

*Testimony from Donna Branham before the House Natural Resources Subcommittee on Energy and Minerals for a hearing on "Health and Environmental Impacts of Mountaintop Removal Coal Mining" on Tuesday, April 9, 2019, at 2:00 p.m. in 1324 Longworth House Office Building, Washington, D.C.*

My name is Donna Branham. I am a lifelong resident of Mingo County, WV. I am retired now, and worked as a registered nurse for many years. This is my own personal story of life with irresponsible coal mining practices.

During my job as a nurse, I would see the adverse health effects caused by irresponsible mining. Retired miners gasping for every breath, painful joints, increased cancer rates. I worked many years as a home health nurse. I would see the valley fills caused by mountaintop removal mining around the communities I worked in. I would see the polluted creeks, homes that had water that came out of the faucets would be red and black, and some homes without water at all due to the sinking of wells. Many of the residents living in my county were suffering with liver disease, and other life-threatening illnesses due to the environmental pollution from mountaintop removal. The last two years of my nursing profession, I worked for Mingo County Health department and was the County School Nurse. I noticed an increase in respiratory problems, autism, attention deficit and cancer rate in the school-age children. You don't have to be a rocket scientist to know that the cause is the result of environmental pollution.

I grew up in an area that was known as #27 Hollow. My family and I lived approximately 1 mile above Island Ck. #27 underground mines and tipple (coal loading facility). We were a close-knit family and community. My dad and most of the men that lived in the community worked at #27 Island Creek or at another nearby mine.

In the late 70's, the area was taken over by Hobet Mining Company, and they began to strip mine the surface of the mountains. In order to do this type of mining the mountains have to be clear-cut of trees, the topsoil is removed, and underlying soil is removed. This was done by pushing the debris over into the valley and creeks at the base of the mountain. This is known as valley filling. The coal company did not take into consideration that people were living there and that was home. Once the debris and soil are moved blasting begins. Everything that is in the way of machinery and coal is shoved out of the way. The dust created by this was so intense sometimes you could hardly see to drive.

The dust and smell from the mines were ever present. While traveling the road past the mines to our home, the smell of sulfur was strong in the air, due to the slate that was dumped on either side of the road. Numerous times these dumps would catch on fire and would smolder for days. Anywhere you sat down had to be cleaned because of coal dust. It was even in house and on the floor. Before you could ride in the car, the inside of the vehicle had to be dusted, even though the doors and windows were kept shut. When you blew your nose coal soot would be on the tissue.

The blasting caused a lot of problems for my parents and the other residents of the community. The blasting was so vicious and strong it caused large cracks and gaps in my parents' house foundation. Shifting of the house caused the roof to leak. The chimney was pulled away from the house and had to be chained for safety. Cracks were visible in walls and ceiling. Doors would not close or latch proper.

The water for household purposes came from a deep well. Due to blasting and shifting of earth the well was sunk—no water came from the well anymore. My parents and other community families complained to Hobet. The company sent someone out to inspect. The company paid for another deep well to be drilled and a small amount for damages. In a very short time, the same thing occurred. The well went dry, and there was more damage to house and property. This time the company supplied the people with large plastic tanks that are referred to as “water buffalos”.

One evening while visiting my parents I noticed tiny insects and wiggly things in the water. I asked Mother if they were drinking and using the water for cooking. She said they were. I called Hobet and reported my finding. The company sent someone out with 2 gallons of Clorox Bleach and poured the content into the water buffalo. I told Hobet personnel that was not acceptable. Hobet then sent out boxes of gallon jugs of water. This was very taxing and placed further hardship on my parents.

My dad worked approximately 30 years at the mines and had to quit because of a mining accident. He injured his back in a fall and required three surgeries and extensive physical therapy. My parents were elderly and in poor health. My dad suffered from black lung and my mother had lung cancer. But they were content to spend the rest of their life in peace and with family and friends nearby.

But the destructive and determinable actions of the coal company continued. One evening my dad was in the bathroom, the most violent blast occurred. The force of the blast scared him, he fell and had a heart attack. My parents felt they could no longer live this way. Dad, Mom and other members of the community finally agreed to sell out to Hobet and of course they did not get compensated fairly. Due to the damages that were done to the home and property, the appraisal was very low. But to get relief they felt selling was the only option.

Family and friends were separated. My parents moved to Logan County, WV to a small place called Stollings. My mom lived approximately more one year, and passed away due to lung cancer. I feel certain her cancer was the result air pollution from mining at the Hobet Mine<sup>1</sup>. My father passed away a few years later. The night my mother died I held her head and she cried to go home back to 27 hollow. I have never forgotten that.

