#### **PUBLIC NOTICE**

The West Virginia Department of Environmental Protection (WVDEP) and Lexington Coal Company, LLC have proposed a settlement of an Administrative Consent Order which resolves violation(s) of the West Virginia Water Pollution Control Act. In accordance with the proposed Consent Order, Lexington Coal Company, LLC has agreed to pay administrative penalties and to comply with the Act. Final settlement is subject to comments received during the thirty (30) day period ending May 29, 2021. Comments regarding this Administrative Order may be submitted to: John Vernon, Assistant Deputy Director; West Virginia Department of Environmental Protection, Division of Mining and Reclamation, Inspection & Enforcement; 601 57<sup>th</sup> Street SE; Charleston, WV 25304; (304) 926-0499. Comments may also be submitted electronically to: DEP.Comments@wv.gov. The proposed settlement may be viewed at the following address: http://www.dep.wv.gov/pio/Pages/Settlements,Ordersouttopublicnotice.aspx.



west virginia department of environmental protection

Division of Mining and Reclamation 601 57<sup>th</sup> Street Charleston, WV 25304 Phone: 304-926-0440/Fax: 304-926-0456 Harold Ward, Cabinet Secretary dep.wv.gov

#### CONSENT ORDER ISSUED UNDER THE WATER POLLUTION CONTROL ACT WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11

TO: Lexington Coal Company, LLC P.O. Box 58370 Charleston, WV 25358 DATE: March 2, 2021

ORDER NO.: M-19-296

#### **INTRODUCTION**

This Consent Order is issued by the Director of the Division of Mining and Reclamation (hereinafter "Director"), under the authority of West Virginia Code, Chapter 22, Article 11, Section 1 et seq. to Lexington Coal Company, LLC (hereinafter "LCC").

#### FINDINGS OF FACT

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

- LCC holds West Virginia National Pollution Discharge Permits ("NPDES") issued by the West Virginia Department of Environmental Protection ("WVDEP") for its mining and mining-related operations in West Virginia. Among those WVDEP NPDES Permits are WV0038113, WV0041734, WV0095796, WV0096148, WV1002040, WV1004328, WV1016024, WV1017080, WV1020641, WV1019970, WV1018914, WV1019716, WV1020005, WV1020196 and WV1008277 ("Permits").
- 2. The WVDEP NPDES Permits are issued pursuant to the WVDEP's authority under the West Virginia Water Pollution Control Act pursuant to authority delegated to the WVDEP by the United States Environmental Protection Agency under the Federal Clean Water Act for the issuance of WVDEP NPDES Permits.
- 3. LCC has reported the quality of its discharges and other information to the WVDEP, pursuant to the terms and conditions of the WVDEP NPDES Permits. This reporting has occurred through electronic filing of Discharge Monitoring Reports ("DMRs") as prescribed by the Division of Mining and Reclamation ("the Division").

Promoting a healthy environment.

- 4. The Division has developed and maintains a database which compiles the information submitted in DMRs by holders of WVDEP NPDES Permits issued for mining and mining-related operations, including the information submitted by LCC for the Permits ("the Database"). The Database has been used by the WVDEP to track compliance with WVDEP NPDES Permits for coal mining activities.
- 5. The WVDEP has evaluated agency records beginning with April 2016 through September 2020 regarding LCC Permit(s), DMRs, and other related information, including information submitted by the LCC at the request of WVDEP, and has completed an evaluation of LCC DMRs compliance.
- 6. Based on its evaluation, the WVDEP has documented violations of the permitted effluent limits for the WVDEP NPDES Permits. The results of this investigation are included in Attachments 3-A, 3-B and 3-C which list the WVDEP NPDES Permits that have violations.

#### **ORDER FOR COMPLIANCE**

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

1. LCC shall immediately take all measures to initiate compliance with all terms and conditions of the Permit(s), Outlets(s) and Parameter(s) indicated in Table A below:

PERMIT	OUTLET(s)	PARAMETER
WV1018914	047	Selenium, Total Recoverable
WV0041734	011	Aluminum, Total (as Al)
WV1020641	007	Iron, Total (as Fe)
WV1020196	006, 007, 010, 011, 052	Selenium, Total Recoverable
WV1008277	017, 038	Selenium, Total Recoverable
WV1020005	006	Selenium, Total Recoverable

- 2. LCC shall comply with the Compliance Schedule and reporting requirements contained in Attachment 1.
- 3. Within 90 days of entry of this Order, LCC shall submit for the Division's approval a proposed Corrective Action Plan (CAP) with schedule and possible applications for modification(s), outlining how and when LCC will achieve compliance with Permit(s) limits for which compliance cannot be immediately achieved. This CAP shall address the Permit(s) listed in Table A of this Order. The CAP will include costs of construction, maintenance, and operation.
- 4. The Division shall review the proposed CAP and promptly notify LCC of any comments it may have with the proposed CAP. The parties agree to work together to resolve any issues related by the Division with regards to the CAP. Within 30 days of receipt of the Division's approval of the CAP, LCC shall begin the implementation of the plan in accordance with the scheduled provided therein. Upon approval, the CAP shall be considered a part of this Order.

- 5. During the Informal Hearing held with WVDEP and LCC representatives on September 16, 2020, LCC submitted information regarding discharges onto WV1004328 from an adjacent permit not owned by LCC (ERP WV1013271). LCC stated that this discharge onto WV1004328 contains high Selenium levels and is causing outlet 001 to be in violation of permitted effluent limits. This issue was addressed by an Administrative Order in June of 2019 to ERP. A subsequent investigation was conducted by WVDEP staff and determined that LCC WV1004328 lies geologically approximately 60 feet above ERP WV1013271. As a result of this investigation, it has been determined that while ERP WV1013271 Outlet 128 was found to be contributing seepage to LCC WV1004328 Outlet 001, WV1004328 was found to possibly be contributing Selenium to WV1013271 due to a hydrologic connection. While WV1004328 will not be subject to a CAP or stipulated penalties as a part of this Order given overall history of compliance, WVDEP will continue to monitor effluent data at this Outlet. Failure to bring WV1004328 Outlet 001 into compliance with permitted effluent limits may result in an escalation of this enforcement action.
- 6. Because of LCC WVDEP NPDES violations of the Permit(s), LCC shall be assessed a Civil Administrative Penalty of \$125,000 (one hundred and twenty five thousand dollars) to be paid to the Department of Environmental Protection Pursuant to the Payment Agreement in Attachment 2. The penalty amount will be deposited in the Mining and Reclamation Operations Fund. Payments made pursuant to this paragraph are not taxdeductible for purposes of State or Federal Law.
- 7. Total Payment in the amount of \$125,000 (one hundred and twenty five thousand dollars) shall be mailed to:

#### John Vernon, Assistant Deputy Director Division of Mining and Reclamation WV-DEP 601 57<sup>th</sup> Street SE Charleston, WV 25304

- 8. The Order for Compliance of this Order satisfies any claim WVDEP has or may have for penalties under the West Virginia Water Pollution Control Act for violations of the effluent limits for outlets which occurred April 2016 through September 2020 in relation to the specified Permits.
- 9. Stipulated Penalties
  - a. Beginning with the effective date of the Draft Order, LCC shall be liable for stipulated penalties for violations of items 2, 3,4, 6 and 7 of the Order for Compliance of this Order. These stipulated penalties shall be effective until termination of this Order. These stipulated penalties accrue as follows:
    - i. The first through the 15<sup>th</sup> day of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$1,000 per day per violation.
    - ii. The 16<sup>th</sup> through 30<sup>th</sup> days of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$2,000 per day per violation.

- iii. The 31<sup>st</sup> day and all additional days of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$3,000 per day per violation.
- b. For the period beginning with the effective date of the Draft Order through the termination date of this Order, LCC shall be liable for stipulated penalties for non-compliances for Permit(s), Outlet(s) and Parameter(s) specified in Table A in the following amounts:
  - i. \$1,000 for each violation of a daily maximum limit;
  - ii. \$3,000 for each violation of a monthly average limit;
  - \$10,000 for each month for each of the Permits for which LCC fails to submit a required discharge monitoring report for one or more outlets with limits.

#### **OTHER PROVISIONS**

- LCC hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21 of the Code of West Virginia. Under this Order, LCC 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, LCC 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 LCC 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, LCC 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 LCC becomes aware of such a delay, notification shall be provided to the Acting Assistant Deputy Director and shall, within ten (10) working days of initial notifications, 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 LCC 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 LCC (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 LCC 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 LCC 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 LCC, its successors and assigns.
- 5. The Permits that are included under Table A of the Order for Compliance sections of this Order shall terminate from the Order upon the verification of WVDEP that LCC has met all requirements with the Order and is in full compliance. The Permits that are not included under Table A of the Order for Compliance sections of this Order shall terminate from the Order upon full payment of the Civil Administrative Penalty.
- 6. The effective date of the Draft Order shall be the date this Order is executed by LCC.
- 7. The effective final date of this Order shall be the date the Order is executed by the WVDEP.

