

This is the second page of the citation. A page is made for each separate violation within the citation. The information should be cross-checked against the data in the Assessment package to assure the two are consistent.

U.S. DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement		NOV. NO. <u>86-091-000-801</u> Violation Number <u>1</u>
<b>NOTICE OF VIOLATION (CONTINUATION)</b>		
<b>NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION</b>		
FAILURE TO MEET EFFLUENT LIMITATIONS FOR WATER DISCHARGES FROM AREAS DISTURBED BY SURFACE MINING ACTIVITIES.		←
<b>PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED</b>		
SEC. 816.42 OF 30 CFR AND NPDES PERMIT # TN 0052451		←
<b>PORTION OF THE OPERATION TO WHICH NOTICE APPLIES</b>		
SEDIMENT BASIN 001		←
<b>CORRECTIVE ACTION REQUIRED (Including Interim Steps, If Any)</b>		
TREAT THE WATER IN BASIN 001 AS NECESSARY IN ORDER TO ACHIEVE COMPLIANCE WITH ALL APPLICABLE EFFLUENT LIMITATIONS.		←
<b>TIME FOR ABATEMENT (Including Time for Interim Steps, If Any)</b>		
FRIDAY, DECEMBER 17, 1986 AT 10:00 AM		←

What was the violation

What provision was violated

What portion or ext. does the violation cover

What remedial action is required

What period of time was allowed for abatement

This is the front page of the citation. Careful review should be made to ascertain that the correct organization is identified, proper service has been executed, and any other discrepancy that might be uncovered.

U.S. DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement <b>NOTICE OF VIOLATION</b> Permanent Regulatory Procedures			1. Notice of Violation Number 86-091-000-001 TV 1
2. Name <input checked="" type="checkbox"/> Permittee ANYOLE COAL COMPANY <input type="checkbox"/> No Permit		Originating Office Address OSM NORRIS AREA OFFICE P.O. Box 179 NORRIS, TENNESSEE 37828	
3. Mailing Address P.O. Box 000, Jellico, TENN. 37762			
4. Name of Mine <input type="checkbox"/> Surface <input checked="" type="checkbox"/> Other (Specify) MORE Tipple <input type="checkbox"/> Underground Tipple		Telephone Number (615) 632-1718	
5. Telephone Number (615) 555-7225	6. County Campbell	State TENNESSEE	9. Date of Inspection DECEMBER 10, 1986
7. Operator's Name (if other than permittee) SAME AS ABOVE			10. Time of Inspection From 12:10 <sup>PM</sup> To 12:45 <sup>PM</sup>
8. Mailing Address SAME AS ABOVE			
11. State Permit Number 88-A03	12. NPDES Number TN005555	13. MSHA ID Number 40-00000	14. OSM Mine Number

Data should be cross-checked against that shown on the Assessment Package


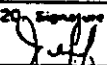
UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violation(s) within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE  DOES NOT ~~REQUIRE~~ REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you ~~are~~ are not entitled to an informal public hearing on request, within 30 days after service of this notice (30 CFR 843.15).

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for correction may be extended by an authorized representative for good cause. If you need additional time to correct the violation(s), please contact the field office named above.

**IMPORTANT—Please Read Information on the Back of this Page**

15. Print Name of Person Served ANYOLE COAL COMPANY	18. Date of Service 12-10-86 HAND-SERVED
16. Print Title of Person Served LLOYD SMITH, MANAGER	19. Print Name of Authorized Representative JEFF
17. Signature of Person Served 	20. Signature of Authorized Representative 
	ID Number 000

Verify that service was executed and citation is valid

Note the name of the inspector in case questions arise

This is a log sheet used by some enforcement offices to monitor citations. A form of this type can be extremely useful in identifying the number of modifications and also the dates involved. If this type of document is not available, other means have to be developed to verify service date, abatement dates after modifications and etc.