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<sup>1</sup> Luanpitpong, S. et al. 2014. Appalachian Mountaintop Mining Particulate Matter Induces Neoplastic Transformation of Human Bronchial Epithelial Cells and Promotes Tumor Formation. Environmental Science & Technology 48 (21) 12912-12919.

My parents are not the only family members who have suffered. In the early 2000's, my oldest daughter and her husband lived at Gilman Drive, also located in Mingo Co. WV. The watershed in that area had become contaminated from Delbarton Mining Co. which was owned by Massey Mining. My daughter had just given birth to her second child. When her well was ruined, the coal company furnished her with a water buffalo. She was assured by the company the water was safe. It was not. My infant granddaughter developed a skin rash and infection from use of that water, and was placed on medication. My daughter had to purchase water for personal use. Clothes had to be taken to the laundromat, which was approximately 15 miles away. This was very hard and strenuous on my daughter. The immediate area and community were affected by the contaminated water also. A lawsuit was filed against the mining company. The case was ruled in favor of the people, the people were provided municipal water and the water bill was paid for a period of time.

My husband and I had built a home about a quarter mile below where we live now in Mingo County. It is the same area where he was raised. A farm was up for sale about ¼ mile from where we lived and my husband wanted to live there. We purchased the 92 acres in 1995 and built a nice home, detached garage apartment, and repaired the old barn that was already on the property. We constructed a fish pond and stocked it with trout, smallmouth bass, bluegill and redeye fish. There was no mining close by and we never expected any mining in the future. We believed that better surface mining regulations and enforcement would spare us from the problems my parents had faced. Unfortunately that was not the case.

In about 1998, there was an advertisement in the Williamson daily News about a proposed mining application that was close to my property. When looking at the permit I noticed that the permit called for variance for mining close to streams and allowed valley fills. I contacted the West Virginia Department of Environmental Protection (DEP) to request an informal meeting to voice my concern and fears. I explained to DEP and the mining company how the creek and spring water supplied fresh clean water to my barn, fish pond and water for gardening and other usage. One of the officials told me Ash Camp Creek, which is the stream that flows through my property, was already contaminated and it would not matter what they do. I knew deep inside this was not true. My animals and fish were flourishing. We drank the water from the steam above the barn when we were working and were thirsty. My children played in the creek. There was abundant aquatic life in the stream.

Even before mining began, our troubles began. In the 90's Delbarton Mining Company started testing the Right Fork of Laurel Creek, which is the main creek near my property, in preparation to begin mining. One of the employee from Acculab (which was employed by Delbarton Mining Company to do creek testing), came on my property to test Ash Camp Branch and left my pasture gate opened. My horse and cows got loose and was it was hard for my husband to catch them. He told the Acculab employee and company it was not necessary to come on our property to test the water since Ash Camp flowed directly into Right Fork Laurel Creek and he could get the sample at the drain pipe. No trespassing signs were already in plain sight

completely surrounding my property and a gate had already been installed at the driveway entry. That did not stop them from trespassing on our property.

In 2010 I picked up a leaflet, at a local restaurant. It was from the Ohio Valley Environmental Coalition. I learned they were an environmental organization and they were concerned about water and environmental pollution. I contacted them for more information and decided to have the stream that flowed through out my property tested for mining contamination. I contacted Dr. Ben Stout, a Professor of Biology at Wheeling Jesuit University in Wheeling, WV. He agreed to test the stream, deep well, hand dug shallow well, and springs water on my property. The stream was tested every few hundred feet, both wells and springs were tested. The results showed some of the most pristine water he had tested in WV. I informed the mining company and DEP of the findings. I paid closer attention to my surrounding and environment. I would scan the news paper for proposed mining permits.

We built our daughter a house above ours. On or about Oct. 27 2011 an Acculab employee was testing the water of Right Fork Laurel Creek. My turkeys were in her yard with her big shepherd dog. The employee parked his truck in the road and came onto the property. He shot my turkey and was trying to kill another turkey that had run onto the porch with the dog. My daughter came home and saw him with the turkey in his hand and a 9mm Glock in the other hand aiming at the turkey on the porch. To make matter worse, my 12 year old grandson was home at the time and scared. We took the employee to magistrate court in Williamson, WV. The employee was fined \$50.00 plus court cost. Nothing was done about him firing a gun close to a resident, trespassing, or endangerment. We then filed a civil case against Acculab and were award compensation for our loss. Acculab is now unable to come onto my property. However they continue to take water samples from the creek.

I read in the newspaper that another water sampling company had been caught switching samples from creeks to hide contaminated water around mine sites<sup>2</sup>. I was fearful this would happen near my home, so I purchased a hand held conductivity/salinity meter to monitor my water supply. I also started checking other streams in the county. I was appalled at the findings. The conductivity content was high, aquatic life was decreased in areas that once flourished with natural inhabitants<sup>3</sup>. The creek waters would be discolored, some orange, black, and with large amounts of sediment.