Company Represe Title Representa ve. Lexington Coal Company, LLC

4.16.21

Public Notice begin:

Date

Public Notice end:

Date

Jonathan Rorrer, Acting Director West Virginia Department of Environmental Protection Division of Mining and Reclamation Date

### Attachment 1

The Permittee shall achieve compliance with the requirements of the Order in accordance with the following schedule:

a.	Submit required Corrective Action Plan	Within 90 days of effective date of this order
b.	Submit a Semi-Annual Status Report to the Assistant Deputy Director, Permit Inspector and Regional NPDES Supervisor for each Permit Listed in Table A of this Order	Within 60 days of submittal of Corrective Action Plan through termination of Order
c.	Continue to monitor all applicable permits/outlets/parameters per approved final effluent limits and submit per NPDES permit conditions	Monthly per Discharge Monitoring Report requirements

## ATTACHMENT 2 Payment Agreement Lexington Coal Company, LLC

#### I. Introduction

This payment agreement is made between the West Virginia Department of Environmental Protection (hereafter "DEP") and Lexington Coal Company, LLC (hereafter "LCC"). The purpose of this Agreement is to resolve outstanding civil penalties incurred from violations issued to LCC pursuant West Virginia Code, Chapter 22, Article 11, Section 1 et seq.

#### II. Background

LCC incurred civil penalties based on enforcement action M-19-296 taken by DEP against LCC. LCC requested to enter into a Payment Agreement. LCC's civil penalty assessment is determined to be \$125,000.00.

#### III. Payment Terms

A. This Agreement shall become effective upon the date of the DEP Director's signature. LCC agrees to pay \$25,000.00 as a down payment for all outstanding violations ten days after receiving the demand for payment letter from the DEP. Then beginning 30 days after the down payment is due, LCC agrees to pay \$10,000.00 per month for 11 consecutive months. Said payments shall be paid by Cashier's Check or other payment form acceptable to DEP and are due every month until penalty is paid is full.

B. This Agreement is executed without any admission of fact or law as to the merits of any positions either taken or assumed by the parties hereto. This Agreement shall not be admissible in any administrative or judicial proceeding other than an action for enforcement of the Agreement.

C. Failure to meet the payment schedule herein will result in penalties being declared delinquent and LCC may be subject to additional and escalating enforcement action.

Owned	NPDES Permit	Outlet	Sample Date	Parameter	Repo	Units	Lim	_		Non-Compliance	Facility Site Name	% Exceedance		ion-Compliance Mod Mai	
6/2018	WV0038113	001	9/30/2018	01105 - Aluminum, Total (as Al)	Charles and the	Concernance of the second			010	- Exceeds Concentration Maximum	Chesterfield Surface Mine	149.20%	L. MEL	x	
											Condoo Mino				
	WV0041734 WV0041734	011		01105 - Aluminum, Total (as Al)	1.446					Exceeds Concentration Maximum     Exceeds Concentration Maximum	Maumo Mino	39.04%	X		SEV#1
20/2018	WV0041734	013		01105 - Aluminum, Total (as Al) 01105 - Aluminum, Total (as Al)	0.778	MG/L				- Exceeds Concentration Maximum	Wayne Mine Complex	25.96% 3.73%	x		SEV#1
	WV0041734				1					- Exceeds Concentration Maximum	Complex	33.33%	X		SEV#1
	WV0041734	013	6/30/2018	01105 - Aluminum, Total (as Al)	1	MG/L	./5 /	WG/L C	010	- Exceeds Concentration Maximum		33.3376	~		
											Ferrell Branch				
											Complex, Crystal				
18/2018	WV0095796	007	10/31/2018	00530 - Total Suspended Solids	116	MG/L	70 1	MG/L (	010	<ul> <li>Exceeds Concentration Maximum</li> </ul>	Fuels Alma Deep	65.71%	×		
											Mine				
											NIN TO				
											Kennik Mine Nie d				
/14/2018	WV0096148	006	2/28/2019	01105 - Aluminum, Total (as Al)	0.856	MG/L	.75 1	MG/L (	010	- Exceeds Concentration Maximum	Kermit Mine No. 1 & Preparation Plant	14.13%	×		
											a Preparation Plant				
				and a second second											
2/21/2018	WV1002040	004	2/28/2019	01105 - Aluminum, Total (as Al)	3	MG/L	1.9/ 1	MG/L 0	010	- Exceeds Concentration Maximum	Mine # 15	52.28%	х		
	WV1008277	017	9/30/2018	00981 - Selenium, Total Recoverable	10,1	LIG/I	82 1		010	- Exceeds Concentration Maximum		23.17%	х		
	WV1008277	017	12/31/2018		10.6	UGL				- Exceeds Concentration Maximum		29.27%	x		
29/2018	WV1008277	017	1/31/2019	00981 - Selenium, Total Recoverable	10.8	UG/L		UG/L		- Exceeds Concentration Maximum	Whitman No.2	31.71%	x		
2012010	WV1008277	017		00981 - Selenium, Total Recoverable	10.2	UGIL				- Exceeds Concentration Maximum	Surface Mine	24.39%	x		
	WV1008277	017		00981 - Selenium, Total Recoverable	11					- Exceeds Concentration Maximum		34,15%	×		
0/5/2018	WV1016024	022	0408/0040	Office Alimphotom Total (as All)	2.67	1100	3 48 1		010	- Exceeds Concentration Maximum	Jacks Branch	3.18%	х		
0/5/2016	WV1010024	022	2/20/2019	01105 - Aluminum, Total (as Al)	3.51	MG/L	3.40 1	WIG/L (	010	- Exceeds Concentration Maximum	<b>Buffalo Mine</b>	3.1070	^		
							NAME OF TAXABLE PARTY.								
	WV1018914	047	4/30/2018	00981 - Selenium, Total Recoverable	10.5					- Exceeds Concentration Maximum		28.05%	x		
	WV1018914	047	12/31/2018		12.2	UG/L		UG/L		- Exceeds Concentration Maximum		48.78%	×		
	WV1018914	047	1/31/2019	00981 - Selenium, Total Recoverable	14.5	UG/L				- Exceeds Concentration Maximum	D	76.83%	×		
/20/2018	WV1018914 WV1018914	047 087	2/28/2019 4/30/2018	00981 - Selenium, Total Recoverable 00981 - Selenium, Total Recoverable	10.9	UG/L		UG/L ( UG/L (		Exceeds Concentration Maximum     Exceeds Concentration Maximum	Premium Energy No. 3 Surface Mine	32.93% 7.32%	×		
	WV1018914 WV1018914	087		00981 - Selenium, Total Recoverable 00981 - Selenium, Total Recoverable	8.6	UG/L				- Exceeds Concentration Maximum	NO. 3 SURACE MILLE	2.44%	x		
	WV1018914	107	12/31/2018		8.8	UG/L				- Exceeds Concentration Maximum		7.32%	x		
	WV1018914	107	2/28/2019	00981 - Selenium, Total Recoverable	9.6	UG/L		UG/L (		- Exceeds Concentration Maximum		17.07%	â		
	***1010014	107	2/20/2013	00501 - Seleman, Total Necoverable	5.0	UGIL	0.2	UUIL I	010	- Exceeds Concentration Maximum		17.07 /	~		
	WV1019716	004	10/31/2018	00981 - Selenium, Total Recoverable	13.8	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum		68.29%	×		
	WV1019716	004	11/30/2018		16.1	UG/L		UG/L		- Exceeds Concentration Maximum		96.34%	×		
	WV1019716	004	12/31/2018	00981 - Selenium, Total Recoverable	15.5	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum		89.02%	×		
/31/2018	WV1019716	004	3/31/2019	00981 - Selenium, Total Recoverable	18.9	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum	Surface Mine 5A	130.49%		х	
	WV1019716	005	1/31/2019	00981 - Selenium, Total Recoverable	10.9	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum		32.93%	×		
	WV1019716	005	2/28/2019	00981 - Selenium, Total Recoverable	11.4	UG/L	8.2	UG/L (	010	- Exceeds Concentration Maximum		39.02%	x		
	WV1019716	005	3/31/2019	00981 - Selenium, Total Recoverable	10.6	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum		29.27%	X		
/14/2019	WV1019970	007	3/31/2019	00981 - Selenium, Total Recoverable	17	UG/L	8.2	UG/L (	010	- Exceeds Concentration Maximum	Surface Mine No. 7	107.32%		x	
	WV1020605	006	10/30/2018	00961 - Selenium, Total Recoverable	12.3	UG/L	8.2	UGAL I	010	- Exceeds Concentration Maximum		50.00%	×		SEV#1
	WV1020005	006	10/31/2018	00981 - Selenium, Total Recoverable	11.9	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum		45.12%	x		
	WV1020005	006	11/30/2018	00981 - Selenium, Total Recoverable	12	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum		46.34%	х		
/29/2018	WV1020005	006		00981 - Selenium, Total Recoverable	12	UG/L		UG/L		- Exceeds Concentration Maximum	Cherry Tree	46.34%	×		
NE JIEV 10	WV1020005	006	1/31/2019	00981 - Selenium, Total Recoverable	13.3	UG/L		UG/L		- Exceeds Concentration Maximum	Refuse Facility	62.20%	×		
	WV1020005	006	2/28/2019	00981 - Selenium, Total Recoverable	14.2			UG/L		- Exceeds Concentration Maximum		73.17%	х		
	WV1020005	006	3/14/2019	00981 - Selenium, Total Recoverable	14.3			UGIL 1		- Exceeds Concentration Maximum		74.39%	X		SEV#1 fallow
	WV1020005	006	3/31/2019	00981 - Selenium, Total Recoverable	13.8	UG/L	8.2	UG/L	010	- Exceeds Concentration Maximum		68.29%	×		