COMPANY NAME	NOV #	INSPECTOR'S NAME	DATE MAILED	DATE SIGNED	DATE OF ABATEMENT	MOD. VAC. TERM	EFF. DATE ISSUED	CO
Anyole Coal Company, Note Title	86-091-001-006	Doug	08-05-86	8-7-86	08-30-86	12 mo. 1/81	8/6/86	
	86-091-000-001	Jeff	12-10-86	Hand-Served	12/21/86 12-19-86	12 mo. 1/81	12/16/86	

Do the dates and actions correspond to the citation and assessment package

EXHIBIT 2 to Table E (History Sheet)

This form is to be used to record activities and events occurring during the conference process. In the event of transfer of responsibility it will allow continuation without repeating actions. The notations should be brief, concise and legible to allow monitoring of case actions.

HISTORY SHEET

Company:		Citation(s)
ANYOLE COAL COMPANY		MS6-091-000-001(1)
Date	Actions	
2-19-87	Received assessment package from BCPA - Package reviewed and appears to be in order. <i>PT</i>	
2-20-87	Assigned to SS - to secure citation documentation <i>PT</i>	
2-20-87	Contacted Morris Office to secure modification and termination which were not in enforcement file. Logsheet and NOV were found in enforcement file. <i>SS</i>	
3-3-87	Received copy of modification and termination - Appears ready for conference. Case returned to PT for assignment to a Conference Officer <i>SS</i>	
3-3-87	Case assigned to BK <i>PT</i>	
3-4-87	Reviewed assessment and citation package - no noted discrepancies - Can be scheduled for conference <i>BK</i>	
3-4-87	TC - Mr. Smith is aware of conference procedure- Conference scheduled for 3-11-87 at 10:00 a.m. <i>BK</i>	
	Appointment letter sent to Mr. Smith, copy posted on bulletin board and a copy was sent to Morris for posting on their board. <i>BK</i>	
3-11-87	Operator appeared for conference. Presented affidavit and awarded good faith. Operator agreed to revised assessment, signed consent agreement and rendered full payment.	
	Case was completed and submitted for final review. <i>BK</i>	

This page is not sent to the operator but is included in the assessment package sent to the Conference Officer. Evaluation should be made to see if the assessment package and this rationale corresponds with the inspector's statement(s) and is in line with general assessment guidelines.

OSM 723-6(a)  
11/27/79

Page 1 of 1

Assessment Explanation

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ROW # 86-91-000-1

CO # \_\_\_\_\_

Name of Company ANYOLE COAL COMPANY

Violation # 1 of 1

History of previous violations:

Seriousness: (either A or B)

A. (1) Probability of occurrence: 15

WATER POLLUTION HAS OCCURRED. OPERATOR HAS NOT MAINTAINED DISCHARGE OF SEDIMENT BASIN. DISCHARGE HAD A PH OF 3.73. UPSTREAM SAMPLE WAS 6.89 PH, DOWNSTREAM WAS 6.60 PH

(2) Extent of actual or potential damage: 9

DAMAGE EXTENDS OFF PERMIT IN THE FORM OF WATER POLLUTION. PH OF STREAM WAS LOWERED.

B. Obstruction to enforcement:

Negligence: ORDINARY NEGLIGENCE 12

Do the points correspond to those reflected on page 5

Good Faith: WILL BE CONSIDERED AFTER COMPLETE INFORMATION IS RECEIVED

Assessor's identifying number-  
In case of questions or problems the  
person making the assessment can be  
contacted

OSM 723-6  
Revised 09/17/79

Page 1 of 1

Assessment Worksheet  
(See Part 723)