I have lived in my present location over 24 years. Now strip mining is getting closer and closer to me (attachment 1). In about 2012, Consol Mining Company submitted an application to the WV DEP for a 1,000 acre surface mine permit that was very close to my property line (WV permit S500402). I sent a written protest again the application to the DEP. An informal conference was held to discuss my comments and concern. I informed the WV DEP and mining company of my fears and anxiety about the damages that could very well occur with this permit. I voiced my fear

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<sup>2</sup> Ward, K. 9 Oct. 2014. Lab official admits faking coal water quality reports. Charleston Gazette-Mail.

<sup>3</sup> Giam, X. et al. 2018. Impact of coal mining on stream biodiversity in the US and its regulatory implications. Nature Sustainability 1, 176-183.

and concern about the adverse effects that occur from coal dust that is released into the air, the pollution that occurs from valley fills, and the damage that occurs to the creeks, streams and watersheds, which are necessary for healthy living. I explained the way I relied on the clean, fresh water that flows throughout my property. I have running water at the barn for my animals, and fresh water from the stream flows to the large fish pond. Irrigation is available to the garden during dry spells in the summer. I was assured by both DEP and coal company that if contamination ever happened they would furnish me with clean potable water. When I asked if that included having fresh water available for livestock stock, gardening and aeration to the fish pond, the response from the coal company was "absolutely no, that is ridiculous." When I asked why, the response was that I was asking and expecting too much. I told the coal company I should and did expect to continue to use my land in the same fashion as pre-mining. The permit for the surface mine was granted to Consol (the permit is now owned by Southeastern Land, LLC, a James Booth company).

When mining began, the blasting was getting closer and closer to my property line. The house would shake, objects would fall from the wall inside my house, and cracks were appearing in the ceilings and floor. Inside, the fireplace stones were cracking, and outside, the foundation was cracking. Windows and doors would not shut properly. If you were outside you could feel the earth move under your feet. On two separate occasions, the blasting and shaking of the house scared my grandchildren. They thought we were having an earthquake.

I kept a log of date, time, intensity and effects of blast. I would notify WV DEP with my findings. I sent pictures to WV DEP of damage that blasting was causing to my home and property. They would send personnel out to the mine site to inspect the blast logs. They would send me letters stating all of the blast were within reasonable limits. It is strange to me that the blasting and mining companies police their own blasting, since they can record whatever they want in their logs.

In 2015 I was sued by Virginia Drilling Company for filing complaints to the WV DEP. In the suit, they stated that my complaints interfered with the relationship between Virginia Drilling and Consol. They claimed that my complaints halted blasting and therefore halted coal production on the days that DEP inspectors were there to investigate blasting logs. I felt we were being harassed by the coal company and drilling company for standing up for our rights. I contacted Appalachian Mountain Advocates for legal help. A mediation was scheduled between Virginia Drilling and my husband and I. Despite mediation, I knew I needed to continue reporting damage that was occurring. Appalachian Mountain Advocates was successful in having the civil action against me was dropped and dismissed by Virginia Drilling. After that the blasting was quieter and sounded further away, and there was no more shaking of the house.

Another advertisement appeared in the Williamson Daily New with an application for renewal of the Twin Branch Surface Mine (WV permit S500515 - see attachment 2). This is a 1,300 acre mountaintop removal mine that will come within 1,500 feet of my home. That is just the closest permit. The permit renewal was granted despite my protest. According to the newspaper,

blasting would begin at that mine on March 17, 2019. The most recent blast near my home occurred in late March of this year. Anyone who tells you that mountaintop removal isn't happening anymore is wrong. The blast was loud and I could feel the earth rumble under my feet.

A couple years ago I was at the state capitol in Charleston WV. I was there to support alternative energy, such as wind and solar. I was speaking about the damage fossil fuels were imposing on the environment and the impact on human life and health. A lobbyist for the coal operators said, "if I was you, I would just move." I responded that this was my home and that I did not live where they mined coal, they mine coal where I live. Impacted residents brought water samples from their homes. The water was discolored and foul smelling. I asked the lobbyist to look at the samples. His response was, "how do I know if that is true and from their home drinking water?" I assured him it was genuine and if he still did not believe me, he should come to Mingo County, then he can see and witness first hand the water flowing from kitchen faucets and see the detrimental effects of mining. He looked at me and said, "you all are collateral damage," then turned and walked away.

This is only a small portion of the results of big corporations taking and abusing what they please<sup>4</sup>. Just when I had a glimmer of hope of increased oversight, the rules have been lifted and the coal companies will be able to do whatever they need to do to get the last bit of coal no matter the loss to the citizens, community, and environment. The burden that is placed on the people, and environment is massive.