Owned	NPDES Permit	Outlet	WVSCMRA and Other Permits	Sample Date	Parameter		betred	Lin			Non-Compliance	Facility Site Name	% Exceedance	Degree Min.	of Non-Con Mod.	Ma
/6/2018	WV0038113	001	S007076	9/30/2018	01105 - Aluminum, Total (as Al)		MG/L	.43			- Exceeds Concentration Average	Chesterfield Surface Mine	126.16%	the second second	x	
	WV0041734	002	U002584	6/30/2018	01105 - Aluminum, Total (as Al)	0.478	MG/L	.43	MG/L	030	- Exceeds Concentration Average		11.16%	x		
0/2018	WV0041734	011	U002584	2/28/2019	01105 - Aluminum, Total (as Al)	0.6393		.6	MG/L	030	- Exceeds Concentration Average	Wayne Mine	6.55%	x		
012010	WV0041734	013	U002584	6/30/2018	01105 - Aluminum, Total (as Al)	1	MG/L	.43	MG/L		- Exceeds Concentration Average	Complex	132.56%		x	
	WV0095796	007	O504989	6/30/2018	00530 - Total Suspended Solids	40	MG/L	35	MG/L	030	- Exceeds Concentration Average	Ferrell Branch	14.29%	×		
8/2018	WV0095796	007	0504989		00530 - Total Suspended Solids	116	MG/L	35			- Exceeds Concentration Average	Complex, Crystal Fuels Alma Deep Mine	231.43%		×	
					and the second second					030	- Exceeds Concentration Average	Marte	9.51%	x		
	WV0096148	005	OD13983	1/31/2019	01045 - Iron, Total (as Fe)	1.555	MG/L	1.42	MG/L MG/L		- Exceeds Concentration Average	Kermit Mine No. 1	15.73%	x		
4/2018	WV0095148 WV0096148	005	O013983 E001700	2/28/2019 2/28/2019	01045 - Iron, Total (as Fe) 01105 - Aluminum, Total (as Al)	1.5433	MG/L MG/L	1.42	MG/L		- Exceeds Concentration Average	& Preparation Plant	11.16%	x		
											and the second states of the				x	
21/2018	WV1002040	004	U300489	2/28/2019	01105 - Aluminum, Total (as Al)	3	MG/L	1.13	MG/L	030	Exceeds Concentration Average	Mine # 15	165.49%		×	
5/2018	WV1016024	022		2/28/2019	01105 - Aluminum, Total (as Al)	2.3042	MG/L	1.99	MG/L	030	- Exceeds Concentration Average	Jacks Branch Buffalo Mine	15.79%	x		
	WV1017080	036	\$502097	8/31/2018	00981 - Selenkum, Total Recoverab	le 4.91	UG/L	4.7	UGA	030	- Exceeds Concentration Average		4.47%	×		
4/2018	WV1017080	036	\$502097	10/31/2018	00981 - Selenium, Total Recoverab	le 5.43	UG/L	4.7	UGA	030	- Exceeds Concentration Average	Surface Mine No. 9	15.53%	X		
	WV1017080	036	\$502097	11/30/2018	00981 - Selenium, Total Recoverab	la 5.4	UG/L	4.7	UG/L	030	- Exceeds Concentration Average		14.89%	x		
	WV1018914	047	\$400400	4/30/2018	00981 - Selenium, Total Recoverab		UGA	4.7	UGA		- Exceeds Concentration Average		109.57%		×	
	WV1018914	047	S400400	12/31/2018	00981 - Selenium, Total Recoverab	le 12.2	UG/L	4.7			<ul> <li>Exceeds Concentration Average</li> </ul>		159.57%		×	
	WV1018914	047	\$400400	1/31/2019	00981 - Selenium, Total Recoverab		UG/L	4.7			<ul> <li>Exceeds Concentration Average</li> </ul>		153.19%		x	
	WV1018914	047	\$400400	2/28/2019	00981 - Selenium, Total Recoverab	le 10.9	UG/L	4.7	UG/L		- Exceeds Concentration Average	Premium Energy	131.91%		×	
/2018	WV1018914	087	\$400400	4/30/2018	00981 - Selenium, Total Recoverab		UG/L	4.7	UG/L		<ul> <li>Exceeds Concentration Average</li> </ul>	No. 3 Surface Mine	87.23%		×	
	WV1018914	087	S400400	12/31/2018	00981 - Selenium, Total Recoverab		UG/L	4.7	UG/L		- Exceeds Concentration Average		78.72%		x	
	WV1018914	107		12/31/2018	00981 - Selenium, Total Recoverab	le 8.8	UGA	4.7	UG/L	030	<ul> <li>Exceeds Concentration Average</li> </ul>		87.23%		х	
	WV1018914	107		1/31/2019	00981 - Selenium, Total Recoverab	le 6.6	UGAL	4.7	UG/L		<ul> <li>Exceeds Concentration Average</li> </ul>		40.43%	X		
	WV1018914	107		2/28/2019	00961 - Selenium, Total Recoverab	le 9.6	UG/L	4.7	UG/L	030	- Exceeds Concentration Average		104.26%		×	
	WV1019716	004	\$503208	10/31/2018	00981 - Selenium, Total Recoverab		UG/L	4.7	UG/L		- Exceeds Concentration Average		193.62%		×	
	WV1019716	004	\$503208	11/30/2018	00981 - Selenium, Total Recoverab	le 14.65	UG/L	4.7	UGIL		- Exceeds Concentration Average		211.70%		x	
	WV1019716	004	\$503208	12/31/2018	00981 - Selenium, Total Recoverab		UG/L	4.7			- Exceeds Concentration Average		229.79%		х	
	WV1019716	004	\$503208	3/31/2019	00981 - Selenium, Total Recoverab		UG/L	4.7	UGA		<ul> <li>Exceeds Concentration Average</li> </ul>	Surface Mine 5A	291.49%		x	
31/2018	WV1019716	005	\$503208	12/31/2018	00981 - Selenium, Total Recoverab	le 5.95	UG/L	4.7	UG/L		<ul> <li>Exceeds Concentration Average</li> </ul>	Condee Male on	26.60%	×		
	WV1019716	005	\$503208	1/31/2019	00981 - Selenium, Total Recoverab	le 10.8	UG/L	4.7	UG/L		- Exceeds Concentration Average		129.79%		x	
	WV1019716	005	\$503208	2/28/2019	00981 - Selenium, Total Recoverabi	le 10.7	UGIL	4.7	UGA		- Exceeds Concentration Average		127.66%		х	
	WV1019716	005	\$503208	3/31/2019	00981 - Selenium, Total Recoverab	le 10.5	UG/L	4.7	UGA	030	- Exceeds Concentration Average		123.40%		×	
4/2019	WV1019970	007	\$501609	3/31/2019	00981 - Selenium, Total Recoverab	le 16.85	UGA	4.7	UGA	030	- Exceeds Concentration Average	Surface Mine No. 7	258.51%		x	
	WV1020005	005	O501399	10/31/2018	01055 - Manganese, Total (as Mn)	2.51	MG/L	2	MG/L		- Exceeds Concentration Average		25.50%	х		
	WV1020005	005	O501399	11/30/2018	01055 - Manganese, Total (as Mn)	2.89	MG/L	2	MG/L	030	- Exceeds Concentration Average		44.50%		х	
	WV1020005	005	O501399	12/31/2018	01055 - Manganese, Total (as Mn)	2.53	MG/L	2	MG/L		<ul> <li>Exceeds Concentration Average</li> </ul>		26.50%	×		
	WV1020005	005	O501399	1/31/2019	01055 - Manganese, Total (as Mn)	2.04	MG/L	2	MG/L		<ul> <li>Exceeds Concentration Average</li> </ul>		2.00%	x		
	WV1020005	006	0502198	10/31/2018	00981 - Selenium, Total Recoverabl	le 11.35	UG/L	4.7	UG/L		<ul> <li>Exceeds Concentration Average</li> </ul>	Cherry Time	141.49%		х	
29/2018	WV1020005	006	O502198	11/30/2018	00981 - Selenium, Total Recoverabl		UG/L	4.7	UG/L		<ul> <li>Exceeds Concentration Average</li> </ul>	Refuse Facility	150.00%		x	
	WV1020005	005	0502198	12/31/2018			UGA	4.7	UG/L		<ul> <li>Exceeds Concentration Average</li> </ul>		141.49%		x	
	WV1020005	006	0502198	1/31/2019	00981 - Selenium, Total Recoverabl		UGAL	4.7	UG/L		<ul> <li>Exceeds Concentration Average</li> </ul>		179.79%		x	
	WV1020005	005	O502198	2/28/2019	00981 - Selenium, Total Recoverabl	le 13.9	UG/L	4.7	UG/L		- Exceeds Concentration Average		195.74%		x	
	WV1020005	006	O502198	3/31/2019	00981 - Selenium, Total Recoverab	le 13.6	UG/L	4.7	UG/L	030	- Exceeds Concentration Average		189.36%		х	
	WV1020196	006	\$502099	1/31/2019	00981 - Selenium, Total Recoverabl		UG/L	4.7	UG/L		- Exceeds Concentration Average		97.87%		x	
	WV1020196	007	\$502099	1/31/2019	00981 - Selenium, Total Recoverabl		UG/L	4.7	UG/L		- Exceeds Concentration Average	D	125.53%		x	
0/2018	WV1020196	007	\$502099	2/28/2019	00981 - Selenium, Total Recoverabl		UG/L	4.7	UG/L		- Exceeds Concentration Average	Surface Mine No. 2	153.19%		x	
	WV1020196 WV1020196	010	\$502099 \$502099	4/30/2018 1/31/2019	00981 - Selenium, Total Recoverabl 00981 - Selenium, Total Recoverabl		UGA	4.7	UG/L UG/L		Exceeds Concentration Average     Exceeds Concentration Average		479.79% 418.09%			)
			\$502301	11/30/2018	01055 - Manganese Total (as Mn)	2.1	MG/L	2	MG/L	030	- Exceeds Concentration Average	Land Fail	5.00%	х		
/2/2018	WV1020641 WV1020641	020	S502301 S502301		01055 - Manganese, Total (as Mn) 01055 - Manganese, Total (as Mn)	2.1	MG/L MG/L	2			- Exceeds Concentration Average - Exceeds Concentration Average	Locust Fork Surface Mine	5.00% 43.00%	х	×	

