



PROGRAMS

ADMINISTRATION
GAS AND OIL
GEOLOGY AND MINERAL RESOURCES
MINED LAND REPURPOSING
MINERAL MINING
COAL MINE SAFETY
OFFSHORE WIND
STATE ENERGY OFFICE

COMMONWEALTH OF VIRGINIA

Virginia Department of Energy

Washington Building / 8th Floor
1100 Bank Street
Richmond, Virginia 23219-3638
(804) 692-3200 FAX (804) 692-3237
www.energy.virginia.gov

May 29, 2025

Bluegrass Natural Resources, LLC
225 Industrial Park Road
Harlan, KY 40831

To Whom It May Concern,

This letter is to notify you of the water monitoring and National Pollutant Discharge Elimination System (NPDES) permit requirements for CSMO/NPDES Permit 1202392/0082392. The attached Virginia Division of Mined Land Reclamation (DMLR) NPDES Permit lists the discharge monitoring requirements resulting from approval of Succession Application 1011471. All permit terms and conditions of CSMO/NPDES Permit 1202337/0082337 are now assumed by CSMO/NPDES Permit 1202392/0082392.

The required water monitoring data must be submitted to DMLR as required by 4 VAC 25-130-780.21 and as outlined in the standard NPDES Permit Terms and Conditions contained in Section C of the Joint CSMO/NPDES Permit. Groundwater, Instream, and Rainfall monitoring point information is shown on the following attachments and is to be conducted according to the approved plans contained in the DMLR Electronic Permit (EP). Monitoring results should be submitted electronically when possible; however, hard copy water monitoring report forms may still be utilized. Hard copy water monitoring forms are located at:

<https://www.energy.virginia.gov/coal/mined-land-repurposing/water-quality.shtml>

Permits with NPDES discharges located in Total Maximum Daily Load (TMDL) watersheds are required to discharge in accordance to mining waste load allocations set forth in the appropriate TMDL report for the watershed as stated in the standard NPDES Permit Conditions. Pursuant to the standard NPDES Permit Conditions, DMLR must be notified at least thirty days prior to all expansions, production increases, or process modifications that will result in new or increased discharge(s) of pollutants.

Page 2
May 29, 2025

Please contact a member of the Water Quality Section if you have any questions or if your records do not agree with the attached information.

Autumn Pierce

Autumn Anderson

Attachment(s):
Joint CSMO/NPDES Permit



DIVISIONS
ENERGY
GAS AND OIL
GEOLOGY AND MINERAL RESOURCES
MINED LAND RECLAMATION
MINERAL MINING
MINES
ADMINISTRATION

COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

Division of Mined Land Reclamation
P. O. Drawer 900
Big Stone Gap, Virginia 24219-0900
(276) 523-8100 FAX (276) 523-8148
www.dmme.virginia.gov

August 4, 2020

Mr. Charles H. Hobson
Inmet Mining, LLC
144 EAST MARKET PLACE BOULEVARD
Knoxville, KY 37922

Dear Mr. Hobson

This letter is to notify you of the water monitoring and National Pollutant Discharge Elimination System (NPDES) permit requirements for CSMO/NPDES Permit 1202337/0082337. The attached Virginia Division of Mined Land Reclamation (DMLR) NPDES Permit lists the discharge monitoring requirements resulting from approval of Succession Application 1010852. All permit terms and conditions of CSMO/NPDES Permit 1202223/0082223 are now assumed by CSMO/NPDES Permit 1202337/0082337.

The required water monitoring data must be submitted to DMLR as required by 4 VAC 25-130-780.21 and as outlined in the standard NPDES Permit Terms and Conditions contained in Section C of the Joint CSMO/NPDES Permit. Groundwater, Instream, and Rainfall monitoring point information is shown on the following attachments and is to be conducted according to the approved plans contained in the DMLR Electronic Permit (EP). Monitoring results should be submitted electronically when possible; however, hard copy water monitoring report forms may still be utilized. Hard copy water monitoring forms are located at:

<http://www.dmme.virginia.gov/DMLR/docs/downloads.shtml>

Permits with NPDES discharges located in Total Maximum Daily Load (TMDL) watersheds are required to discharge in accordance to mining waste load allocations set forth in the appropriate TMDL report for the watershed as stated in the standard NPDES Permit Conditions. Pursuant to the standard NPDES Permit Conditions, DMLR must be notified at least thirty days prior to all expansions, production increases, or process modifications that will result in new or increased discharge(s) of pollutants.