I had hoped the stream protection rule would protect the streams of my community from being buried beneath valley fills. But now the stream protection rule is gone. I had hoped that the review by the National Academy of Sciences would finally help to protect my family's health. But that study is gone. Now, the streams of West Virginia are under further attack due to the re-write of the waters of the United States rule. Congress must act *now* to protect the people of Central Appalachia<sup>5</sup>.

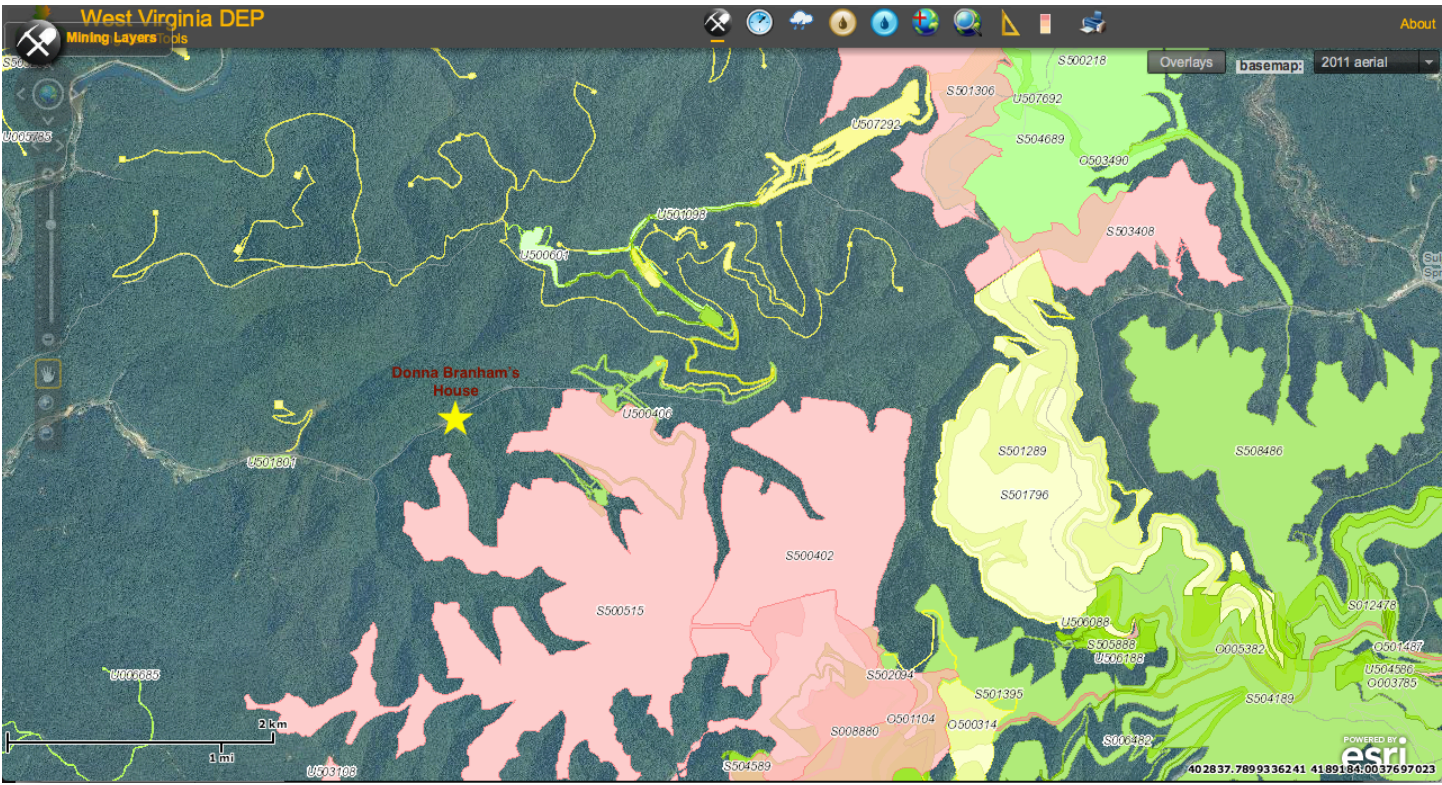
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<sup>4</sup> See attachment 3 - 2018 and 2019 violations for permits S500402 and S500515

<sup>5</sup> While there is already strong evidence regarding the link between mountaintop removal mining and harmful public health and environmental impacts, legislation was just introduced that would require a comprehensive study looking into that issue. H.R. 2050, or the Appalachian Community Health Emergency (ACHE) Act, introduced by Rep. Yarmuth, would halt all new mountaintop removal mining permits until a comprehensive study could be done examining the health impacts on individuals and communities living near this type of mining. The study would be conducted by Health and Human Services and requires monitoring in communities near MTR sites (including monitoring of air, water, soil, and noise pollution).