4/20/2018	WV1020196 WV1020196 WV1020196 WV1020196	007 007 010 010	2/28/2019 4/30/2018	00981 - Selenium, Total Recoverable 00981 - Selenium, Total Recoverable 00981 - Selenium, Total Recoverable 00981 - Selenium, Total Recoverable	12.1 28.2	UG/L UG/L	8.2 8.2	UG/L 010 UG/L 010	Exceeds Concentration Maximum     Exceeds Concentration Maximum     Exceeds Concentration Maximum     Exceeds Concentration Maximum	Surface Mine No. 2	52.44% 47.56% 243.90% 240.24%	x x x	x
11/2/2018	WV1020641	020	12/31/2018	01105 - Aluminum, Total (as Al)	0.791	MG/L	.75	MG/L 010	- Exceeds Concentration Maximum	Locust Fork Surface Mine	5.47%	×	

	Degree of non-compliance									
non pH Totals	Min.		Maj							
A DATA SUBSCIED AND A	40	4	0							

	Degre	e of non-comp	oliance	
Totals	Min.	Mod.	Maj	
	57	35	2	

	Degra				
non pH Totals	17	31	Maj 2		
plus pH	0	0	0		
	Degri	re of non-com	plance		
Totals	Min.	Mod.	Maj.		
	17	31			