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MCN # 86-91-000-1

CO # \_\_\_\_\_

PERMIT # 68-AD3

Name of Company ANYOLE COAL COMPANY

Violation # \_\_\_\_\_ of \_\_\_\_\_ POINTS

1. History of previous violations 0

2. Seriousness (either A or B)

A. (1) Probability of occurrence 15

(2) Extent of potential or actual damage 9

B. Obstruction to enforcement \_\_\_\_\_

Total Seriousness 24

3. Negligence 12

4. Good Faith (Will be considered after complete information is received) \_\_\_\_\_

TOTAL POINTS 36

ASSESSMENT \$ 16000

Violation # \_\_\_\_\_ of \_\_\_\_\_ POINTS

1. History of previous violations \_\_\_\_\_

2. Seriousness (either A or B)

A. (1) Probability of occurrence \_\_\_\_\_

(2) Extent of potential or actual damage \_\_\_\_\_

B. Obstruction to enforcement \_\_\_\_\_

Total Seriousness \_\_\_\_\_

3. Negligence \_\_\_\_\_

4. Good Faith (Will be considered after complete information is received) \_\_\_\_\_

TOTAL POINTS \_\_\_\_\_

ASSESSMENT \$ \_\_\_\_\_

Are these points in line with assessment guidelines

Is the mathematical calculation correct and does the point count correspond to the assessed dollar amount

OSM 723-5  
Revised 7/10/84

Page  1  of  1

CIVIL PENALTY SECTION  
OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
U.S. DEPARTMENT OF THE INTERIOR  
WASHINGTON, D.C. 20240

NOTICE OF PROPOSED ASSESSMENT

Notice of Violation #  86-91-000-1

The Civil Penalty Section has reviewed the notice of violation indicated above, information furnished by the authorized representative of the Secretary, and any information submitted by the permittee or operator pursuant to 30 CFR § 845.17. Based on this review, the Civil Penalty Section has determined that the violations cited appear to have occurred and proposes the following penalties:

NOV received: 12/10/86

<u>Violation No.</u>	<u>Amount of Proposed Assessment</u>
<u> 1 </u> of <u> 1 </u>	<u> \$ 1,600.00 </u>
<u>    </u> of <u>    </u>	<u>                    </u>
<u>    </u> of <u>    </u>	<u>                    </u>
<u>    </u> of <u>    </u>	<u>                    </u>
<u>    </u> of <u>    </u>	<u>                    </u>
<u>    </u> of <u>    </u>	<u>                    </u>
<u>    </u> of <u>    </u>	<u>                    </u>
<u>    </u> of <u>    </u>	<u>                    </u>
<b>Total Proposed Assessment</b>	<b><u> \$ 1,600.00 </u></b>

Does this amount agree with page 5

Is the total correct

Note: If the attached assessment worksheet shows that good faith was not considered in making this assessment (due to the length of the abatement period), you may request a modification based on consideration of good faith. To obtain a reduction of the penalty on the basis of good faith in attempting to achieve compliance, you must show that you took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before that date set for abatement. Your request for a modification should be made in writing, after the violation has been abated, and should be addressed to the Civil Penalty Section at the above address.

This form is sent blank to the operator and if a conference is desired the form is completed and returned to BCPA.

OSM 723-4  
Revised 2-10-84

FEB 2 1987  
(Date)

Civil Penalty Section  
Office of Surface Mining  
U.S. Department of the Interior  
1931 Constitution Avenue N.W.  
Washington, D.C. 20240

Dear Sirs:

Pursuant to 30 CFR 845.18, I request a conference to review  
the proposed assessment for violations of Notice of Violation(s)

# 86-91-000-1 and /or Cessation Order(s) # \_\_\_\_\_

My telephone number is 615 555-7225  
555-4674

Telephone number of the  
requestor

Lloyd Smith  
(Signature)

LLOYD SMITH  
(Name and Title) MGR.

Name and title of the  
person requesting conference

ANYOLE Coal Co  
(Name of Permittee or Operator)

P.O. Box 000 TULLICO TN-37762  
(Address of Permittee or Operator)

Mailing address of the  
requestor

Provided your request is received within 15 days as provided in  
30 CFR 845.18, you will be contacted by a conference officer in  
order to arrange the time and place of the conference.

15 day grace period has been  
added thus allowing 30 days  
to request conference

Pursuant to 30 CFR 845.18(b)(2), at least 5 days prior to the  
conference, notice of the time and place of the conference must be  
posted at the OSM field office that has jurisdiction over the mine.  
Any person has the right to participate in the conference.