Mr. Charles H. Hobson

Page 2

August 4, 2020

Please contact a member of the Water Quality Section if you have any questions or if your records do not agree with the attached information.


Savannah Hay
Water Quality Specialist

08/04/2020
Date

Attachment(s):

Joint CSMO/NPDES Permit

Joint CSMO/NPDES Fact Sheet

Monitoring Point Details Supplement (MPDS)



DIVISIONS
ENERGY
GAS AND OIL
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www.dmme.virginia.gov

February 27, 2020

Mr. Todd Tackett
Virginia Fuel Corporation
P.O. Box 189
Lackey, KY 41643

Dear Mr. Tackett:

This letter is to notify you of the current water monitoring and National Pollutant Discharge Elimination System (NPDES) permit requirements for the following permit. The attached Virginia Division of Mined Land Reclamation (DMLR) NPDES Permit lists the current discharge monitoring requirements including any changes to those requirements, resulting from approval of the application. DMLR continues to work with the U.S. Environmental Protection Agency to finalize the format of the Joint CSMO/NPDES Permit and Factsheet; therefore, additional changes to the format of these documents are possible.

Renewal Application No: **1010548-4**

Issue Date: **2/12/2020**

CSMO Permit No: 1202223

NPDES Permit No: 0082223

The required water monitoring data must be submitted to DMLR as required by 4 VAC 25-130-780.21 and as outlined in the standard NPDES Permit Terms and Conditions contained in Section C of the Joint CSMO/NPDES Permit. Groundwater, Instream, and Rainfall monitoring point information is shown on the attached Monitoring Point Detail Supplement (formerly titled DMLR Factsheet) and is to be conducted according to the approved plans contained in the DMLR Electronic Permit (EP). Monitoring results should be submitted electronically when possible; however, hard copy water monitoring report forms may still be utilized. Hard copy water monitoring forms are located at:

<http://www.dmme.virginia.gov/DMLR/docs/downloads.shtml>

Mr. Todd Tackett
Page 2
February 27, 2020

Permits with NPDES discharges located in Total Maximum Daily Load (TMDL) watersheds are required to discharge in accordance to mining waste load allocations set forth in the appropriate TMDL report for the watershed as stated in the standard NPDES Permit Conditions. Pursuant to the standard NPDES Permit Conditions, DMLR must be notified at least thirty days prior to all expansions, production increases, or process modifications that will result in new or increased discharge(s) of pollutants.

Please contact the Water Quality Section if you have any questions or if your records do not agree with the attached information.

Sincerely,



Michael Smith
Water Quality Section

Attachment(s):

Monitoring Point Detail Supplement (formerly titled DMLR Factsheet)
NPDES Effluent Limitations Table
NPDES Permit Conditions

MONITORING POINT DETAIL SUPPLEMENT
RECORD 0002349 / PERMIT 1202223

Renewal Application

Approval Date: 02/12/20

Application No: 1010548
Former NPDES No: *****
Former CSMO No: *****
CSMO No: 1202223
NPDES No: 0082223

=====

I. APPLICANT INFORMATION

Name: LONE MOUNTAIN PROCESSING LLC	Facility: BENCO DEEP MINE
Address: P. O. BOX 189	Location: 0.8 MILES NE OF ST. CHARLES AT BENEDICT
City: LACKEY	State Plane - North: 3497738.0000
State: KY	State Plane - East: 10157659.0000
Zip: 41643	Total Acres: 121.64
Telephone: (606) 946-2300	Inspector: VARNER, CHARLES
Operator: JEFFERY ALAN HOOPS	

Type of Mining	County	Quadrangle
Undergrd. - R P	LEE	PENNINGTON GAP

Receiving Stream	Code	Watershed	Wtr #	Basin
*****	****	*****	****	*****

II. CONTRACT LABORATORY SERVICES

Laboratory Services will be performed by:

Laboratory Name: Aquatic Laboratories, LLc
Address: 950 Contract St Suite 100
City: Lexington State: KY Zip: 40505
Phone: (859) 388-9595