## **Attachment 1**

**Map of Donna Branham's home and permitted surface mines**  
**Source: West Virginia Department of Environmental Protection**  
**<https://tagis.dep.wv.gov/mining/>**





**Attachment 2**

**Permit information for S500515  
Twin Star Mine**

**Source: West Virginia Department of Environmental Protection  
<https://dep.wv.gov/insidedep/Pages/miningpermitsearch.aspx>**

## Permit Details

(1) Permit					
PERMITTEE		SOUTHEASTERN LAND, LLC			
DEP OFFICE		OMR			
PERMIT ID		S500515			
ISSUE DATE		08/14/17			
EXPIRATION DATE		08/14/22			
FACILITY NAME		Twin Branch Surface Mine No. 2			
ORIGINAL ACRES		1302.2			
DISTURBED ACRES					
RECLAIMED ACRES					
CURRENT ACRES		1306.9			
(1) Permit Status					
OPEN/CLOSED		O			
STATUS		AM-Active, Moving Coal			
(4) Permit Activities Allowed					
ACTIVITY		BEGIN DATE		END DATE	
Haulroad - Other		08/14/2017			
Area Mine - Surface		08/14/2017			
Highwall Miner - Surface		08/14/2017			
Steep Slope - Surface		08/14/2017			
(42) Permit Activities					
OFFICE	ACRES ADDED	ACRES DELETED	MILESTONE	DATE	COMMENT
OMR	0	0	E Certification Issued	10/04/17	ECERT issued
OMR	0	0	E Certification Issued	10/04/17	ECERT issued
OMR	0	0	E Certification Issued	10/04/17	ECERT issued
OMR	0	0	E Certification Issued	10/04/17	ECERT issued
OMR	0	0	E Certification Issued	10/04/17	ECERT issued
OMR	0	0	E Certification Issued	10/04/17	ECERT issued
OMR	0	0	Permit Transfer	12/08/17	Transfer - Southeastern Land, Llc
OMR	0	0	E Certification Issued	01/02/18	ECERT issued

OMR	0	0	E Certification Issued	01/02/18	ECERT issued
<del>OMR</del>	0	0	Increment Start	<del>01/12/18</del>	Increment Started
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	04/11/18	ECERT issued
OMR	0	0	E Certification Issued	07/24/18	ECERT issued
OMR	0	0	E Certification Issued	07/24/18	ECERT issued
OMR	0	0	Revision	07/25/18	Permit Revised Contemporaneous Reclamation
OMR	0	0	Increment Start	08/22/18	Increment Started
OMR	4.7	0	Incidental Boundary Revision	10/08/18	Incidental Boundary Revision
OMR	0	0	Revision	11/13/18	Permit Revised Other
OMR	0	0	Revision	02/05/19	Permit Revised Other
OMR	0	0	E Certification Issued	02/08/19	ECERT issued
OMR	0	0	E Certification Issued	02/08/19	ECERT issued
OMR	0	0	E Certification Issued	02/08/19	ECERT issued
OMR	0	0	E Certification Issued	02/08/19	ECERT issued
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OMR	0	0	E Certification Issued	02/08/19	ECERT issued
OMR	0	0	E Certification Issued	02/08/19	ECERT issued
<b>(2) Land Uses</b>					
Premining Land Use			Forestland	Acres:	
Postmining Land Use			Forestland	Acres:	
<b>(7) Variances</b>					
Permit Variance	Contemporaneous reclamation variance				
Permit Variance	In-stream drainage control (perennial only)				
Permit Variance	Subsidence Control Plan				
Permit Variance	Topsoil Substitutes				
Permit Variance	Within 100 feet of a stream				
Permit Variance	Within 100 feet of a stream				
Permit Variance	Within 300 feet of an occupied dwelling				
<b>(2) County / Quad</b>					
County: Mingo			Quad: HOLDEN		
County: Mingo			Quad: MYRTLE		
<b>(88) Inspectable Units</b>					
INSPECTABLE UNIT CODE				TYPE	
ENTIRE				Surface Coal Mine	
VF01				Valley Fill	
008				Water Outfall	
009				Water Outfall	
010				Water Outfall	
011				Water Outfall	
012				Water Outfall	
013				Water Outfall	
014				Water Outfall	
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086	Water Outfall
007	Water Outfall

**(2) Permit Geography**

INSPECTABLE UNIT CODE:	ENTIRE	<a href="#"><b>Show Map</b></a>
MAGISTERIAL DIST:	HARDEE	
NEAREST POST OFFICE:	MYRTLE	
LATITUDE:	37° 48'33.0000"	
LONGITUDE:	82° 10'6.0000"	
COUNTY:	Mingo	