This re-emphasizes the  
requirement for posting

Anyole Coal Company  
January 28, 1987

Company name and date of initial letter



→ This letter is sent after the Branch of Civil Penalty Assessments (BCPA) receives a copy of the citation and has completed the Notice of Proposed Assessment (NOPA). With this letter and the NOPA (pages 4 & 5), there is a blank request for conference form (see page 3). If the operator requests a conference, this is returned, evaluated and acceptance or denial is given.



## United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
WASHINGTON, D.C. 20240

January 28, 1987

Anyole Coal Company  
P.O. Box  
Jellico, TN. 37762

**RE: CIVIL PENALTIES FOR VIOLATION OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977, (SMCRA), 30 U.S.C. 1201 et seq.**

Enclosed is a notice of proposed civil penalty assessment with respect to certain violations for which a notice of violation (NOV) or a cessation order (CO) was issued to you.

Please read this letter very carefully. It contains information concerning requirements for payment of civil penalty assessments which must be followed to avoid additional cost, and requirements for obtaining informal and formal review of the penalty. If you have any questions, you may call the Branch of Civil Penalty Assessments at (202) 653-2904.

### I. PAYMENT PROCEDURES

Unless you request an assessment conference or administrative hearing in accordance with the instructions set forth below, the proposed civil penalty assessment will become a Final Order within 30 days of receipt of this letter. Payment must be received by the Office of Surface Mining (OSM), Branch of Collections, within 30 days after the assessment becomes a Final Order or the debt will be considered delinquent and the following sequence of charges will be applied to your account:

- A. Interest calculated at the current Treasury rate will be assessed from the day when payment of the civil penalty was first due.
- B. Administrative costs incurred in the processing and handling of the delinquent debt, such as the cost of referring the account to a debt collection company.
- C. If any portion of the civil penalty remains unpaid 90 days after the assessment is first due, you will be subject to a 6 percent penalty year upon the balance due calculated from the first day of delinquency. This penalty will accrue at the rate of one-half of one percent for each month or portion thereof that the balance remains unpaid.

Is this the operator or person requesting the conference (See page 3)

*Assmt 88-103*



United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
WASHINGTON, D.C. 20240

FEB 13 1987

Is the citation number consistent throughout this package

Mr. Lloyd Smith  
Manager  
Anyole Coal Company  
P.O. Box 000  
Jellico, TN 37762

RECEIVED

87 FEB 19 10:39

OSM - KNOXVILLE  
FIELD OFFICE

The conference must be held within 60 days of date received or the termination date of the citation which ever is later

CONFERENCE REQUEST APPROVAL

RE: 886-91-000-1(1)

This is in response to your letter(s) dated February 2, 1987  
in which you requested a conference. Your request has been granted  
and is being forwarded to the appropriate OSM office for assignment.  
A Conference Officer will contact you to schedule the conference.  
If you have any questions or need assistance, please call the  
appropriate Conference Officer listed on the attachment to this letter.

Note that it is specified contact will be made to schedule the conference

Sincerely,

Robert B. Campbell, Chief  
Branch of Civil Penalty Assessments

Attachment

NOTE: This letter is sent to the requestor and a copy is sent to the appropriate office that will conduct the conference.

pages or documents. The original pages or documents are not to be discarded.

Case files should be numbered or labeled in a manner that allows ease of access. A computer tracking system or other means should be developed to allow ready research or identification of conference cases. The files are to be secured and available only to persons authorized to access the files. A sign-out system should be developed and used so the location of conference files is known at all times.

## TABLE E

### Case File

This table is to depict documents and procedures in a conference and to reflect documents contained in a typical case file. The case file must be complete and documented for all actions and events that occurred during the informal conference process. It should be noted that each case is unique and therefore the documents and procedures will vary depending on the circumstances of the particular case. The documents shown have been reduced and notations made on the sides to explain steps or events. Throughout the informal conference, Conference Officers must scrutinize and clarify noted discrepancies or questionable aspects. While the Conference Officer is neither Assessor nor Inspector a careful review should be made to ascertain that errors in procedure or guidelines were not made. If an error or questionable procedure is noted the appropriate person should be contacted and the problem resolved without creating animosity in the relationship between branches.