Comments: 02/27/2020: TN APPNO 1010548 ISSUED 02/12/2020 AS NPDES
ONLY RENEWAL. ALL NPDES DISCHARGES DELETED FOR THIS PERMIT.
SEDIMENT CONTROL IS PROVIDED BY ADJACENT BLACK JEWELL
PERMIT 1302265 (FORMERLY LONE MTN. 1301411). MFS
04/12/2017: SJ APPNO 1010069 ISSUED 4/10/17 AS CSMO/NPDES
PERMIT 1202223/0082223. LONE MOUNTAIN PROCESSING LLC -
BENCO DEEP MINE. SUCCESSION TO PERMIT 1201390. TRADITIONAL
FORMAT NPDES PERMIT. AXH
** LAB: ENV. MONITORING, INC. (EMI) (1) SIGNING DMRs:
PATRICK LEEDY **

02/27/20

 MONITORING POINT DETAIL SUPPLEMENT
 RECORD 0002349 / PERMIT 1202223

III. NPDES DISCHARGE SITES
 Not Required

MPID	Outfall Facility	State Plane N State Plane E	Stream Name	Quad Sec	Added Deleted	Limit	Stat
*****	*****	*****	*****	*****	*****	*****	*****
*****	*****	*****	*****	*	*****	*****	**

IV. GROUNDWATER MONITORING SITES
 Required

MPID	Outfall Facility	State Plane N State Plane E	Elevation Type	Quad Sec	Added Deleted	Stat
1050185	MPG-03	3498047.0000	1960.0	PENNINGTON GAP	04/10/17	
*****	*****	10157707.0000	PIEZOMETER	3	*****	A

V. IN-STREAM MONITORING SITES
 Required

MPID	Outfall Facility	State Plane N State Plane E	Stream Name	Quad Sec	Added Deleted	Stat
0008420	BAS-SC-539	3494727.4102	11	PENNINGTON GAP	04/10/17	
	downstream	10156514.7160	STRAIGHT CREE	*	*****	A
1020180	BL-1	3497656.0000	11	PENNINGTON GAP	04/10/17	
	DOWNSTREAM	10157618.0000	STRAIGHT CREE	3	*****	A

VI. RAINFALL MONITORING SITES
 Required

MPID	Facility	State Plane N	State Plane E	Added	Deleted	Stat
0000843	*****	3495066.0000	10156971.0000	04/10/17	*****	A

Effluent Limitations/Drainage Area Categories/Minimum Precipitation Events

Permit Number:

Outfall Numbers	Source	Description/Drainage Area Category (DAC)	Effluent Limit	Flow N/L	pH 6-9	Fe Avg 3.0 Max 6.0	Fe Avg 3.5 Max 7.0	Mn Avg 2.0 Max 4.0	TSS Avg 35 Max 70	SS Max 0.5 ML/L	TDS MGL	Minimum Precipitation For Exemption
	Existing/Acid	Pre Plant	1	30-05	X	X	X	X	X		X	0.2 Inches
	Existing/Acid	Pre-Reclamation	1	30-05	X	X	X	X	X		X	0.2 Inches
	Existing/Acid	Mine Drainage	3	30-01	X	X	X	X	X		X	Not Applicable
	Existing/Alkaline	Pre Plant	1	30-06	X	X	X	X	X		X	0.2 Inches
	Existing/Alkaline	Pre-Reclamation	1	30-06	X	X	X	X	X		X	0.2 Inches
	Existing/Alkaline	Mine Drainage	3	30-03	X	X	X	X	X		X	Not Applicable
	New/Acid	Pre Plant	1	30-13	X	X	X	X	X		X	0.2 Inches
	New/Acid	Pre-Reclamation	1	30-13	X	X	X	X	X		X	0.2 Inches
	New/Acid	Mine Drainage	3	30-09	X	X	X	X	X		X	Not Applicable
	New/Acid	Refuse Area	4	30-21	X	X	X	X	X		X	> 1 Yr/24 Hr Event
	New/Acid	Commingled	2	30-25	X	X	X	X	X		X	> 10 Yr/24 Hr Event
	New/Acid	Controlled	2	30-23	X	X	X	X	X		X	> 10 Yr/24 Hr Event
	New/Alkaline	Pre Plant	1	30-14	X	X	X	X	X		X	0.2 Inches
	New/Alkaline	Pre-Reclamation	1	30-14	X	X	X	X	X		X	0.2 Inches
	New/Alkaline	Mine Drainage	3	30-11	X	X	X	X	X		X	Not Applicable
	New/Alkaline	Refuse Area	1	30-14	X	X	X	X	X		X	0.2 Inches
	New/Alkaline	Controlled	1	30-14	X	X	X	X	X		X	0.2 Inches
	New/Alkaline	Commingled	1	30-14	X	X	X	X	X		X	0.2 Inches
	New or Existing	Reclamation Area	5	30-19	X	X	X	X	X	X	X	Not Applicable

Precipitation Exemptions provide for the alternate monitoring requirements of flow, pH, and SS for each limitation code once the minimum precipitation amount and the applicable requirements of 40 CFR 434 are met.

