west virginia department of environmental protection

Division of Mining and Reclamation
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
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ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11

responsible_party_name_address

DATE: April 14, 2015 NPDES Number: /permit_id/

INTRODUCTION

The following findings are made and Order issued to pursuant to the authority vested in the Director of the Division of Mining Reclamation ("Director") under Chapter 22, Article 11, Section 4 (a)(1), et seq. of the West Virginia Code.

FINDINGS OF FACT

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

1. The permittee listed above operates a coal preparation plant and/or ancillary facilities where certain chemicals may be utilized in the coal processing and preparation.

2. The West Virginia Department of Environmental Protection (WVDEP) has determined that to effectively ensure protection of the state's water resources and the environment, additional information for chemicals utilized by this facility is needed.

ORDER FOR COMPLIANCE

And now, this April 14, 2015, permittee is hereby ORDERED by the Director as follows:

1. Permittee must immediately comply with the following provisions of this Order:

   a. Within sixty (60) days of the issuance of this order, permittee must identify the following:
      (1) All chemical components of the products utilized in the coal processing and preparation operations at this facility that have the potential to be present in an effluent, and
      (2) The outlet(s) that could potentially receive these chemicals.
      (3) If the permitted coal preparation plant and/or ancillary facilities are idle or on approved inactive status (per Division of Mining and Reclamation) all tests are to be performed within 60 days of activation of the permit.

   b. Permittee is hereby Ordered to complete the table in Appendix A to this Order indicating whether each parameter is "believed present" or "believed absent" at each outlet(s) based on the review of

products utilized in coal processing and preparation process that have the potential to be present in a discharge from the outlets identified above.

c. Permittee is hereby Ordered to analyze water from the outlet(s) for each parameter identified as "believed present" in Appendix A to this Order. A laboratory certified by the West Virginia Department of Environmental Protection (WVDEP) must be utilized for all analysis.

d. Additionally, you are hereby Ordered to submit a permit modification to your WVNPDES permit within ninety (90) days of the effective date of this order with the above required information. This information will be assessed to determine if additional monitoring requirements and/or effluent limitations are required in your permit.

Note: For parameters with existing numeric criteria in West Virginia 47CSR2 (REQUIREMENTS GOVERNING WATER QUALITY STANDARDS): This information will be reviewed to determine whether monitoring requirements and/or effluent limitations for those chemical(s) are required to be placed in the permit.

For parameters where there are no water quality standards in West Virginia 47CSR2 (REQUIREMENTS GOVERNING WATER QUALITY STANDARDS): If the chemical is detected above the MDL for the method utilized, you must provide Integrated Risk Information System (IRIS) and/or ECOTOX information along with a review of existing technology based effluent limitation guidelines (for any industry) for each identified chemical. This information will be reviewed to determine whether monitoring requirements and/or effluent limitations for those parameters are required to be placed into the permit.

2. All information and correspondence required under Order For Compliance shall be submitted to the regional WVDEP Division of Mining and Reclamation office with jurisdiction over the NPDES permit(s) cited in this Order.

OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving of the obligation to comply with any applicable law, permit, other order, or any requirement otherwise applicable. Violations of the terms and conditions of this Order may subject to additional enforcement action in accordance with the applicable law.

2. This Order excludes permits that are classified as Not Started or Approved Inactive (without chemical storage on-site) under the West Virginia Surface Coal Mining and Reclamation Act. Any operation meeting either status shall comply with this Order within 60 days of activation of the West Virginia Surface Coal Mining and Reclamation Act permit.

3. 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.

4. This Order is binding on , its successors and assigns.

5. This Order shall terminate upon notification to WVDEP of full compliance with the "Order" and verification of this notification by the Director.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order by which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Section 21, Article 11, Chapter 22 of the West Virginia Code within thirty (30) days after receipt of this Order.

This Order shall become effective upon receipt.