Exhibit 1 is the Conference Approval Letter and the Notice of Proposed Assessment (NOPA) and is the initial phase of a case. This will be referred to as the assessment package.

Exhibit 2 is a history sheet, prepared and made a part of the case file. Brief notations of all actions should be made.

Exhibit 3 will be referred to as the enforcement package. Once the assessment package has been reviewed and appears in order, copies of the citation, modifications, termination and other enforcement documents need to be secured. A rapport needs to be established with each office within the Conference Officer's jurisdiction so that copies or documents can be readily obtained. This should be done by contacting the chief or official in charge of the office and establishing a liaison person to be contacted to obtain future documentation. This will preclude having to go through all the channels in future needs but will allow going directly to the person that can furnish requested materials.

Exhibit 4 contains the documents generated in the conference process and will be referred to as the conference package. When all necessary documents of the enforcement package are received and reviewed the Conference Officer is ready to start the conference process and generate conference documents.

All of the documents in exhibits 1 through 4 constitute items found in a typical case file. The case file must be complete and self explanatory without having to research multiple sources or file components. Once completed the case file will not be modified or changed unless the rationale for modification or change is fully noted and explained. In case of a modification or addendum additional documents should be prepared clearing outlining that the new documents supersede or replace original

CIVIL PENALTY REMITTANCE SLIP (1)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

FIRST PAYMENT DUE DATE: APRIL 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$194.47

TO BE APPLIED TO INTEREST: \$2.31

PRINCIPAL BALANCE REMAINING: \$2,055.53

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CIVIL PENALTY REMITTANCE SLIP (4)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

FOURTH PAYMENT DUE DATE: JULY 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$186.37

TO BE APPLIED TO INTEREST: \$10.41

PRINCIPAL BALANCE REMAINING: \$1,502.31

-----  
CIVIL PENALTY REMITTANCE SLIP (3)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

HIRD PAYMENT DUE DATE: JUNE 1

PAYMENT AMOUNT: \$196.78 -

TO BE APPLIED TO PRINCIPAL: \$184.85

TO BE APPLIED TO INTEREST: \$11.93

PRINCIPAL BALANCE REMAINING: \$1,688.68

-----  
CIVIL PENALTY REMITTANCE SLIP (2)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

SECOND PAYMENT DUE DATE: MAY 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$182.00

TO BE APPLIED TO INTEREST: \$14.78

PRINCIPAL BALANCE REMAINING: \$1,873.53  
-----

CIVIL PENALTY REMITTANCE SLIP (7)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

SEVENTH PAYMENT DUE DATE: OCTOBER 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$189.83

TO BE APPLIED TO INTEREST: \$6.95

PRINCIPAL BALANCE REMAINING: \$936.87

-----  
CIVIL PENALTY REMITTANCE SLIP (6)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

SIXTH PAYMENT DUE DATE: SEPTEMBER 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$188.40

TO BE APPLIED TO INTEREST: \$8.38

PRINCIPAL BALANCE REMAINING: \$1,126.70

-----  
CIVIL PENALTY REMITTANCE SLIP (5)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

FIFTH PAYMENT DUE DATE: AUGUST 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$187.21

TO BE APPLIED TO INTEREST: \$9.57

PRINCIPAL BALANCE REMAINING: \$1,315.10  
-----

CIVIL PENALTY REMITTANCE SLIP (10)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

TENTH PAYMENT DUE DATE: JANUARY 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$193.25

TO BE APPLIED TO INTEREST: \$3.53

PRINCIPAL BALANCE REMAINING: \$360.63

-----  
CIVIL PENALTY REMITTANCE SLIP (9)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

NINTH PAYMENT DUE DATE: DECEMBER 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$192.18

TO BE APPLIED TO INTEREST: \$4.60

PRINCIPAL BALANCE REMAINING: \$553.88

-----  
CIVIL PENALTY REMITTANCE SLIP (8)  
COMPANY NAME: ABC COAL COMPANY

CITATION NUMBER: C86

REMITTER NAME(If Different):

EIGHTH PAYMENT DUE DATE: NOVEMBER 1

PAYMENT AMOUNT: \$196.78

TO BE APPLIED TO PRINCIPAL: \$190.81

TO BE APPLIED TO INTEREST: \$5.97

PRINTCIPAL BALANCE REMAINING: \$746.06  
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Note: This print-out is to be furnished to the Operator and the Operator advised to cut out and attach one of these slips to each payment so that the payment will be correctly applied.