INSPECTABLE UNIT CODE:	VF01	<a href="#">Show Map</a>
MAGISTERIAL DIST:	HARDEE	
NEAREST POST OFFICE:	MYRTLE	
LATITUDE:	37° 48'5.0000"	
LONGITUDE:	82° 3'6.0000"	
COUNTY:	Mingo	
USWRC WATERSHED:	Big Sandy River	
SCS WATERSHED:	Big Sandy River Direct Drains	
USWRC WATERSHED:	Big Sandy River	
SCS WATERSHED:	Big Sandy River Direct Drains	

**(8) Strata Involved**

INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	Freeport - Lwr
STRATA TYPE	Coal Seam
INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	Kittanning - U
STRATA TYPE	Coal Seam
INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	Kittanning - M
STRATA TYPE	Coal Seam
INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	Coalburg
STRATA TYPE	Coal Seam
INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	Stockton
STRATA TYPE	Coal Seam
INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	Clarion
STRATA TYPE	Coal Seam
INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	Freeport - U
STRATA TYPE	Coal Seam
INSPECTABLE UNIT CODE	ENTIRE
STRATA NAME	5 Block
STRATA TYPE	Coal Seam

[Click here to see Inspection Details](#)

[Click here to see Violation Details](#)

**Attachment 3**

**Violations in 2018 and 2019 for S500515 and S500402**

**These are the surface mines closest to the Branham property and the mines  
referenced in this document**

**Source: West Virginia Department of Environmental Protection  
<https://dep.wv.gov/insidedep/Pages/miningpermitsearch.aspx>**



(1) Violation Details	
PERMIT ID	S500515
INSPECTION DATE	10/15/2018 09:15
PERMITTEE	SOUTHEASTERN LAND, LLC
ENF STANDARD	Permit Conditions
INSPECTABLE UNIT	ENTIRE
VIOLATION DATE	10/15/2018 09:15
ENFORCEMENT OFFICER	BOONE, DOUG
VIOLATION NUMBER	1
VIOLATION TYPE	Notice of Violation
WV CODE	22-3-13(a)
WV REG	3.33.b
CURRENT EVALUATION	Terminated
ASSESSED ?	Yes
(2) Violation Activity	
ACTIVITY DATE	10/15/2018 09:15
ABATE BY DATE	10/16/2018 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	NOV Issued
COMMENTS	(DOV) Description of Violation: Permittee failed to follow the permit in that best management practices were not installed prior to clearing and grubbing of trees at Pond 1a and 1b. There were no sumps, hay bales, or silt fences installed at any location for the pond clearing or on the access road to the ponds. (REM) Remedial Measures: Add hay bales, sumps, and silt fencing where possible at the work areas associated with pond clearing and access road usage.
ACTIVITY DATE	10/16/2018 13:00
ABATE BY DATE	10/16/2018 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Terminated
COMMENTS	(ATA) Action taken to abate: Straw bales and best management practices installed beside the access road and below the pond area being cleared.

<b>(1) Violation Details</b>	
PERMIT ID	S500515
INSPECTION DATE	12/07/2018 14:00
PERMITTEE	SOUTHEASTERN LAND, LLC
ENF STANDARD	Method of Operations
INSPECTABLE UNIT	ENTIRE
VIOLATION DATE	12/07/2018 15:30
ENFORCEMENT OFFICER	BOONE, DOUG
VIOLATION NUMBER	2
VIOLATION TYPE	Notice of Violation
WV CODE	32-3-13(b)(21)
WV REG	13(a)1
CURRENT EVALUATION	Terminated
ASSESSED ?	Yes
<b>(5) Violation Activity</b>	
ACTIVITY DATE	12/07/2018 15:30
ABATE BY DATE	12/17/2018 16:38
ENF. OFFICER	BOONE, DOUG
EVALUATION	NOV Issued
COMMENTS	(DOV) Description of Violation: Permittee failed to prevent offsite impacts due to water overtopping sediment control from a blast at the head of the right Fork of Riffe Branch. This water contributed to erosion and deposition downstream from the sudden flow. (REM) Remedial Measures: Add hay bales and other temporary measures in Riffe Branch and at the areas overtopped. Pump out water from the ditchline SD-1 and clean out the ditchline. Clear any silt and mud up from Riffe Branch and Tributaries of Riffe Branch.
ACTIVITY DATE	12/12/2018 08:00
ABATE BY DATE	12/17/2018 16:38
ENF. OFFICER	BOONE, DOUG
EVALUATION	Remains in Force
COMMENTS	(ATA) Action taken to abate: Flocculant logs and hay bales added for stream protection. Ditchline pumped down with excavator to the ditch for cleanout. Discussed clean out options with the company for Riffe Branch area. Remedial measures are modified to include the requirement of submittal of a revision to the permit for blasting to ensure protection of offsite areas.
ACTIVITY DATE	12/18/2018 13:00
ABATE BY DATE	01/04/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Extended
COMMENTS	(ATA) Action taken to abate: Ditch work ongoing. Temporary measures in Riffe Branch installed.
ACTIVITY DATE	12/18/2018 13:54