Harold D. Ward, Acting Director
Division of Mining and Reclamation

cc: Lewis Halstead
John Vernon
Jeff Parsons
Regional NPDES Supervisor
File

Appendix A
Believed Absent/Present Analysis for Parameters in 47 CSR 30, Tables C and E

ID	Parameter	CAS #	Outfall		Outfall		Outfall	
			Present	Absent	Present	Absent	Present	Absent
GC/MS Fraction - Volatile Compounds								
1V	Acrolein	107-02-8	☐	☐	☐	☐	☐	☐
2V	Acrylonitrile	107-13-1	☐	☐	☐	☐	☐	☐
3V	Benzene	71-43-2	☐	☐	☐	☐	☐	☐
4V	Bromoform	75-25-2	☐	☐	☐	☐	☐	☐
5V	Carbon Tetrachloride	56-23-5	☐	☐	☐	☐	☐	☐
6V	Chlorobenzene	108-90-7	☐	☐	☐	☐	☐	☐
7V	Chlorodibromomethane	124-48-1	☐	☐	☐	☐	☐	☐
8V	Chloroethane	75-00-3	☐	☐	☐	☐	☐	☐
9V	2-Chloroethylvinyl Ether	110-75-8	☐	☐	☐	☐	☐	☐
10V	Chloroform	67-66-3	☐	☐	☐	☐	☐	☐
11V	Dichlorobromomethane	75-27-4	☐	☐	☐	☐	☐	☐
12V	1,1-Dichloroethane	75-34-3	☐	☐	☐	☐	☐	☐
13V	1,2-Dichloroethane	107-06-2	☐	☐	☐	☐	☐	☐
14V	1,1-Dichloroethylene	75-35-4	☐	☐	☐	☐	☐	☐
15V	1,2-Dichloropropane	78-87-5	☐	☐	☐	☐	☐	☐
16V	1,3-Dichloropropylene	542-75-6	☐	☐	☐	☐	☐	☐
17V	Ethylbenzene	100-41-4	☐	☐	☐	☐	☐	☐
18V	Methyl Bromide	74-83-9	☐	☐	☐	☐	☐	☐
19V	Methyl Chloride	74-87-3	☐	☐	☐	☐	☐	☐
20V	Methylene Chloride	75-09-2	☐	☐	☐	☐	☐	☐
21V	1,1,2,2-Tetra -chloroethane	79-34-5	☐	☐	☐	☐	☐	☐
22V	Tetrachloroethylene	127-18-4	☐	☐	☐	☐	☐	☐
23V	Toluene	108-88-3	☐	☐	☐	☐	☐	☐
24V	1,2-Trans-Dichloroethylene	156-60-5	☐	☐	☐	☐	☐	☐
25V	1,1,1-Trichloroethane	71-55-6	☐	☐	☐	☐	☐	☐
26V	1,1,2-Trichloroethane	79-00-5	☐	☐	☐	☐	☐	☐
27V	Trichloroethylene	79-01-61	☐	☐	☐	☐	☐	☐
28V	Vinyl Chloride	75-01-4	☐	☐	☐	☐	☐	☐
GC/MS Fraction - Acid Compounds								
1A	2-Chlorophenol	95-57-8	☐	☐	☐	☐	☐	☐
2A	2,4-Dichlorophenol	120-83-2	☐	☐	☐	☐	☐	☐
3A	2,4-Dimethylphenol	105-67-9	☐	☐	☐	☐	☐	☐
4A	4,6-Dinitro-O-Cresol	534-52-1	☐	☐	☐	☐	☐	☐
5A	2,4-Dinitrophenol	51-28-5	☐	☐	☐	☐	☐	☐
6A	2-Nitrophenol	88-75-5	☐	☐	☐	☐	☐	☐
7A	4-Nitrophenol	100-02-7	☐	☐	☐	☐	☐	☐
8A	P-Chloro-M-Cresol	59-50-7	☐	☐	☐	☐	☐	☐
9A	Pentachlorophenol	87-86-5	☐	☐	☐	☐	☐	☐
10A	Phenol	108-95-2	☐	☐	☐	☐	☐	☐
11A	2,4,6-Trichlorophenol	88-06-2	☐	☐	☐	☐	☐	☐