All discharges except mine drainage are exempt from all requirements except flow and pH for events greater than the 10-year/24 hour storm.

Sampling and analysis must be performed if a discharge (even one) occurs during any given monitoring period.

Unless otherwise noted, all samples shall be collected at least seven (7) days apart.

Revision Date 4/4/08

Effective Date 4/16/08

NPDES PERMIT CONDITIONS

**Virginia Department of Mines, Minerals, & Energy
Division of Mined Land Reclamation NPDES Permits**

**DEPARTMENT OF MINES, MINERALS, AND ENERGY
DIVISION OF MINED LAND RECLAMATION**

NPDES PERMIT CONDITIONS

(a) DUTY TO COMPLY

The permittee must comply with all conditions of the permit and all applicable requirements of the CWA. Any permit noncompliance constitutes a violation of the Law and the CWA, except that noncompliance with certain provisions of the permit may constitute a violation of the Law but not the CWA. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(b) DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit.

(c) NEED TO HALT OR REDUCE NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

(d) DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of the permit, which has a reasonable likelihood of adversely affecting human health or the environment.

(e) PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

(f) PERMIT ACTIONS

Permits may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(g) PROPERTY RIGHTS

Permits do not convey any property rights of any sort, or any exclusive privilege.

(h) DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The Director may require the permittee to furnish, upon request, such plans, specifications, and other pertinent information as may be necessary to determine the effect of the wastes from his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of the Law. The permittee shall also furnish to the Director upon request, copies of records required to be kept by the permit.

(i) INFORMATION AND ENTRY

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA and the Law, any substances or parameters at any location.

(j) MONITORING AND RECORDS

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity with monitoring and records conforming to the following:

1. Except for records of monitoring information required by the permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by Part VI of this regulation), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the regulated activity or regarding control standards applicable to the permittee, or as requested by the Director at any time.
2. Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;

- (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
3. All discharges from pre-reclamation areas, including discharges of underground mine drainage, shall be sampled two times per calendar month. All discharges from reclamation areas shall be sampled one time per calendar month.

(k) SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation or by both.

(l) REPORTING REQUIREMENTS

Other reporting requirements are as follows:

1. The permittee shall give notice to the Division as soon as possible of any planned physical alterations or additions to the permitted facility.
2. The permittee shall give advance notice to the Division of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.
3. Permits are not transferable to any person except after notice to the Division. The Division may require modification or revocation and reissuance of permits to change the name of the permittee and incorporate such other requirements as may be necessary under the Law or the CWA.
4. Monitoring results shall be reported to the Division on a Discharge Monitoring Report (DMR) within thirty (30) days after the end of the calendar quarter. The DMR will be signed by the company official who is listed as the operator on the application or his designated representative. The representative must be a company employee who is in a position to take responsible action regarding submission of reports, reporting violations, and taking actions to correct violations. If the permittee monitors any pollutant more frequently than required by the permit, using approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted on the DMR. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.
5. Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances.
 - (ii) The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(iii) The following shall be included as information that must be reported within 24 hours under this paragraph.

- A. Any unanticipated bypass that exceeds any effluent limitation in the permit.
- B. Any upset which exceeds any effluent limitation in the permit.
- C. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.

(iv) The Director may waive the written report on a case-by-case basis for non-compliances under this condition if the oral report has been received within 24 hours.

(m) WATER QUALITY MONITORING

The Division may require every owner to furnish such plans, specifications, or other pertinent information as may be necessary to determine the effect of the discharge on the water quality or such information as may be necessary to accomplish the purposes of the CWA. The permittee shall obtain and record such information on the receiving waters as requested by the Division. The information shall be subject to inspection by authorized State and Federal representatives and shall be submitted with such frequency and in such detail as requested by the Division.

