



Assessment Conference Determination

Company:	<u>Chestnut Land Holdings, LLC</u>	Permit No.:	<u>1302066</u>
Penalty of:	<u>Notice of Violation #TMM0008825</u>	Violation :	<u>2 Violations (AO, WM)</u>
Conference:	<u>August 25, 2014@10:40 AM</u>	Location:	<u>DMME Lebanon Office</u>
Participants:	<u>Matthew Hepler (Southern Appalachian Mountain Stewards), Les Vincent (Chestnut Land Holdings, LLC , Engineer), Ken Coomer (DMLR Area Supervisor)</u>		

Summary of Conference

One person from the public attended this assessment conference. Mr. Matthew Hepler associated with Southern Appalachian Mountain Stewards attended, but made no comments. However, Mr. Hepler did later submit internet links to newspaper articles regarding water monitoring issues that Justice permits had in other states in an e-mail to this hearings officer. Mr. Les Vincent had no comment concerning the Violation 1 of 2 under Performance Code AO. Mr. Vincent had a comment concerning Violation 2 of 2 under Performance Code WM. Mr. Vincent stated that Jon Lawson was no longer employed by the company and he had responsibility to submit the water monitoring reports to DMLR. When Mr. Lawson left, the company was not aware that Mr. Lawson did not hit the submit button to DMLR. The water monitoring reports were on e-forms. He added that the water monitoring reports were prepared but Mr. Lawson did not submit the reports to DMLR. Mr. Vincent stated that the company had requested informal conferences on all the water monitoring the fact of the violations.

Assessment Conference Recommendation

Notice of Violation TMM0008825, Violation 1 of 2 under Performance Code AO was issued to the operator on 05/08/14. The referenced Notice of Violation stated that the company failed to submit acid-base analysis for the 1st quarter of 2014. Notice of Violation TMM0008825, Violation 2 of 2 under Performance Code WM was also issued to the operator on 05/08/14. This violation stated that the company failed to submit water monitoring reports for the 1st quarter of 2014. I researched the permit files of 1302066. According to the information in the permit files, the company is required to conduct NPDES, Groundwater, In-stream and rainfall monitoring and submit monitoring results to the DMLR office on a quarterly basis. According to the quarterly water monitoring status reports for the 1st quarter of 2014, the company did submit water monitoring reports for the 1st quarter of 2014 for the referenced permit, however, the report was incomplete. According to the information in the report, the company only conducted 1 sample for MPID number 6370003 during the month of January 2014. Two samples per month are required. Also no samples were taken for MPID number 0002943 during the months of January

and February 2014. Four samples would have to have been taken. Only one sample was submitted for the month of March 2014.

Concerning Violation 1 of 2 under Performance Code AO---Under Section 14.7 of the approved plans, the plan states that the current approved plan requires monitoring of off-site materials, i.e., refuse material and/or scalp rock being disposed of in the refuse disposal area or in the highwall backfill. I checked with Inspector Tom Mackey concerning acid-base analysis. He stated that acid base analysis is required since it is approved to blend coal refuse material from the prep plant into the backfill.

Based on the above, it is my recommendation that the proposed assessment be affirmed.

Assessment Conference Determination:

Permit No. NOV# TMM0008825, violation 1 of 2 (AO)

	Proposed Assessment or Reassessment	Assessment Conference Recommendation
I. <u>History of previous violation</u>	\$60.00	\$60.00
II. Seriousness Points	3	3
III. Negligence Points	3	3
IV. Good Faith Points	0	0
Total Points:	6	6
Base Penalty:	\$ 400.00	
History Penalty:	\$ 60.00	\$ 60.00
Total Penalty:	\$ 460.00	\$460.00

Permit No. NOV# TMM0008825, violation 2 of 2 (WM)

	Proposed Assessment or Reassessment	Assessment Conference Recommendation
I. History of previous violation	\$60.00	\$60.00
II. Seriousness Points	3	3
III. Negligence Points	4	4
IV. Good Faith Points	0	0
Total Points:	7	7
Base Penalty:	\$ 475.00	
History Penalty:	\$ 60.00	\$ 60.00
Total Penalty:	\$ 535.00	\$535.00

Conference Officer: *Kenneth Coomer*
 Kenneth Coomer, Conference Officer

Date: 09/04/14