Appendix A
Believed Absent/Present Analysis for Parameters in 47 CSR 30, Tables C and E

ID	Parameter	CAS #	Outlet		Outlet		Outlet	
			Present	Absent	Present	Absent	Present	Absent
GC/MS Fraction - Base/Neutral Compounds								
1B	Acenaphthene	83-32-9	☐	☐	☐	☐	☐	☐
2B	Acenaphtylene	208-96-8	☐	☐	☐	☐	☐	☐
3B	Anthracene	120-12-7	☐	☐	☐	☐	☐	☐
4B	Benzidine	92-87-5	☐	☐	☐	☐	☐	☐
5B	Benzo(a)Anthracene	56-55-3	☐	☐	☐	☐	☐	☐
6B	Benzo(a)Pyrene	50-32-8	☐	☐	☐	☐	☐	☐
7B	3,4-Benzofluoranthene	205-99-2	☐	☐	☐	☐	☐	☐
8B	Benzo(ghi)Perylene	191-24-2	☐	☐	☐	☐	☐	☐
9B	Benzo(k)Fluoranthene	207-08-9	☐	☐	☐	☐	☐	☐
10B	Bis(*2-Chloroethoxy*)Methane	111-91-1	☐	☐	☐	☐	☐	☐
11B	Bis(*2-Chloroethyl*)Ether	111-44-4	☐	☐	☐	☐	☐	☐
12B	Bis(*2-Chloroisopropyl*)Ether	39638-32-9	☐	☐	☐	☐	☐	☐
13B	Bis(*2-Ethylhexyl*)Phthalate	117-81-7	☐	☐	☐	☐	☐	☐
14B	4-Bromophenyl Phenyl Ether	101-55-3	☐	☐	☐	☐	☐	☐
15B	Butyl Benzyl Phthalate	85-68-7	☐	☐	☐	☐	☐	☐
16B	2-Chloronaphthalene	91-58-7	☐	☐	☐	☐	☐	☐
17B	4-Chlorophenyl Phenyl Ether	7005-72-3	☐	☐	☐	☐	☐	☐
18B	Chrysene	218-01-9	☐	☐	☐	☐	☐	☐
19B	Dibenzo(a,h)Anthracene	53-70-3	☐	☐	☐	☐	☐	☐
20B	1,2-Dichlorobenzene	95-50-1	☐	☐	☐	☐	☐	☐
21B	1,3-Dichlorobenzene	541-73-1	☐	☐	☐	☐	☐	☐
22B	1,4-Dichlorobenzene	106-46-7	☐	☐	☐	☐	☐	☐
23B	3,3-Dichlorobenzidine	91-94-1	☐	☐	☐	☐	☐	☐
24B	Diethyl Phthalate	84-66-2	☐	☐	☐	☐	☐	☐
25B	Dimethyl Phthalate	131-11-3	☐	☐	☐	☐	☐	☐
26B	Di-N-Butyl Phthalate	84-74-2	☐	☐	☐	☐	☐	☐
27B	2,4-Dinitrotoiuene	121-14-2	☐	☐	☐	☐	☐	☐
28B	2,6-Dinitrotoluene	206-20-2	☐	☐	☐	☐	☐	☐
29B	Di-N-Octyl Phthalate	117-84-0	☐	☐	☐	☐	☐	☐
30B	1,2-Diphenylhydrazine	122-66-7	☐	☐	☐	☐	☐	☐
31B	Fluoranthene	206-44-0	☐	☐	☐	☐	☐	☐
32B	Fluorene	86-73-7	☐	☐	☐	☐	☐	☐
33B	Hexachlorobenzene	118-71-1	☐	☐	☐	☐	☐	☐
34B	Hexachlorobutadiene	87-68-3	☐	☐	☐	☐	☐	☐
35B	Hexachlorocyclopentadiene	77-47-4	☐	☐	☐	☐	☐	☐
36B	Hexachloroethane	67-72-1	☐	☐	☐	☐	☐	☐
37B	Indeno(*1,2,3-cd*)Pyrene	193-39-5	☐	☐	☐	☐	☐	☐
38B	Isophorone	78-59-1	☐	☐	☐	☐	☐	☐
39B	Naphthalene	91-20-3	☐	☐	☐	☐	☐	☐
40B	Nitrobenzene	98-95-3	☐	☐	☐	☐	☐	☐
41B	N-Nitrosodimethylamine	62-75-9	☐	☐	☐	☐	☐	☐