\*\*\*\*\*

PLEASE CUT OUT AND ATTACH TO YOUR PAYMENT THE APPROPRIATE PENALTY REMITTANCE SLIP TO ASSURE CORRECT APPLICATION AND POSTING OF PAYMENTS

MAKE CHECKS PAYABLE TO 'Office of Surface Mining' AND  
SEND TO : Office of Surface Mining  
Reclamation and Enforcement  
P.O. Box 360292 M  
Pittsburgh, PA 15251

SPECIAL NOTE: PAYMENTS RECEIVED AFTER THE DUE DATE WILL BE SUBJECT TO ADDITIONAL INTEREST CHARGES.

-----  
CIVIL PENALTY REMITTANCE SLIP (12)  
COMPANY NAME: ABC COAL COMPANY CITATION NUMBER: C86  
REMITTER NAME(If Different):  
TWELVTH PAYMENT DUE DATE: MARCH 1  
PAYMENT AMOUNT: \$167.11  
TO BE APPLIED TO PRINCIPAL: \$166.15  
TO BE APPLIED TO INTEREST: \$0.96  
PRINCIPAL BALANCE REMAINING: \$0.00

-----  
CIVIL PENALTY REMITTANCE SLIP (11)  
COMPANY NAME: ABC COAL COMPANY CITATION NUMBER: C86  
REMITTER NAME(If Different):  
ELEVENTH PAYMENT DUE DATE: FEBRUARY 1  
PAYMENT AMOUNT: \$196.78  
TO BE APPLIED TO PRINCIPAL: \$194.48  
TO BE APPLIED TO INTEREST: \$2.30  
PRINCIPAL BALANCE REMAINING: \$166.15  
-----



SEVENTH PAYMENT DUE: OCTOBER 1			
PAYMENT AMOUNT	\$196.78		
AMOUNT APPLIED TO INTEREST		\$6.95	
AMOUNT APPLIED TO PRINCIPAL		\$189.83	
PRINCIPAL BALANCE AFTER SEVENTH PAYMENT			\$936.87
EIGHTH PAYMENT DUE: NOVEMBER 1			
PAYMENT AMOUNT	\$196.78		
AMOUNT APPLIED TO INTEREST		\$5.97	
AMOUNT APPLIED TO PRINCIPAL		\$190.81	
PRINCIPAL BALANCE AFTER EIGHTH PAYMENT			\$746.06
NINTH PAYMENT DUE: DECEMBER 1			
PAYMENT AMOUNT	\$196.78		
AMOUNT APPLIED TO INTEREST		\$4.60	
AMOUNT APPLIED TO PRINCIPAL		\$192.18	
PRINCIPAL BALANCE AFTER NINTH PAYMENT			\$553.88
TENTH PAYMENT DUE: JANUARY 1			
PAYMENT AMOUNT	\$196.78		
AMOUNT APPLIED TO INTEREST		\$3.53	
AMOUNT APPLIED TO PRINCIPAL		\$193.25	
PRINCIPAL BALANCE AFTER TENTH PAYMENT			\$360.63
ELEVENTH PAYMENT DUE: FEBRUARY 1			
PAYMENT AMOUNT	\$196.78		
AMOUNT APPLIED TO INTEREST		\$2.30	
AMOUNT APPLIED TO PRINCIPAL		\$194.48	
PRINCIPAL BALANCE AFTER ELEVENTH PAYMENT			\$166.15
TWELVTH PAYMENT DUE: MARCH 1			
PAYMENT AMOUNT	\$167.11		
AMOUNT APPLIED TO INTEREST		\$0.96	
AMOUNT APPLIED TO PRINCIPAL		\$166.15	
PAYMENT PLAN WILL BE PAID IN FULL AFTER THIS PAYMENT			

Note: The print-out below should be filed with the case file. It reflects the payments and the application of the funds.