		ATTACHN	IENT 3-B							
	Fy	ceedances 07/	01/19 to 06/30	70						
	L	Coolances on	101010-00/24	24				1		-
				1.				Degree of no: % Exceedance MIN	MOD	e k
visible_party_nameassoc_perm1_ki_inspectable_u NGTON COAL COMPANY, LLC_WV0041734002	nit_code chemical_report_date chem 2/29/2020 0:00[01105 - Aluminum, Total (as Al)	rpt_everage	1.063	a ami_averag	26 imt_maxim	Int_Units	010 - Exceeds Concentration Maximum	% Expediance MIN 42% X	100	-
NGTON COAL COMPANY, LLC WV0041734 002	2/29/2020 0:00 01105 - Asuminum, Total (85 Al)		1,00.5		.15	MGA	DID - Exceeds Concentration Makimum	4610		+
NGTON COAL COMPANY, LLC WV0041734 011	2/29/2020 0:00 00530 - Total Suspended Solids		170		70	MG/L	010 - Exceeds Concentration Maximum	143%	x	-
NGTON COAL COMPANY, LLC WV0041734 011	2/29/2020 0:00 01105 - Aluminum, Total (as Al)	-	3.712		1.04	MG/L	010 - Exceeds Concentration Maximum	257%	X	-
NGTON COAL COMPANY, LLC WVD041734 011	4/30/2020 0:00 01105 - Aluminum, Total (as Al)		1.532		1.04	MG/L	010 - Exceeds Concentration Maximum	47% X		
NGTON COAL COMPANY, LLC WV0041734 011	5/31/2020 0:00 01105 - Aluminum, Total (as Al)		2.011		1.04	MGA	010 - Exceeds Concentration Maximum	93% X		
NGTON COAL COMPANY, LLC WV0041734 011	12/31/2019 0:00 01105 - Aluminum, Total (as Al)	0.982		.6		MG/L	030 - Exceeds Concentration Average	64%	X	-
NGTON COAL COMPANY, LLC WV0041734 011	2/29/2020 0:00 01105 - Aluminum, Total (as Al)	1.6347		.6	-	MG/L	030 - Exceeds Concentration Average	172%	×	-
NGTON COAL COMPANY, LLC WV0041734 011	2/28/2020 0:00 00530 - Total Suspended Solids	42		35		MG/L MG/L	030 - Exceeds Concentration Average 030 - Exceeds Concentration Average	20% X 61%		+
NGTON COAL COMPANY, LLC WV0041734 011 NGTON COAL COMPANY, LLC WV0041734 011	4/36/2020 0:00 01106 - Aluminum, Total (as Al) 5/31/2020 0:00 01105 - Aluminum, Total (as Al)	1.2615	+	0.1		MG/L	030 - Exceeds Concentration Average	110%	- Îx	-+-
NGTON COAL COMPANT, LLC WYDDAT734 011	5/3 1/2020 0:00 01105 - Aldminuth, Tolet (as Aly	1.2015		.0	+	IF GFC	Electeda Concernation Average	1107	-	+
NGTON COAL COMPANY, LLC WV0041734 013	12/31/2018 0:00 01105 - Akuminum, Total (as Al)	0.621		.43	1	MGA	030 - Exceeds Concentration Average	44%	x	-
NGTON COAL COMPANY, LLC WV0041734 013	3/31/2020 0:00 01105 - Aluminum, Total (as Al)	0.4655		.43		MGA	030 - Exceeds Concentration Average	8% X		
		and the second	1224205128	2	and the second					10
NGTON COAL COMPANY, LLC WV0095796 009	6/30/2019 0:00 01045 - Iron, Total (as Fe)		2.57		2.45	MG/L	010 - Exceeds Concentration Meximum	4% X		-
NGTON COAL COMPANY, LLC WV0095796 009	6/30/2019 0:00 00530 - Total Suspended Solids		84		70	MG/L	010 - Exceeds Concentration Maximum	20% X	-	+
NGTON COAL COMPANY, LLC WV0095795 009	7/31/2019 0:00 00530 - Total Suspended Solids		162		70	MG/L MG/L	010 - Exceeds Concentration Maximum 010 - Exceeds Concentration Maximum	131%	-	+
NGTON COAL COMPANY, LLC WV0005796 009 NGTON COAL COMPANY, LLC WV0095796 009	7/31/2019 0:00 01045 - Iron, Total (as Fe) 6/30/2019 0:00 00530 - Total Suspended Solids	45	9.60	35	2.40	MG/L	1010 - Exceeds Concentration Matemum	29% X		+
NGTON COAL COMPANY, LLC WV0095796 009	7/31/2019 0:00 01045 - Iron, Total (as Fe)	1.7767	1	1.42	+	MG/L	030 - Exceeds Concentration Average	25% X	-	+
NGTON COAL COMPANY, LLC WV0095796 009	7/31/2019 0:00 00530 - Total Suspended Solids	54.6667		35	1	MG/L	030 - Exceeds Concentration Average	56%	X	1
in the state in the second second			11.55			Line				100
IGTON COAL COMPANY, LLC WV0096148 005	1/31/2020 0:00 01045 - Iron, Total (as Fe)		2.51		2.46	MGA	010 - Exceeds Concentration Maximum	2% X		T
IGTON COAL COMPANY, LLC WV0096148 005	2/29/2020 0:00 01045 - Iron, Total (as Fe)		2.59		2.46	MQ/L	010 - Exceeds Concentration Maximum	5% X		+
VGTON COAL COMPANY, LLC WV0096148 005	1/31/2020 0:00 01045 - Iron, Total (as Fe)	2.12		1.42		MG/L MG/L	030 - Exceeds Concentration Average	49% 10% X	X	+
NGTON COAL COMPANY, LLC WV0096148 005	2/29/2020 0:00 01045 - Iron. Total (as Fe)						030 - Exceeds Concentration Average			-
NGTON COAL COMPANY, LLC WV0096148 005	3/31/2020 0:00 01045 - Iton, Total (as Fe)	1.4333		1.42		MQA	030 - Exceeds Concentration Average	1% X		+
NGTON COAL COMPANY, LLC WV0096148 006	4/30/2019 0:00 00530 - Total Suspended Solids		76		70	MGA	010 - Exceeds Concentration Maidmum	9% X		+
AGTOR COAL COMPARY, LLC 14120385148 1005			1.0	The Local A	1/2	Innore		1	Contraction and	1000
GTON COAL COMPANY, LLC WV1008277 017	4/30/2019 0:00 00981 - Selenium, Total Recoverable	1	10.4	1	8.2	UGA	010 - Exceeds Concentration Maximum	27% X	T	T
NGTON COAL COMPANY, LLC WV1008277 017	5/31/2019 0:00 00981 - Selenium, Total Recoverable		8.9		8.2	UGAL	010 - Exceeds Concentration Maximum	9% X		
GTON COAL COMPANY, LLC WV1008277 017	4/30/2019 0:00 00961 - Selenium, Total Recoverable	10.05	1	4.7		UGAL	030 - Exceeds Concentration Average	114%	X	
NGTON COAL COMPANY, LLC WV 1008277 017	5/31/2019 0:00 00981 - Selenium, Total Recoverable	8,45	1	4.7		UGAL	030 - Exceeds Concentration Average	80%	X	-
NGTON COAL COMPANY, LLC WV1008277 017	6/30/2019 0:00 00961 - Selenium, Total Recoverable	7.85		4.7		UGAL	030 - Exceeds Concentration Average	67%	X	+
NGTON COAL COMPANY, LLC WV1008277 017	7/31/2019 0:00 00961 - Selenium, Total Recoverable	7.4		4.7		UGAL	030 - Exceeds Concentration Average	57%	- X	-
NGTON COAL COMPANY, LLC WV1008277 017 NGTON COAL COMPANY, LLC WV1008277 017	B/31/2019 0:00 00961 - Setenium, Total Recoverable 9/30/2019 0:00 00961 - Satenium, Total Recoverable	6.8		4.7	+	UGAL UGAL	030 - Exceeds Concentration Average 030 - Exceeds Concentration Average	45%	- C	+
VGTON COAL COMPANY, LLC WV1008277 017	10/31/2019 0:00 00961 - Salenium, Total Recoverable	6.2		4.7	+	UGAL	030 - Exceeds Concentration Average	32% X	-	+
AGTON COAL COMPANY, LLC WY1008277 017	11/30/2019 0:00 00981 - Selenium, Total Recoverable	6.95		4.7		UGA	030 - Exceeds Concentration Average	24% X		+
			1		-					T
NGTON COAL COMPANY, LLC WV1008277 038	3/31/2020 0:00 00981 - Selenkim, Total Recoverable	6,45		4.7		UGAL	030 - Exceeds Concentration Average	37% X		1
IGTON COAL COMPANY, LLC WV1008277 038	4/30/2020 0:00 00951 - Selenium, Total Recoverable	5		4.7		UGAL	030 - Exceeds Concentration Average	6% X 15% X		+
IGTON COAL COMPANY, LLC WV1008277 038	5/31/2020 0:00 00961 - Selenium, Total Recoverable	5.4	1	4.7	1	UGA	030 - Exceeds Concentration Average	15%[X		_
GTON COAL COMPANY LLC JWV1016024 012	CORPORATE AND ADDRESS AND Tatal (or Fri	and the second states	6.11		5.26	IMGA	010 - Exceeds Concentration Maximum	16% X	1	7
	6/30/2019 0:00 01045 - Iron, Total (as Fe) 5/31/2020 0:00 01045 - Iron, Total (as Fe)		6.11		5.20	MG/L	010 - Exceeds Concentration Mateman	26% X	1	+
GTON COAL COMPANY, LLC WV1016024 012	6/30/2019 0:00 01045 - Iron, Total (as Fe)	3.52	0.01	3	0.20	MGA	010 - Exceeds Concentration Average	17% X		+
IGTON COAL COMPANY, LLC WY1018024 012	12/31/2019 0:00/00/951 - Selenium, Total Recoverable	5.3		4.7	1	UGA	030 - Exceeds Concentration Average	13% X		+
IGTON COAL COMPANY, LLC WV1016024 012	5/31/2020 0:00 01045 - Iron: Total (as Fe)	4.74		3		MGA	030 - Exceeds Concentration Average	58%	X	T
					1				_	1
IGTON COAL COMPANY, LLC WV1016024 022	6/30/2019 0:00 01105 - Aluminum, Total (as Al)	2.1515		1.99	1	MGA	030 - Exceeds Concentration Average	8% X		+
GTON COAL COMPANY, LLC WV1016924 022	10/31/2019 0:00 01105 - Aluminum, Total (as Al)	2.961		1.99	1	MG/L	030 - Exceeds Concentration Average	49%	1×	_
	6/30/2019 0:00/01045 - Iron, Total (as Fe)	1	12.96	1	2.46	IMGA.	010 - Exceeds Concentration Maximum	20% 1×	1	T
GTON COAL COMPANY, LLC WV1017680 036 GTON COAL COMPANY, LLC WV1017680 035	6/30/2019 0:00 01045 - Iron, Total (as Fe) 6/30/2019 0:00 00530 - Total Suspended Solids		105		70	MG/L	010 - Exceeds Concentration Maximum	50% X		+
GTON COAL COMPANY, LLC WY1017080 036	6/30/2019 0:00 01105 - Aluminum, Total (as Al)		1.838	1	1.75	MG/L	010 - Exceeds Concentration Maximum	145%	X	+
IGTON COAL COMPANY, LLC WV1017080 036	10/31/2019 0:00 00951 - Selenium, Total Recoverable		8.7		8.2	UGA	010 - Exceeds Concentration Maximum	6% X	-	T
IGTON COAL COMPANY, LLC WV1017980 036	6/30/2019 0:00 01105 - Aluminum, Total (as Al)	0 712		.43		MG/L	030 - Exceeds Concentration Average	86%	X	T
IGTON COAL COMPANY, LLC WV1017980 035	6/30/2019 0:00 01045 - Iron, Total (as Fe)	1.545		1.42		MG/L	030 - Exceeds Concentration Average	9% X		1
IGTON COAL COMPANY, LLC WV1017980 036	7/31/2019 0:00 00981 - Selenium, Total Recoverable	4.88		4.7	-	UG/L	030 - Exceeds Concentration Average	4% X		+
IGTON COAL COMPANY, LLC WV1017080 036	10/31/2019 0:00 00981 - Selenium, Total Recoverable	6.7	1	4.7	1	UG/L	030 - Exceeds Concentration Average	21% X	1	1
OTON COAL COMPANY, LLC. WV1018814 047	Dependent opploget Rabel a Tatt barratis	15.05		14.7	1	IUGA.	030 - Exceeds Concentration Average	7% X	-	T
GTON COAL COMPANY, LLC V/V1018814 047 GTON COAL COMPANY, LLC V/V1018914 047	2/29/2020 0:00 00951 - Selenium, Total Recoverable 3/31/2020 0:00 00951 - Selenium, Total Recoverable	5.05		4.7	+	UGA	030 - Exceeds Concentration Average 030 - Exceeds Concentration Average	22% X		+
GTOR COAL COMPANY, LLC WYV1018914 047	I 3/31/2020 0100 [00901 - Sevensum, rolar Recoverable	13.73	10000000000	12.7	Crains new	Toor	Tono - menane contraire antes seas, año	** **	Contraction of the	-
GTON COAL COMPANY, LLC JWV1019716 005	4/30/2019 0:00 00961 - Selenium, Total Recoverable	1	113.5	1	8.2	UGA	010 - Exceeds Concentration Maximum	65% X	1	T
GTON COAL COMPANY, LLC WV1019716 005 GTON COAL COMPANY, LLC WV1019716 005	4/30/2019 0:00 00981 - Selenium, Total Recoverable	11,15		4.7		UG/L	030 · Exceeds Concentration Average	137%	X	T
IGTON COAL COMPANY, LLC WV1019716 005	5/31/2019 0:00 00961 - Selenium, Total Recoverable	7.6		4.7	1	UGIL	030 - Exceeds Concentration Average	62%	X	T
		AND IS AND A STATE	100000	RECEILL	2212120	They was been to	and the second second second second			
IGTON COAL COMPANY, LLC WV1019970 007	4/39/2019 0:00 00951 - Selenium, Total Recoverable		13.4		8.2	UG/L	010 - Exceeds Concentration Maximum	63% X		+
IGTON COAL COMPANY, LLC WV1019970 007	5/31/2019 0:00 D0981 - Selenium, Total Recoverable	-	9.8		8.2	UG/L	010 - Exceeds Concentration Maximum	20% X		+
IGTON COAL COMPANY, LLC WV1019970 007	6/30/2019 0:00 01055 - Manganese, Total (as Mn) 6/30/2019 0:00 00981 - Selonium, Total Rocoverable		3.56		3.47	MG/L UG/L	010 - Exceeds Concentration Maximum 010 - Exceeds Concentration Maximum	3% X 17% X		+
IGTON COAL COMPANY, LLC WV1019970 007 IGTON COAL COMPANY, LLC WV1019970 007	6/30/2019 0:00 00981 - Selenium, Total Recoverable 4/30/2019 0:00 00981 - Selenium, Total Recoverable	11.4	3.0	47	0.6	UGA	030 - Exceeds Concentration Average	143%	×	+
IGTON COAL COMPANY, LLC WV1019970 007										and on the second