ABATE BY DATE	12/31/2018 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Extended
COMMENTS	(ATA) Action taken to abate: Ditchline cleaned out and temporary controls are installed.
ACTIVITY DATE	12/28/2018 14:00
ABATE BY DATE	12/31/2018 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Terminated
COMMENTS	(ATA) Action taken to abate: Permit revision submitted for blasting. Permittee has cleared stream channel of debris.

(1) Violation Details	
PERMIT ID	S500515
INSPECTION DATE	02/25/2019 08:00
PERMITTEE	SOUTHEASTERN LAND, LLC
ENF STANDARD	Haul Roads
INSPECTABLE UNIT	ENTIRE
VIOLATION DATE	02/25/2019 08:15
ENFORCEMENT OFFICER	BOONE, DOUG
VIOLATION NUMBER	3
VIOLATION TYPE	Notice of Violation
WV CODE	22-3-13(b)(17)
WV REG	4.7.a
CURRENT EVALUATION	Extended
ASSESSED ?	Yes
(2) Violation Activity	
ACTIVITY DATE	02/25/2019 08:15
ABATE BY DATE	02/28/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	NOV Issued
COMMENTS	(DOV) Description of Violation: Permittee failed to build and maintain the access road in Riffe Branch to the valley fill pond in that there is no durable surface. There is mud up to 12 inches deep with water running into the road area. (REM) Remedial Measures: Keep equipment from the access road to avoid churning and splashing muck into the creek. Add stone to the road surface. Install a drain pipe at the area where the rock chipper widened the road to divert seepage under the road instead of across it. Place additional temporary sediment control measures such as silt fence and straw bales.
ACTIVITY DATE	02/28/2019 15:00
ABATE BY DATE	03/28/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Extended
COMMENTS	(ATA) Action taken to abate: Additional sediment control measures installed along access road areas. Mud clean up ongoing. Discussed alternatives for road construction.

<b>(1) Violation Details</b>	
PERMIT ID	S500402
INSPECTION DATE	02/07/2018 15:15
PERMITTEE	SOUTHEASTERN LAND, LLC
ENF STANDARD	Sediment Control
INSPECTABLE UNIT	ENTIRE
VIOLATION DATE	02/08/2018 09:45
ENFORCEMENT OFFICER	BOONE, DOUG
VIOLATION NUMBER	24
VIOLATION TYPE	Notice of Violation
WV CODE	22-3-13(a)
WV REG	5.4.a
CURRENT EVALUATION	Terminated
ASSESSED ?	Yes
<b>(3) Violation Activity</b>	
ACTIVITY DATE	02/08/2018 09:45
ABATE BY DATE	02/19/2018 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	NOV Issued
COMMENTS	(DOV) Description of Violation: Permittee has failed to maintain Sediment ditch line 18 in that rock, mud, and woody debris has filled most of the ditch line. The outer berm of the ditch line has eroded at multiple areas and freeboard has been eliminated by the material in the ditch line. The sediment capacity of the ditch line has been exceeded in areas. (REM) Remedial Measures: Add hay bales at all outlet points in Sediment ditch 18. Continue to pump water from the ditch line to stable functioning ditch line or pit drainage areas. Continue to divert all drainage from above sediment Ditch 18 towards pit drainage. Remove the wood, mud, and rock from sediment ditch 18. Reconstruct the berm and checks from the ditch after cleanout.
ACTIVITY DATE	02/20/2018 10:30
ABATE BY DATE	03/05/2018 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Extended
COMMENTS	(ATA) Action taken to abate: Ditch line 8 was cleaned out and pumps were placed to remove water as the cleanout occurred. The material above the ditch line is continually slipping into the ditch line. Complete removal of material from the ditch line and reconstruct the berm and checks within the ditch line.
ACTIVITY DATE	03/16/2018 10:00
ABATE BY DATE	03/05/2018 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Terminated
COMMENTS	(ATA) Action taken to abate: The ditchline has been mining through providing in-pit sediment control at the area of the NOV. The berm area has been cleaned up and stabilized.