\*\*\*\*\*

COMPANY NAME: ABC COAL COMPANY  
STREET ADDRESS: BOX 123  
TOWN/CITY, STATE, ZIP CODE: ONEIDA, TN 37841  
PERSON TO BE CONTACTED: JOHN JONES  
TELEPHONE NUMBER: (615) 777-8888

CITATION NUMBER: C86

TOTAL AMOUNT SETTLED: \$2,500.00

DOWN PAYMENT AMOUNT RENDERED: \$250.00

DATE SETTLED: 02-25-1987

PRINCIPAL BALANCE: \$2,250.00

INTEREST RATE OF THIS PAY AGREEMENT: 7.5 %

FIRST PAYMENT DUE: APRIL 1

PAYMENT AMOUNT	\$196.78	
AMOUNT APPLIED TO INTEREST		\$2.31
AMOUNT APPLIED TO PRINCIPAL		\$194.47
PRINCIPAL BALANCE AFTER FIRST PAYMENT:		\$2,055.53

SECOND PAYMENT DUE: MAY 1

PAYMENT AMOUNT	\$196.78	
AMOUNT APPLIED TO INTEREST		\$14.78
AMOUNT APPLIED TO PRINCIPAL		\$182.00
PRINCIPAL BALANCE AFTER SECOND PAYMENT		\$1,873.53

THIRD PAYMENT DUE: JUNE 1

PAYMENT AMOUNT	\$196.78	
AMOUNT APPLIED TO INTEREST		\$11.93
AMOUNT APPLIED TO PRINCIPAL		\$184.85
PRINCIPAL BALANCE AFTER THIRD PAYMENT		\$1,688.68

FOURTH PAYMENT DUE: JULY 1

PAYMENT AMOUNT	\$196.78	
AMOUNT APPLIED TO INTEREST		\$10.41
AMOUNT APPLIED TO PRINCIPAL		\$186.37
PRINCIPAL BALANCE AFTER FOURTH PAYMENT		\$1,502.31

FIFTH PAYMENT DUE: AUGUST 1

PAYMENT AMOUNT	\$196.78	
AMOUNT APPLIED TO INTEREST		\$9.57
AMOUNT APPLIED TO PRINCIPAL		\$187.21
PRINCIPAL BALANCE AFTER FIFTH PAYMENT		\$1,315.10

SIXTH PAYMENT DUE: SEPTEMBER 1

PAYMENT AMOUNT	\$196.78	
AMOUNT APPLIED TO INTEREST		\$8.38
AMOUNT APPLIED TO PRINCIPAL		\$188.40
PRINCIPAL BALANCE AFTER SIXTH PAYMENT		\$1,126.70

May 28, 1987

Exhibit 20 - Computerized Payment Plan (Continued)

- l. Date settled (julian date)
- m. Interest rate
- n. Twelve (12) payment dates (input using julian dates - see 2. below).

2. Government calendars normally reflect the julian dates. For input into the computer the settlement and payment dates must be converted to julian date. Progressive payments should be input with successively larger julian date numbers. Below is a list of the julian dates for the first day of each month.

a. January 1	1 or 366 or 731
b. February 1	32 or 397 or 762
c. March 1	60 or 425
d. April 1	91 or 456
e. May 1	121 or 486
f. June 1	152 or 517
g. July 1	182 or 547
h. August 1	213 or 578
i. September 1	244 or 609
j. October 1	274 or 639
k. November 1	305 or 670
l. December 1	335 or 700

3. The following is a computer print-out for a typical payment plan. The plan was for an amount settled of \$2,500.00 and a down payment of 10% or \$250.00 - (see Appendix).

Exhibit 20 - Computerized Payment Plan

A program has been designed to compute and print payment plans. A copy of the computer program can be obtained by contacting the Conference Program Manager. The payment plan is designed to use the current applicable interest rate when the payment plan is executed. There are input items required and when the data is input the computer will compute payments and print the payment plan. The program is designed to compute the number of days between payments and the resultant interest due. Julian calendar dates are to be used for the date the assessment was settled and the payment dates.