LEXINGTON COAL COMPANY, LLC WV1019970	1007 5/31/2019 0:00 c	0981 - Selenium, Total Recoverable	19.55		4.7		UG/L	030 - Exceeds Concentration Average	103%	~
					4.7				103% X	-
	007 6/30/2019 0:00 0	1055 - Manganese, Total (as Mn)	2.095		2		MG/L	030 · Exceeds Concentration Average		
		0981 - Selenium, Total Recoverable	8		4.7			C30 - Exceeds Concentration Average	70%	<u> </u>
	007 7/31/2019 0:00 0	1055 - Manganese, Total (as Mn)	2.86		2			030 - Exceeds Concentration Average	43%	×
LEXINGTON COAL COMPANY, LLC WV1019970	007 7/31/2019 0:00 0	0981 - Selenium, Total Recoverable	7.2		4.7		UG/L	030 - Exceeds Concentration Average	63%	X
			1.2.2				1000			C. 11. 20. 50 . 67 . 19 . 29
LEXINGTON COAL COMPANY, LLC WV 1020005	005 5/31/2019 0:000	01105 - Aluminum, Total (as Al)	1	18.19		1.79	MG/L	010 - Exceeds Concentration Maximum	916%	X
LEXINGTON COAL COMPANY, LLC WV1020005	005 5/31/2019 0:00 0	1105 - Aluminum, Total (as Al)	9.126		1.03		MG/L	030 - Exceeds Concentration Average	786%	X
			10.100							
LEXINGTON COAL COMPANY, LLC WV1020005	1006 4/30/2019 0:00/0	0981 - Selenium, Total Recoverable	1	13.2		0.0	UGIL	010 - Exceeds Concentration Maximum	61% X	
	006 6/31/2019 0:00 0	10981 - Selenium, Total Recoverable		12.5			UGA	CIU - Exceeds Concentration Maximum	52% X	
							UGIL	010 - Exceeds Concentration Maximum		
	006 6/30/2019 0:00 0	0951 - Selenium, Total Recoverable		9.1				010 - Exceeds Concentration Maximum	11% X	
	006 7/31/2019 0:00 0	00981 - Selenium, Total Recoverable		9.3				010 - Exceeds Concentration Maximum	13% X	
	006 4/30/2019 0:00 0	00981 - Selenium, Total Recoverable	12.5		4.7		UGIL	030 - Exceeds Concentration Average	165%	λ
	006 5/31/2019 0:00 0	0981 - Selenium, Total Recoverable	12.4		4.7		UGIL	030 - Exceeds Concentration Average	164%	κ
LEXINGTON COAL COMPANY, LLC WV1020005	006 6/30.2019 D:00 0	00981 - Selenium, Total Recoverable	8,16	1	4.7		UGIL	030 - Exceeds Concentration Average	74%	x
		0961 - Selenium, Total Recoverable	6.5		4.7			030 - Exceeds Concentration Average	38% X	
								A contract of the second se		
LEXINGTON COAL COMPANY, LLC WV 1020005	009 5/31/2019 0:00 C	1055 - Manganese, Total (as Mn)	-	11.79		6	MGA.	010 - Exceeds Concentration Maximum	195%	x
	009 6/30/2019 0:0010	1055 - Manganese, Total (as Mn)		11.9			MGA	010 - Exceeds Concentration Maximum	198%	÷
				9 39					135%	2
	009 7/31/2019 0:0010	1055 - Manganeze, Total (as Mn)	1.1.100	8 28			MQA	010 - Exceeds Concentration Maximum		4
	009 5/31/2019 0:00 0	01055 - Manganese, Total (as Mn)	11.79		6		MG/L	030 - Exceeds Concentration Average 030 - Esceeds Concentration Average	490%	X
	009 6/30/2019 0:00 0	01055 - Manganese, Total (as Mn)	8.345		2		MG/L	030 - Exceeds Concentration Average	317%	X
LEXINGTON COAL COMPANY, LLC WV1020005	009 7/31/2019 0:00 0	1055 - Manganese, Total (as Mn)	6.79		2		MGA	030 - Exceeds Concentration Average	240%	X
	and the second such a second second second second		100 - 100 - 100	Torthe La La	R.A. Special		100 M			1 41 AL 201 C.C.C.
LEXINGTON COAL COMPANY, LLC WV1020196	006 5/31/2019 0:00	0981 - Selenium, Total Recoverable		9.6			UGA	010 - Exceeds Concentration Maximum	17% X	
LEXINGTON COAL COMPANY, LLC WV1020196	006 6/30/2019 0:00 0	0981 - Selenium, Total Recoverable		8.4		8.2	UGA	010 - Exceeds Concentration Maximum	2% X	
		0981 - Selenium, Total Recoverable		9.6				010 - Exceeds Concentration Maximum	17% X	
		0981 - Selenium, Total Recoverable		9.8				010 - Exceeds Concentration Maximum	20% X	
		20981 - Selenium, Total Recoverable		9.0				010 - Exceeds Concentration Maximum	12% X	
			+	9.1					12% X	
		0961 - Selenium, Total Recoverable	0.65				UGAL	010 - Exceeds Concentration Maximum		
		0981 - Selenium, Total Recoverable			4.7			030 - Exceeds Concentration Average	84%	λ
	008 6/30/2019 0:00 0	00981 - Selenium, Total Recoverable	5.55		4.7		UGAL	030 - Exceeds Concentration Average	18% X	
		00981 - Selenium, Total Recoverable	8.65		4.7			030 - Exceeds Concentration Average	84%	X
LEXINGTON COAL COMPANY, LLC WV1020196	8/31/2019 0:00 0	00981 - Selenium, Total Recoverable	8.9		4.7		UGIL	030 - Exceeds Concentration Average	89%	X
	9/30/2019 0:00 0	00981 - Selenium, Total Recoverable	6.25		4.7		UGIL	030 - Exceeds Concentration Average	33% X	
	006 10/31/2019 0:00 0	00961 - Selenium, Total Recoverable	7.4		47			030 - Exceeds Concentration Average	57%	X
LEXINGTON COAL COMPANY, LLC WV1020196	006 11/30/2019 0:00 0	00951 - Selenium, Total Recoverable	7.2		47		UGIL	030 - Exceeds Concentration Average	53%	X
	12/31/2019 0:00 0	0961 - Selenium, Total Recoverable	7.75		4.7		UGA	030 - Exceeds Concentration Average	65%	x
	1/31/2020 0:0010	09961 - Selenium, Total Recoverable	7.55		47		UGA	030 - Exceeds Concentration Average		Y
	006 2/29/2020 0 00	0981 - Selenium, Total Recoverable	8.65		4.7		UGA	030 - Exceeds Concentration Average	84%	ý l
		0981 - Selenium, Total Recoverable	7.5		4.7		UGA	030 - Exceeds Concentration Average		x
LEAINGTON COAL COMPANY, LLC WV1020196	3/31/2020 5:00 0	00951 - Selenum, Total Recoverable	1.5		4.7		UGAL	000 - Exceeds Concentration Average	0.0%	^
LEXINGTON COAL COMPANY, LLC WV1020196	007 501/2019 0-00 C			12.6		8.2	UGI		64% X	
	007 6/30/2019 0:0010	00951 - Selenium, Total Recoverable		9.6				010 - Exceeds Concentration Maximum	17% X	
		0961 - Selenium, Total Recoverable				8.2		010 - Exceeds Concentration Maximum		
		00981 - Selenium, Total Recoverable		13.6		8.2	UGAL	010 - Exceeds Concentration Maximum	86% X	
		00961 - Selenium, Total Recoverable	-	9.6		8.2		010 - Exceeds Concentration Maximum	17% X	
		00961 - Selenium, Total Recoverable		9.6		8.2	UGIL	010 - Exceeds Concentration Maximum	17% X	
LEXINGTON COAL COMPANY, LLC WV1020196	2/29/2020 0:00 0	00981 - Selenium, Total Recoverable		12		8.2	UGAL	010 - Exceeds Concentration Maximum	46% X	
LEXINGTON COAL COMPANY, LLC WV1020196	007 3/31/2020 0:00 0	00981 - Selenium, Total Recoverable		11.2		8.2	UGA	010 - Exceeds Concentration Maximum	37% X	
LEXINGTON COAL COMPANY, LLC WV1020195	007 5/31/2019 0:00 0	00981 - Selenium, Total Recoverable	10.45		4.7		UGA	030 - Exceeds Concentration Average	122%	X
LEXINGTON COAL COMPANY, LLC WV1020196	6/30/2019 0.00 0	00981 - Selenium, Total Recoverable	7.4		47		UGA.	030 - Exceeds Concentration Average	57%	x
LEXINGTON COAL COMPANY, LLC WV1020196		00981 - Selenium, Total Recoverable	10.85		4.7	1	UGA	030 - Exceeds Concentration Average	1315	x
		09951 - Selenium, Total Recoverable	8.3		4.7			030 - Exceeds Concentration Average	77%	x
		0981 - Selenium, Total Recoverable	6.4		4.7			030 - Exceeds Concentration Average	36% X	
		20961 - Selenium, Total Recoverable	6.6		4.7			030 - Exceeds Concentration Average 030 - Exceeds Concentration Average	30% X	
			8.75				VOIL	200 - Exceeds Concentration Average		
		00951 - Selenium, Total Recoverable			4.7			030 - Exceeds Concentration Average	86%	A
LEXINGTON COAL COMPANY, LLC WV1020196	907 12/31/2019 0:00 0	00981 - Selenium, Total Recoverable	7.8		4.7		UGAL	030 - Exceeds Concentration Average	66%	A
		00981 - Selenium, Total Recoverable	7.75		4.7			930 - Exceeds Concentration Average	65%	K I
	007 2/29/2020 0:00 0	00981 - Selenium, Total Recoverable	11.1		4.7		UGA.	030 - Exceeds Concentration Average	136%	*
LEXINGTON COAL COMPANY, LLC WV1020196	007 3/31/2020 0:00	00981 - Selenium, Total Recoverable	10.35		4.7		UGA	030 - Exceeds Concentration Average	120%	X
LEXINGTON COAL COMPANY, LLC WV1020196 LEXINGTON COAL COMPANY, LLC WV1020196	010 5/31/2019 0.00	00981 - Selenium, Total Recoverable		12.9		8.2	UGIL	010 - Exceeds Concentration Maximum	57% X	
LEXINGTON COAL COMPANY, LLC WV 1020196	010 8/30/2019 0:00 0	00951 - Salenium, Total Recoverable		16.5		8.2	UGA	010 - Exceeds Concentration Maximum	101%	X
	010 7/31/2019 0.000	00981 - Selenium, Total Recoverable		21.2		8.2		010 - Exceeds Concentration Maximum	159%	x
	010 8/31/2019 0.000	00981 - Selenium, Total Recoverable		28		8.2	UGIL	010 - Exceeds Concentration Meximum	241%	x
	010 9/30/2019 2:00	00981 - Selenium, Total Recoverable		16		8.2	UGA	010 - Exceeds Concentration Maximum	95% X	
LEXINGTON COAL COMPANY, LLC WV1020196	010 10/31/2019 0:00/0	20981 - Selenium, Total Recoverable		14.6		8.2		010 - Exceeds Concentration Maximum	78% X	
				14.6		8.2			120%	
	11/30/2019 0:00 0	00981 - Selenium, Total Recoverable		22.9				010 - Exceeds Concentration Maximum		2 +
		0981 - Selenium, Total Recoverable	-			8.2		010 - Exceeds Concentration Maximum	179%	<u>^</u>
		00961 - Selenium, Total Recoverable		15.2		8.2		010 - Exceeds Concentration Maximum	85% X	
		00981 - Selenium, Total Recoverable		20.2		8.2	UGIL	010 - Exceeds Concentration Maximum	146%	X [
	010 / 3/31/2020 0:00	00981 - Salenium, Total Recoverable		19.2		8.2	UGAL	010 - Exceeds Concentration Maximum	134%	X
	010 5/31/2019 0:00	00981 - Salenium, Total Recoverable	12.9		47		UGA	030 - Exceeds Concentration Average	174%	K
		0630 - Total Suspended Solids	56		35			030 - Exceeds Concentration Average	60%	X
		01105 - Aluminum, Total (as Al)	0.465		.43	1	MG/L	030 - Exceeds Concentration Average	8% X	
		00981 - Selenium, Total Recoverable	16.5		4.7			030 - Exceeds Concentration Average	251%	r
LEXINGTON COAL COMPANY, LLC 1991020196		20981 - Selenium, Total Recoverable 20981 - Selenium, Total Recoverable	19.05		47			C30 - Exceeds Concentration Average	305%	×
									437%	
		00981 - Selenkim, Total Recoverable	25.25		47			030 - Exceeds Concentration Average		X
		00951 - Selenium, Total Recoverable	15.2		4.7			030 - Exceeds Concentration Average	223%	<u>A</u>
	010 10/31/2019 0:00 (	00981 - Selenium, Total Recoverable	10.25		4.7		UGA	030 - Exceeds Concentration Average	118%	A
		20961 - Selenium, Total Recoverable	17.95		4.7			030 - Exceeds Concentration Average	262%	1.
LEXINGTON COAL COMPANY, LLC WV1020196	010 12/31/2019 0:00	00961 - Selenium, Total Recoverable	19.3		47	1	UG/L	030 - Exceeds Concentration Average	311%	X