Appendix A

Believed Absent/Present Analysis for Parameters in 47 CSR 30, Tables C and E

ID	Parameter	CAS #	Outlet		Outlet		Outlet	
			Believed Present	Believed Absent	Believed Present	Believed Absent	Believed Present	Believed Absent
42B	N-Nitrosodi-N-Propylamine	621-64-7	☐	☐	☐	☐	☐	☐
43B	N-Nitrosodiphenylamine	86-30-6	☐	☐	☐	☐	☐	☐
44B	Phenanthrene	85-01-8	☐	☐	☐	☐	☐	☐
45B	Pyrene	129-00-0	☐	☐	☐	☐	☐	☐
46B	1,2,4-Trichlorobenzene	120-82-1	☐	☐	☐	☐	☐	☐
GC/MS Fraction - Pesticides								
1P	Aldrin	309-00-2	☐	☐	☐	☐	☐	☐
2P	a-BHC	319-84-6	☐	☐	☐	☐	☐	☐
3P	b-BHC	319-85-7	☐	☐	☐	☐	☐	☐
4P	g-BHC	58-89-9	☐	☐	☐	☐	☐	☐
5P	d-BHC	319-86-8	☐	☐	☐	☐	☐	☐
6P	Chlordane	57-74-9	☐	☐	☐	☐	☐	☐
7P	4,4-DDT	50-29-3	☐	☐	☐	☐	☐	☐
8P	4,4-DDE	72-55-9	☐	☐	☐	☐	☐	☐
9P	4,4-DDD	72-54-8	☐	☐	☐	☐	☐	☐
10P	Dieldrin	60-57-1	☐	☐	☐	☐	☐	☐
11P	a-Endosulfan	115-29-7	☐	☐	☐	☐	☐	☐
12P	b-Endosulfan	115-29-7	☐	☐	☐	☐	☐	☐
13P	Endosulfan Sulfate	1031-07-8	☐	☐	☐	☐	☐	☐
14P	Endrin	72-20-8	☐	☐	☐	☐	☐	☐
15P	Endrin Aldehyde	7421-93-4	☐	☐	☐	☐	☐	☐
16P	Heptachlor	76-44-8	☐	☐	☐	☐	☐	☐
17P	Heptachlor Epoxide	1024-57-3	☐	☐	☐	☐	☐	☐
18P	PCB-1242	53469-21-9	☐	☐	☐	☐	☐	☐
19P	PCB-1254	11097-69-1	☐	☐	☐	☐	☐	☐
20P	PCB-1221	11104-28-2	☐	☐	☐	☐	☐	☐
21P	PCB-1232	11141-16-5	☐	☐	☐	☐	☐	☐
22P	PCB-1248	12672-29-6	☐	☐	☐	☐	☐	☐
23P	PCB-1260	11096-82-5	☐	☐	☐	☐	☐	☐
24P	PCB-1016	12674-11-2	☐	☐	☐	☐	☐	☐
25P	Toxaphene	8001-35-2	☐	☐	☐	☐	☐	☐