(n) MANAGEMENT REQUIREMENTS

1. All discharges authorized by this NPDES permit shall be made in accordance with the terms and conditions of the permit. The Division must be notified at least thirty (30) days prior to all expansions, production increases, or process modifications that will result in new or increased discharge(s) of pollutant. Notification should be by submission of a new NPDES application, or, if such discharge(s) does not violate effluent limitations specified in the permit, by submission to the Division of notice of such new or increased discharge of pollutant(s).
2. The discharge of any pollutant more frequently than, or at a level greater than that identified and authorized by this permit, shall constitute a violation of the terms and conditions of this permit.
3. The discharge of any pollutant(s) from this facility that enters into a water body with an existing and approved Total Maximum Daily Load (TMDL) must be made in compliance with the TMDL and any applicable TMDL implementation plan. If the discharge enters into a water body included on the state's current 303(d) list not having an existing and approved TMDL, the discharge of any pollutant(s) from this facility can not be the cause of the stream's impairment and 303(d) listing.
4. Any permittee or owner proposing a new discharge or new source shall submit an application for a new NPDES permit at least 30 days prior to commencing erection, construction, or expansion or employment of new processes at any facility. Within the 30 day period, the Division may prohibit such commencement until the NPDES permit is issued or revised. In no case, however, shall any discharge from said facility commence prior to issuance of a NPDES permit.

(o) AVAILABILITY OF REPORTS

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms and conditions of this permit will be available for public inspection at the Division office. As required by the Act, effluent data will not be considered confidential. Knowingly making false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act and in Section 62.1-44.32 of the Code of Virginia.

(p) SPECIAL CONDITIONS

1. This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Section 301(b)(2)(C) and (D), 304 (b)(2), and 307 (a)(2) of the CWA, if the effluent standard or limitations so issued or approved:
 - (i) Contain different conditions or is otherwise more stringent than any effluent limitation in the permit; or
 - (ii) Control any pollutant not limited in the permit; or
 - (iii) The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act as applicable.
 - (iv) Immediately after EPA's promulgation of applicable standards or limitations, a draft permit incorporating the new requirements shall be sent to the permittee.
2. Any and all product, materials, industrial wastes, and/or other wastes resulting from the purchase, sale, mining, extraction, transport, preparation, and/or storage of raw or intermediate materials, final product, by-product or wastes, shall be handled, disposed of, and and/or stored in such a manner so as not to permit discharge of such product, materials, industrial wastes, and/or other wastes to State waters, except as expressly authorized herein.

(q) STATE LAW

1. Compliance with this permit during its term constitutes compliance with the Law and Act except for any standard imposed under Section 307 of the Act for a toxic pollutant injurious to human health.
2. State water quality standards contain an antidegradation policy that is applicable to this permit, facility, and discharge(s). Effluent limitations assigned to this permit require the operator to utilize the best available technology to treat all discharges and to protect water quality. As a condition of this permit, the permittee must take appropriate measures to comply with the antidegradation policy.
3. Nothing in this permit shall be construed to preclude the institution of any legal action under, or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any other State law or regulation or under authority preserved by Section 510 of the Act.

(r) SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

(s) TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in

this permit, this permit shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition. Any effluent standard or prohibition established under Section 307(a) for a toxic pollutant injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

(t) OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution or any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act or Sections 62.1-44.34(1) through 62.1-44.34(7) of the Law.

(u) OTHER CONDITIONS

Other conditions may be applicable as required by CFR Section 122.41.

NPDES PERMIT DEFINITIONS

- A. The term “acid or ferruginous mine drainage” means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or more than 10 mg/l.
- B. The term “active mine drainage” means the area actively being used or disturbed for the extraction, removal, or recovery of coal from its natural deposits. This excludes areas where reclamation and revegetation has been completed.
- C. The term “alkaline mine drainage” means mine drainage which, before any treatment, has a pH equal to or more than 6.0 and a total iron concentration less than 10 mg/l.
- D. “Application” means the EPA standard national forms for applying for a permit, including any additions or modifications to the forms; or forms approved by EPA for use in approved States, including any approved additions or modifications.
- E. “Approved program or approved State” means a State administered NPDES program which has been approved or authorized by EPA under 40 CFR Part 123.
- F. “Best management practices” (BMP) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs include treatment requirements, operation procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- G. “Coal preparation plant” means a facility where coal is crushed, screened, sized, cleaned, dried, or otherwise prepared and loaded for transit to a consuming facility. “Coal preparation plant associated areas” means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities. “Coal preparation plant water circuit means all pipes, channels, basins, tanks, and all other structures and equipment that convey, contain, treat, or process any water that is used in coal preparation processes within a coal preparation plant.
- H. The term “commingled discharge” means discharges of drainage from underground workings that are mixed or commingled with surface mine drainage.