EXINGTON COAL COMPANY, LLC WV1020196	010	1/31/2020 0:00 00981 - Selenium	Total Recoverable	13.45	1	4.7		UGA	030 - Exceeds Concentration Ave	rage 1861	X	$( \square$	
EXINGTON COAL COMPANY, LLC WV1020196	010	2/29/2020 0:00 00981 - Selenium	Total Recoverable	18.3		4.7		UGA.	030 - Exceeds Concentration Ave			(	
XINGTON COAL COMPANY, LLC WV 1020196	010	3/31/2020 0:00 00981 - Selenium	Total Recoverable	18		4.7	1	UGA.	030 - Exceeds Concentration Ave	rage 283%	X	(	
					1								
XINGTON COAL COMPANY, LLC WV 1020196	011	10/31/2019 0:00 00981 - Selenium	Total Recoverable		16.9		8.2	UGAL	010 - Exceeds Concentration Max	imum 108%	X	(	
KINGTON COAL COMPANY, LLC WV1020186	011	2/29/2020 0:00 00981 - Selenium	Total Recoverable		6.3		6.2	UGA	010 - Exceeds Concentration Max	15 NO.	X		<u></u>
XINGTON COAL COMPANY, LLC WV1020196	011	10/31/2019 0:00 00961 - Selenium	Total Recoverable	10.6		4.7		UGA	030 - Exceeds Concentration Ave			(	1
XINGTON COAL COMPANY, LLC WV1020196	011	11/30/2019 0:00 00981 - Selenium	Total Recoverable	6.45	1	4.7		UGA	030 - Exceeds Concentration Ave	/8ge 37%	X		<u> </u>
XINGTON COAL COMPANY, LLC WV1020196	011	12/31/2019 0:00 00981 - Selenium		7.15		4.7		UGA	030 - Exceeds Concentration Ave	rage 52%	X	(	í T
XINGTON COAL COMPANY, LLC WV1020196	011	2/23/2020 0:00 00951 - Selenium		6	1	4.7	1	UGA	030 - Exceeds Concentration Ave	rage 28%	X		_
XINGTON COAL COMPANY, LLC WV1020196	011	3/31/2020 0:00 00981 - Selenium		4.9	1	4.7		UGIL	030 - Exceeds Concentration Ave	rage 4%	X		í –
				-		1		1					_
XINGTON COAL COMPANY, LLC WV1020196	052	5/31/2019 0:00 00981 - Selenium	Total Recoverable		14.4		5.2	UGA	010 - Exceeds Concentration Max	imum 76%	x		_
XINGTON COAL COMPANY, LLC WV1020196	052	7/31/2019 0:00 00981 - Selenium			20.6	1	8.2		010 - Exceeds Concentration Max				_
KINGTON COAL COMPANY, LLC WV1920196	052	8/31/2019 0:00 00961 - Selenium			18,2		8.2		010 - Exceeds Concentration Max				-
KINGTON COAL COMPANY, LLC WV1020196	052	9/30/2019 0:00 00981 - Selenium		1	16.1	1	8.2		010 - Exceeds Concentration Max				_
CONGTON COAL COMPANY, LLC WV1020196	052	10/31/2019 0:00 00981 - Selenium		1	14	1	8.2		010 - Exceeds Concentration Max				-
KINGTON COAL COMPANY, LLC WV 1020196	052	11/30/2019 0:00 00981 - Selenium		1	17.3	1	8.2		010 - Exceeds Concentration Max				_
KINGTON COAL COMPANY, LLC WV1020196	052	12/31/2019 0:00 00981 - Selenium		+	22.7		8.2		1010 - Excends Concentration Max				_
KINGTON COAL COMPANY, LLC WV1020196	1052	1/31/2020 0:00 00961 - Selenium			18.1	+	8.7		010 - Exceeds Concentration Max				
KINGTON COAL COMPANY, LLC WV1020196	052	2/29/2020 0:00 00981 - Selenium			21.9	+	8.2		010 - Exceeds Concentration Maa		1 IX		_
KINGTON COAL COMPANY, LLC WV1020196	052	3/31/2020 0:00 00981 - Selenium		+	22.6				010 - Exceeds Concentration Max		1 X		
KINGTON COAL COMPANY, LLC WV1020196	052	5/31/2019 0:00 00981 - Selenium		14.4	44.0	4.7	0.4		030 - Exceeds Concentration Ave				_
XINGTON COAL COMPANY, LLC WV1020196	052	7/31/2019 0:00 00981 - Selenium		20.6		4.7			030 - Exceeds Concentration Aver		t f		×
XINGTON COAL COMPANY, LLC WV1020196	052	8/31/2019 0:00 00981 - Selenium		17.95		4.7			030 - Exceeds Concentration Aver		Y Y		<u>~</u>
KINGTON COAL COMPANY, LLC WV1020196	052	9/30/2019 0:00 00981 - Selenium,		14.75		4.7			030 - Exceeds Concentration Aver		1 P		_
KINGTON COAL COMPANY, LLC WV1020196	052	10/31/2019 0:00100981 - Selenium,		10.15		47			030 - Exceeds Concentration Aver				-
KINGTON COAL COMPANY, LLC WV1020196	052	11/30/2019 0:00 00981 - Selenium.		15.9		4.7			030 - Exceeds Concentration Aver				-
KINGTON COAL COMPANY, LLC WV1020196	052	12/31/2019 0:00100961 - Selenium		17.35		4.7			030 - Exceeds Concentration Aver		t l		-
		1/31/2020 0:00 00961 - Selenium		16.95		4.7			030 - Exceeds Concentration Aver		1		-
KINGTON COAL COMPANY, LLC WV1020196 KINGTON COAL COMPANY, LLC WV1020196	052	2/29/2020 0:00 00981 - Selenium,		21.6		4.7			030 - Exceeds Concentration Aver		<u>^</u>		0
		3/31/2020 0:00 00981 - Selenium,		20.95		4.7			030 - Exceeds Concentration Aver				Â
XINGTON COAL COMPANY, LLC WV1020196	052	3/3 1/2020 0:00 Jobas 1 - dielenium,	LOTEL LOCOADLEDIE	120.80		14.1		TOOL	1030 · Exceeds Concentration Aser	age Jaba	L		<u> </u>
XINGTON COAL COMPANY, LLC WV1020641	1001	7/31/2019 0:00 01045 - Iron. Total	(at Ea)	0.6533		1.55	T	IMG/L	030 - Exceeds Concentration Aver	age 19%	Ty I	T	-
KINGTON COAL COMPANY, LLC WY1020641	001	7/31/2019 0:00 01045 - Iron, 1048	(85 F.8)	0.0003		.00		MICHL	000 · Exceeds Concentration Real	ago 10%	r		-
INGTON COAL COMPANY, LLC WV1020641	007	4/30/2019 0:00 01046 - Iron. Total	(m Fa)		5.13	+	.95	MG/L	010 - Exceeds Concentration Max	mum 19%	V I		-
XINGTON COAL COMPANY, LLC WV1020611 XINGTON COAL COMPANY, LLC WV1020641				+	1.49				010 - Exceeds Concentration Max				-
	007	11/30/2019 0:00 01045 - Iron, Total 12/31/2019 0:00 01045 - Iron, Total		+	1.49				010 - Exceeds Concentration Max				-
KINGTON COAL COMPANY, LLC WV1020641	007	2/29/2020 0:00 01045 - iron, Total		+	1.82				010 - Exceeds Concentration Max				-
KINGTON COAL COMPANY, LLC WV1020641	007	6/30/2020 0:00 01045 - Iron, Total 6/30/2020 0:00 01045 - Iron, Total		+	1.62				010 - Exceeds Concentration Max				-
INGTON COAL COMPANY, LLC WV1020641				0.817	1.14	1.6.6			030 - Exceeds Concentration Max 030 - Exceeds Concentration Aver				_
KINGTON COAL COMPANY, LLC WV1020641	007	4/30/2019 0:00 01045 - Iron. Total		0.8625		.55			030 - Exceeds Concentration Aver 030 - Exceeds Concentration Aver				-
KINGTON COAL COMPANY, LLC WV1020641	007	11/30/2019 0:00 01045 - Iron. Total							030 • Exceeds Concentration Aver 030 • Exceeds Concentration Aver		X		
XINGTON COAL COMPANY, LLC WV1020641	007	12/31/2019 0:00 01045 - Iron, Total		0.605		.56			030 - Exceeds Concentration Aver 030 - Exceeds Concentration Aver		6		_
XINGTON COAL COMPANY, LLC WV1020641	007	2/29/2020 0:00 01045 - Iron. Total	(#S P0)	0.559		.00	1	MGM.	USU - Exceeds Concentration Aver	age 1 2%	A		-

