

PERMIT NUMBER	ORIGINAL INSPECTION		ENF STD DATA			VIOLATION ACTIVITY			INSP ID NUMBER
	DATE	TIME	FORM#	FACILITY#	ENF STD	DATE	TIME	VIOLATION#	
O301095	02/05/2010	18:00	6		1100	02/05/2010	18:05	1	829

PERMITTEE NAME MARFORK COAL COMPANY INC

OPERATOR NAME _____

MSHA ID# 0234

NPDES # _____

WV1015044

OWNER/CONTROLLER _____

If different from above

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 05th day of February, 2010. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

22.3.i.

Reg 38-2-

22.3.i. 38-4-11.4.a.1

[DOV] Description of Violation:

Failed to construct and maintain your disposal facility so as to attain a minimum long-term safety factor of 1.5.

[REM] Remedial Measures:

Construct and maintain your disposal facility so as to attain a minimum long-term safety factor of 1.5.

MUST BE CORRECTED BY DATE 02/12/2010 09:00

NOV Issued

CO Modified to NOV

AUTH. COMPANY REPRESENTATIVE Paul McCombs

DELIVERY METHOD / DATE TIME Hand 2/6/2010 10:00:00

CERTIFIED MAIL NUMBER _____

ADDRESS PO BOX 457, WHITESVILLE, WV 25209

WV DEP REP. Glenn A Jarrell

Randy C. Huffman

[Secretary, Department of Environmental Protection]

Glenn Jarrell
[WV DEP Rep/Date]

02/06/2010

Contact Glenn A Jarrell at (304) 465-1911 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

PERMIT NUMBER	INSPECTION				MINE STATUS	PHOTOS	BLASTING	
	DATE	TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
O301096	02/05/2010	18:00	IN	P	A4	No	No	No

PERMITTEE NAME MARFORK COAL COMPANY INC MSHA # 0234
 OPERATOR NAME _____ MR-19 DATE _____
 NPDES # WV1015044 NPDES EXPR DATE 11/27/2012 PERMIT EXPR DATE 11/28/2010
 PERMIT ACRES 645.00 TOTAL DISTBD 493.93 RECLMD 65.31 ANCIL-LARY 0 UNRECLMD 428.62
 DATES: PH I _____ PH II _____ LAST AUG SEED _____ MR-8 _____
 LAST INSP DATE 01/05/2010 TYPE C BOND INC 0 INC BONDED ACRES 645.00 CUR IBR# 7 CUR REV# 25
 EXPR DATES: INACT _____ EMER RESP PLAN _____ INS 11/01/2010 BLAST AD _____
 TIME USED (HRS)==> PERMIT REVIEW 0.25 INSPECT 0.50 TRAVEL 1.00 REPORT 0.25

INSPECTION COMMENTS

NOV issued on the disposal facility for failure to construct and maintain a minimum safety factor of 1.5.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....			0200 Exceeding Limits.....		
0300 Signs and Markers.....	FC		0400 Sediment Control.....		
0500 Design Certification.....			0600 Effluent Limits.....		
0700 Surface Water.....			0800 Ground Water.....		
0900 Blasting Procedures.....			1000 Haul Roads.....		
1100 Refuse Impoundments.....	NV	1	1200 Topsoil Handling.....		
1300 Backfill / Grading.....			1400 Reclamation Schedule.....		
1500 Revegetation Requirements.....			1600 Disposal of Excess Spoil.....		
1700 Highwall Elimination.....			1800 Downslope Spoil Disposal.....		
1900 Postmining Land Use.....			2000 Ceased Mining Temporarily.....		
2100 Acid bearing /Toxic Material.....			2200 Method of Operations.....		
2300 Change of Operator.....			2400 Permit Conditions.....		
2500 Diversions and Drainage Control..			2600 Fugitive Dust Control.....		
2700 Subsidence Plan.....			2800 Insurance Current.....	FC	
2900 Bonding Current.....			3000 Other Conditions.....		

WATER QUALITY TESTS

Structure ID	Outfall	pH	Fe	Mn	Al	No Flow	Not Const.	Treatment

AUTH. COMPANY REPRESENTATIVE Paul McCombs *Paul McCombs*
 DELIVERY METHOD / DATE TIME Hand 2/6/2010 10:00:00
 CERTIFIED MAIL NUMBER _____
 ADDRESS PO BOX 457, WHITESVILLE, WV 25209
 WV DEP REP. Glenn A Jarrell *Glenn Jarrell*