- I. “Composite sample” means a combination of individual samples of wastewater taken at 1 hour intervals, for eight (8) hours (or for the duration of discharge, whichever is less), to minimize the effect of variability of the individual samples. Individual samples must be of equal volume. (Example: one (1) liter per hour.)
- J. The term “controlled discharge” means any surface mine drainage that is pumped or siphoned from the active mining area.
- K. “CWA” means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) Public Law 92-500 as amended by Public Law 95-217, and Public Law 95-576, 33 U.S.C. 1251 et seq.
- L. The “daily maximum” discharge means the total mass of a pollutant discharged during the calendar day. Where the pollutant is limited in terms other than mass, the daily maximum shall mean the average concentration or other measurement specified during the calendar day or other specified sampling day.
- M. “Discharge (of a pollutant)” means any addition of any pollutant or combination of pollutants to waters of the United States from any point source; or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
- N. “Existing source or existing discharger (in the NPDES program)” means any source which is not a new source or new discharger.
- O. “Effluent limitation” means any restriction imposed by the Director on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.
- P. “Effluent limitation guideline” means a regulation published by the Administration under Section 304(b) of the CWA to adopt or revise effluent limitations.
- Q. “Environmental Protection Agency (EPA)” means the United States Environmental Protection Agency.
- R. “Estimate” means to be based on technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.
- S. “Grab sample” means an individual sample collected in less than 15 minutes.
- T. “Measured Flow” means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practices, or for which a relationship to absolute volume has been obtained.
- U. “Mine drainage” means any drainage, and any water pumped or siphoned, from an active mining area or a post-mining area. The abbreviation “m/l” means milliliters per liter.
- V. The “monthly average” discharge means the total mass (and concentration if appropriate) of all daily discharges sampled and/or measured properly during a calendar month divided by the number of daily discharges sampled and/or measured properly during such month.
- W. The “monthly average” temperature means the arithmetic mean of temperature measurements made on an hourly basis, or mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.

- X. “National Pollutant Discharge Elimination System (NPDES)” means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of CWA. The term includes an approved program.
- Y. “New discharger” means any building, structure, facility, or installation: (A) From which there is or may be a new or additional discharge of pollutants at a site at which on October 18, 1972, it had never discharged pollutants; (B) Which has never received a finally effective NPDES permit for discharges at that site; and (C) Which is not a “new source”. This definition includes an indirect discharger, which commences discharging into waters of the United States. It also includes any existing mobile point source, such as an offshore oil drilling rig, seafood processing vessel, or aggregate plant that begins discharging at a location for which it does not have an existing permit.
- Z. “NA” means effluent limitations and monitoring requirements not required.
- AA. “NL” means no limitation on the affected parameters, however monitoring is required.
- BB. “Outfall” means a point source.
- CC. “Permit” means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR Parts 122, 123, and 124.
- DD. “Point source” means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.
- EE. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. Section 2011 et seq.)), heat wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal, and agriculture waste discharged into water.
- FF. The term “post-mining area” means: (1) A reclamation area or (2) the underground workings of an underground coal mine after the extraction, removal, or recovery of coal from its natural deposit has ceased and prior to bond release.
- GG. The term “10-year, 24-hour precipitation event” means the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather service and Technical Paper No. 40, “Rainfall Frequency Atlas of the U.S.,” May 1961, or equivalent regional or rainfall probability information developed there from.
- HH. The term “qualifying rainfall event” means the rainfall amounts as defined; active mine areas = 0.2”/24 hours, refuse areas = 2.5”/24 hours, controlled and commingled = 4.4”/24 hour.
- II. The term “reclamation area” means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically seeding or planting) work has commenced. The term “pre-reclamation area” means the surface area of a coal mine prior to reclamation.
- JJ. The term “settleable solids” is that matter measured by the volumetric method that is determined by the following procedure: (a) fill an imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the

inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. The method detection limit for coal mining point sources is 0.4 ml/l.