					ATTACHM	ENT 3-C									
				E	sceedances 07/01/2	0 through 09/30/20									
					Contrast of the other other of the other other other of the other								Degree o	of nancompli	
RESPONSIBLE PARTY	PERMIT	OUTLET	DATE	PARAMETER	REPORT AVG	REPORT MAX	LIMIT AVG	LIMIT MAX	Imt_units	nonci	ompliance	% Exceedance	MIN	MOD	MAJ
LEXINGTON COAL COMPANY, LLC	WV1020005	800	7/31/2020 0 0	0 00981 - Selenium, Total Racoverable		8.8		8.2	UG/L	010	- Exceeds Concentration Maximum	71	% X		
LEKINGTON COAL COMPANY, LLC		005	9/30/2020 0 0	0101055 - Manganese, Total (as Mn)	1.03		1		MG/L	030	- Exceeds Concentration Average	31	% X		
LEXINGTON COAL COMPANY, LLC		300		000381 - Selenium, Total Recoverable	8.15		4.7		UG/L	030	<ul> <li>Exceeds Concentration Average</li> </ul>	73	%	X	
LEXINGTON COAL COMPANY, LLC		006		0 00981 - Selenium, Total Recoverable	4.75		4.7		UG/L	030	- Exceeds Concentration Average	11	% X		
	Tree to Beener	- Alice - Alic		And the second design of the second se			and southing the second second					TOTAL	5	3	1

03/02/21

**Base Penalty Calculation** 

(pursuant to 47CSR1-6.1)

Responsible Party: Treatment System Design Treatment System Actus			Maxii al Ave	num l	Flow: Flow:		WVI N/A N/A		CS No. MGI MGI	D		VV1002 VV1016 VV1020 VV1018 V102000 V	5796, W 2040, W 5024, W 5024, W 9641, W 9641, W 9914, W 05, WV1 05, WV1	V100433 V101708 V101993 V101973 020196	28, 30, 70, 16,
Enter FOF# and rate each finding as to Potential and Extent.						<b>FOF</b> #	ŧ	a da Cineration							
1)	Potential for Harm Factor	Factor Range	No T	No T	No T	Т	Т	Т	T Al	T AI	T AI	TI	TI	ті	
a)	Amount of Pollutant Released	1 to 3	1	1	2	1	1	2	1	1	2	1	1	2	
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	3	3	3	1	1	1	
c)	Sensitivity of the Environment	0 to 3	1	1	1	3	3	3	3	3	3	2	2	2	
d)	Length of Time	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	
	Average Potential fo Factor	or Harm	1	1	1.2	1.4	1.4	1.6	1.8	1.8	2	1.2	1.2	1.4	No
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non- Compliance	1 to 3	1	2	3	1	2	3	1	2	3	1	2	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.

<u>Minor</u> = 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.

<u>Moderate</u> = 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.

<u>Major</u> = 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.

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VVVUU38113, VVVUU41734,

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		-	FOF#												
1)	Potential for Harm Factor	Factor Range	TIAL	TIAL	TIAL					NS TO					
a)	Amount of Pollutant Released	1 to 3	1	1	2										
b)	Toxicity of Pollutant	0 to 3	3	3	3										
c)	Sensitivity of the Environment	0 to 3	2	2	2										
d)	Length of Time	1 to 3	1	1	1		19 <u>1</u> 1			20.00					
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1							-172 ·			
	Average Potential f Factor	or Harm	1.6	1.6	1.8	No	No	No	No	No	No	No	No	No	No
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non- Compliance	1 to 3	1	2	3										

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

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

	Potential for	Extent of	1	Multiple	
FOF #	Harm	Deviation	Penalty	Factor	<b>Base Penalty</b>
No T	Minor	Minor	\$1,000	144	\$144,000
No T	Minor	Moderate	\$1,500	123	\$184,500
				and a	
No T	Moderate	Major	\$4,200	12	\$50,400
Т	Moderate	Minor	\$2,400		\$0
Т	Moderate	Moderate	\$3,400	Constant State	\$0
Т	Moderate	Major	\$4,600		\$0
T Al	Moderate	Minor	\$2,800	and the set	\$0
T Al	Moderate	Moderate	\$3,800		\$0
	moderate	moderate	\$5,000		
T Al	Moderate	Major	\$5,000		\$0
TI	Moderate	Minor	\$2,200		\$0
ΤI	Moderate	Moderate	\$3,200		\$0
T 1	Moderate	Major	\$4,400		\$0
0	FALSE	FALSE	FALSE		\$0
TIAL	Moderate	Minor	\$2,600		\$0
TIAL	Moderate	Moderate	\$3,600		\$0
TIAL	Moderate	Major	\$4,800		\$0
0	FALSE	FALSE	FALSE	1	\$0
FTS	Major	Major	\$10,000	0	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
		DATOD	T.L.		
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	]	\$0
	Total Ba	se Penalty			\$378,900

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## 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.

	% Reduction
Avg. Daily WW Discharge Flow (gpd)	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**

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(pursuant to 47CSR1-6.2)

		T	<b>Base Penalty</b>
Penalty Adjustment Factor	% Increase	% Decrease	Adjustments
6.2.b.1 - Willfulness and/or negligence -	20		\$75,780
6.2.b.4 - Compliance/noncompliance history -	\$75,780		
6.2.b.6 - Economic benefits -	£4.000		
(flat monetary increase)	\$4,000		\$4,000
6.2.b.7 - Public Interest -	and the second second		
(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)		CORRECT COLORISON	\$0
6.2.b.10 - Additional Other Factors -			
Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors -		Decrease to \$125,000 per WV Code 22-11-	
Decrease (flat monetary decrease)		229a)(b)(1)	\$409,520
Public Notice Costs (flat monetary increase)	\$60	1	\$60
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		AND DESCRIPTION OF	\$0
6.2.b.3 - Cooperation with the Secretary			\$0
6.2.b.5 - Ability to Pay			\$0
Penalty Adjust	(\$253,900)		
Penalty	\$125,000		

Estimated Ecol	nomic Benefit	Estimated Benefit (\$)				
Monitoring & F	Reporting	Salas assessments				
Installation & I	Installation & Maintenance of Pollution Control Equipment					
O&M expense compliance						
Permit Applica	tion or Modification					
Competitive A	\$4,000					
Estimated Ecor	nomic Benefit	\$4,000				
Comments:	Competitive advantage: Effluent violations @ \$1,000/quarter x 4 quarters	= \$4,000				