			2a, 3a	2b, 3b, 6a, 7b, 8b	2c, 6b, 7a, 8a, 9b	4a	6c, 7j	6d, 7d, 8e, 9e	6e, 7c, 8d	6f, 7e, 8f	6h	6i	7f, 8g, 9c	7g, 8h	7i
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	0	1	0	0	1	1	0
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	0	1	0	0	1	1	0
d)	Length of Time	1 to 3	1	1	1	1	2	3	3	3	1	1	3	2	1
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	0	1	0	0	1	1	0
	Average Potential for Harm Factor		1	1	1	1	1.2	1.4	0.8	1.4	0.4	0.4	1.4	1.2	0.4
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3	3	3	3	3

Potential for Harm Factors:

1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)

1)d - Length of Time of Violation

1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:

Note: Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

Minor = exceedance of permit limit by <=40% for Avg. Monthly or <=100% for Daily Max., exceed numeric WQ standard by <= 100%, or report doesn't contain some minor information.

Moderate = exceedance of permit limit by >= 41% and <= 300% for Avg. Monthly , >= 101% and <= 600% for Daily Max., exceed numeric WQ standard by >= 101% and <= of 600% or report doesn't fully address intended subject matter.

Major = exceedance of permit limit by >= 301% for Avg. Monthly, >= 601% for Daily Max., exceed numeric WQ standard by >= 601%, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.

Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 3.

1)	Potential for Harm Factor	Factor Range	FOF#											
			9a	11a, 12b	11b, 12c	11c, 12a	11d, 12d							
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1							
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1							
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1							
d)	Length of Time	1 to 3	1	2	2	2	2							
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1							
Average Potential for Harm Factor			1	1.2	1.2	1.2	1.2	No	No	No	No	No	No	No
2)	Extent of Deviation Factor	Factor Range												
	Degree of Non-Compliance	1 to 3	3	3	3	3	1							

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health or the Environment	Major	\$8,000 to \$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	Moderate	\$4,000 to \$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	Minor	\$1,500 to \$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
2a, 3a	Minor	Major	\$2,000	1	\$2,000
2b, 3b, 6a, 7b, 8b	Minor	Major	\$2,000	8	\$16,000
2c, 6b, 7a, 8a, 9b	Minor	Major	\$2,000	10	\$20,000
4a	Minor	Major	\$2,000	1	\$2,000
6c, 7j	Moderate	Major	\$4,200	1	\$4,200
6d, 7d, 8e, 9e	Moderate	Major	\$4,400	1	\$4,400
6e, 7c, 8d	Minor	Major	\$1,900	1	\$1,900
6f, 7e, 8f	Moderate	Major	\$4,400	1	\$4,400
6h	Minor	Major	\$1,700	1	\$1,700
6i	Minor	Major	\$1,700	1	\$1,700
7f, 8g, 9c	Moderate	Major	\$4,400	1	\$4,400
7g, 8h	Moderate	Major	\$4,200	1	\$4,200
7i	Minor	Major	\$1,700	1	\$1,700
9a	Minor	Major	\$2,000	1	\$2,000
11a, 12b	Moderate	Major	\$4,200	1	\$4,200
11b, 12c	Moderate	Major	\$4,200	1	\$4,200
11c, 12a	Moderate	Major	\$4,200	1	\$4,200
11d, 12d	Moderate	Minor	\$2,200	1	\$2,200
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$85,400

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

NOTE: This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	% Reduction Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

Additional Other factors to be determined for increases or decreases on a case-by-case basis.

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$8,540
6.2.b.4 - Compliance/noncompliance history -			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)			\$0
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)			\$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		10	(\$8,540)
6.2.b.3 - Cooperation with the Secretary		10	(\$8,540)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			(\$8,510)
Penalty =			\$76,890

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$0
Comments: Economic benefit not warranted.	