- KK. The terms “treatment facility” and “treatment system” means all structures which contain, convey, and as necessary, physically or chemically treat coal mine drainage, coal preparation process water, surface runoff from disturbed areas, or drainage from coal preparation plant associated areas, which remove pollutants regulated by the Part from such waters. This includes all pipes, channels, ponds, basins, tanks, and all other equipment serving such structures.
- LL. The terms “underground mine drainage or discharge” mean discharges from the underground workings of underground mines until SMCRA bond release.
- MM. The “weekly average” discharge means the total concentration and mass of all daily discharges sampled and/or measured during a calendar week divided by the number of daily discharges sampled and/or measured during such week.
- NN. The term “coal refuse disposal pile” means any coal refuse deposited on the earth and intended as permanent disposal or long term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

Original Application

Application No: 1010852
CSMO No: 1202337

Approval Date: 7/30/2020
NPDES No: 0082337

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I. APPLICANT INFORMATION

Name: INMET MINING, LLC
Address: 144 EAST MARKET PLACE BOULEVARD

Facility: BENCO DEEP MINE
Location: 0.8 MILES NE OF ST. CHARLES
 AT BENEDICT

City: KNOXVILLE
State: TN
Telephone: (423)784-6445
Operator: CHARLES H. HOBSON

Zip: 37922

State Plane - North: 3497738.0000
State Plane - East: 10157659.0000
Total Acres: 121.64
Inspector: VARNER, CHARLES

Types of Mining	County	Quadrangle
Undergrd. - R P	LEE	PENNINGTON GAP

Receiving Stream	Code	Watershed	Wtr #	Basin

II. CONTRACT LABORATORY SERVICES**Laboratory Services will be performed by:**

Laboratory Name: Aquatic Laboratories, LLC
Address: 950 Contract St Suite 100
City: Lexington
Telephone: (859)388-9595

State: KY **Zip:** 40505

Comments: [8/4/2020, dmmesh]08/04/2020: SJ APPNO 1010852 ISSUED 07/30/2020 AS CSMO/NPDES PERMIT 1202337/0082337.
 INMET MINING, LLC-BENCO DEEP MINE. SUCCESSION TO PERMIT 1202223/0082223. SLH
 LAB: AQUATICS LAB, LLC. SIGNING DMRS: CLIFFORD BERRY, DON HACKER, JASON CHILDERS

02/27/2020: TN APPNO 1010548 ISSUED 02/12/2020 AS NPDES
 ONLY RENEWAL. ALL NPDES DISCHARGES DELETED FOR THIS PERMIT.
 SEDIMENT CONTROL IS PROVIDED BY ADJACENT BLACK JEWELL
 PERMIT 1302265 (FORMERLY LONE MTN. 1301411). MFS
 04/12/2017: SJ APPNO 1010069 ISSUED 4/10/17 AS CSMO/NPDES
 PERMIT 1202223/0082223. LONE MOUNTAIN PROCESSING LLC -
 BENCO DEEP MINE. SUCCESSION TO PERMIT 1201390. TRADITIONAL
 FORMAT NPDES PERMIT. AXH
 ** LAB: ENV. MONITORING, INC. (EMI)(1) SIGNING DMRs:
 PATRICK LEEDY **

III. NPDES DISCHARGE SITES

MPID	Outfall Facility	State Plane N State Plane E	Stream Name	Quad Section	Added Deleted	Limit	Stat
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IV. GROUNDWATER MONITORING SITES

MPID	Outfall Facility	State Plane N State Plane E	Elevation Type	Quad Section	Added Deleted	Stat
1050185	MPG-03 AN PARKING	3498047.000000 10157707.000000	1960.00 PIEZOMETER	PENNINGTON GAP 3	7/30/2020	A

V. IN-STREAM MONITORING SITES

MPID Mp Is No	Outfall Facility	State Plane N State Plane E	Stream Name	Quad Section	Added Deleted	Stat
0008420	BAS-SC-539 downstream	3494727.410200 10156514.716000	11 STRAIGHT CREEK	PENNINGTON GAP	7/30/2020	A
1020180	BL-1 DOWNSTREAM	3497656.000000 10157618.000000	11 STRAIGHT CREEK	PENNINGTON GAP 3	7/30/2020	A

VI. RAINFALL MONITORING SITES

MPID	Facility	State Plane N	State Plane E	Added	Deleted	Stat
0000843	ST RTE 636	3495066.000000	10156971.000000	7/30/2020		A