(1) Violation Details	
PERMIT ID	S500402
INSPECTION DATE	02/12/2019 10:00
PERMITTEE	SOUTHEASTERN LAND, LLC
ENF STANDARD	Backfill / Grading
INSPECTABLE UNIT	ENTIRE
VIOLATION DATE	02/13/2019 13:40
ENFORCEMENT OFFICER	BOONE, DOUG
VIOLATION NUMBER	25
VIOLATION TYPE	Notice of Violation
WV CODE	22-3(22)A
WV REG	14.8.a.4.
CURRENT EVALUATION	Extended
ASSESSED ?	Yes
(2) Violation Activity	
ACTIVITY DATE	02/13/2019 13:40
ABATE BY DATE	03/08/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	NOV Issued
COMMENTS	(DOV) Description of Violation: Permittee failed to stabilize and protect backfill areas to the East of Haulroad 2 in that the area is forming a slide on the permit. There are no offsite impacts from this. The access road towards the adjacent permit to outlet 060 has a smaller slide blocking the road. The access road down to sediment ditchline 6 has slips forming above and below the road. (REM) Remedial Measures: Stabilize all areas to the East of Haulroad 2. Add internal drains and remove material where needed to obtain a stable configuration and revegetate when completed. Clear access roads of debris. Stabilize and revegetate these areas above and below access roads and revegetate.
ACTIVITY DATE	03/12/2019 13:15
ABATE BY DATE	04/05/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Extended
COMMENTS	(ATA) Action taken to abate: Slope area above access road to valley fill ponds has been stabilized. Slopes east of the haulroad still needs reworked.

<b>(1) Violation Details</b>	
PERMIT ID	S500402
INSPECTION DATE	02/23/2019 14:00
PERMITTEE	SOUTHEASTERN LAND, LLC
ENF STANDARD	Haul Roads
INSPECTABLE UNIT	ENTIRE
VIOLATION DATE	02/23/2019 17:15
ENFORCEMENT OFFICER	BOONE, DOUG
VIOLATION NUMBER	27
VIOLATION TYPE	Notice of Violation
WV CODE	22-3-13(10)(B)
WV REG	4.7.a.4
CURRENT EVALUATION	Terminated
ASSESSED ?	Yes
<b>(3) Violation Activity</b>	
ACTIVITY DATE	02/23/2019 17:15
ABATE BY DATE	02/27/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	NOV Issued
COMMENTS	(DOV) Description of violation: Permittee failed to prevent additional contributions of suspended solids to stream flow or runoff outside the permit area in that mud from internal road systems was directed down an access road into sediment ditch 12 and out of outlet 025 into Riffe Branch. (REM) Remedial Measures: Block flow from the road systems from the access road and sediment ditch 12. Direct flow from haulage roads into adjacent mining pit areas. Add additional sump structures along active road systems where pit drainage is not feasible.
ACTIVITY DATE	02/28/2019 10:00
ABATE BY DATE	03/12/2019 14:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Extended
COMMENTS	(ATA) Action taken to abate: Internal haul roads drainage has been directed away from ditch 12 and clean-up of road system is ongoing.
ACTIVITY DATE	03/12/2019 13:45
ABATE BY DATE	03/12/2019 14:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Terminated
COMMENTS	(ATA) Action taken to abate: Sumps along internal roads and drainage breaks into pit drainage is improved. Access road to ditch 12 is cleared.

<b>(1) Violation Details</b>	
PERMIT ID	S500402
INSPECTION DATE	02/23/2019 14:00
PERMITTEE	SOUTHEASTERN LAND, LLC
ENF STANDARD	Sediment Control
INSPECTABLE UNIT	ENTIRE
VIOLATION DATE	02/23/2019 17:00
ENFORCEMENT OFFICER	BOONE, DOUG
VIOLATION NUMBER	26
VIOLATION TYPE	Notice of Violation
WV CODE	22-3-13(a)
WV REG	5.4.b.7
CURRENT EVALUATION	Terminated
ASSESSED ?	Yes
<b>(3) Violation Activity</b>	
ACTIVITY DATE	02/23/2019 17:00
ABATE BY DATE	03/01/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	NOV Issued
COMMENTS	(DOV) Description of Violation: Permittee failed to maintain sediment control system in that sediment ditch 12 is at 100 percent capacity. (REM) Remedial Measures: Clean out sediment ditch 12 to full capacity.
ACTIVITY DATE	02/28/2019 09:00
ABATE BY DATE	03/12/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Extended
COMMENTS	(ATA) Action taken to abate: Clean out of sediment ditch 12 is ongoing.
ACTIVITY DATE	03/12/2019 13:30
ABATE BY DATE	03/12/2019 16:00
ENF. OFFICER	BOONE, DOUG
EVALUATION	Terminated
COMMENTS	(ATA) Action taken to abate: Sediment cells have been cleared and function re-established.