Payments are always to be made on the first day of each month. In order to allow necessary time for processing of paperwork you should allow at least thirty (30) days between the settlement date and the first payment date. If no down payment is to be rendered than the initial payment should be the first of the following month regardless of the number of days involved.

Once the required data is input the computer will print three separate print-outs. The first is for the case file and will reflect payments and their application to principal, interest, and the unpaid balance after payment. The second print-out is a spread sheet for the operator's records to monitor the payment plan. The third print-out is also for the operator and is the remittance slips to accompany each payment.

1. The data listed below has to be input into the computer for the payment plan:

- a. Company name
- b. Company street address or post office box
- c. Town or city
- d. State (Use two letter designation)
- e. Company zip code
- f. Name of the contact person for the payment agreement
- g. Telephone number to include the area code
- h. Citation number
- i. Total amount settled
- j. Down payment amount rendered
- k. Date settled (actual date)

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Citation #

\_\_\_\_\_  
Conference Officer

II. If the penalty was reduced, answer the following questions:

1. Penalty reductions follow guidelines outlined in the Assessment Manual:

Manager's  
Concurrence

Yes

No

Rater's  
Concurrence  
(Initials)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Rater's Comments:

2. Documentation is presented in the Conclusion of Conference Report to justify penalty reductions:

Manager's  
Concurrence

Yes

No

Rater's  
Concurrence  
(Initials)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Rater's Comments:

3. The Conference Officer's file contains sufficient information and documentation to support the justification presented in the Conclusion of Conference Report.

Manager's  
Concurrence

Yes

No

Rater's  
Concurrence  
(Initials)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Rater's Comments:

Company Name

Citation #

Conference Officer

The following questions apply to those conferences in which the operator paid the revised penalty in full or signed a payment agreement. If these did not occur relative to the conference, do not include this sheet.

Manager's  
Concurrence

Yes

No

Rater's  
Concurrence  
(Initials)

- |       |     |   |       |       |       |
|-------|-----|---|-------|-------|-------|
| _____ | 9.  | A copy of the check and/or abstract and the signed Consent Assessment of Civil Penalty Agreement (Full Payment) are included in the report when the penalty has been paid as the result of the conference.                | _____ | _____ | _____ |
| _____ | 10. | A copy of the payment plan agreement and down payment (if required) and the signed Consent Assessment of Civil Penalty (Payment Plan) are included in the report when the operator has agreed to this agreement.          | _____ | _____ | _____ |
| _____ | 11. | Company name, citation and permit numbers are consistent between the Conclusion of Conference report and the Consent assessment of Civil Penalty agreement.   | _____ | _____ | _____ |
| _____ | 12. | The interest rate on the Consent of Civil Penalty Agreement is listed at 7 % and the payment amount and due date for payments are consistent with those in the payment plan chart and the Civil Penalty Remittance forms. | _____ | _____ | _____ |



CONFERENCE OFFICER AUDIT REPORT

		<u>Date of Review</u>
<u>Company Name</u>	<u>Citation #</u>	<u>Date of Conf.</u>
<u>Termination Date</u>	<u>\$: NOPA</u>	<u>\$: Revised Penalty</u>
<u>\$: Collected</u>	<u>\$: Payment Plan</u>	<u>Conference Officer</u>

I. Answer the following questions regarding your Conclusion of Conference Report.

Manager's Concurrence		Yes	No	Rater's Concurrence (Initials)
_____	1. Proper company name and citation number(s) appear on relevant sheets of the report	_____	_____	_____
_____	2. The type of letter (i.e.- full payment or no payment required) is appropriate to the conclusion of conference.	_____	_____	_____
_____	3. NOPA amount is transferred accurately to the conference report.	_____	_____	_____
_____	4. Additions to or reductions in the penalty are accurately computed.	_____	_____	_____
_____	5. Narrative is clearly and accurately written.	_____	_____	_____
_____	6. Narrative is free of spelling and grammatical errors.	_____	_____	_____
_____	7. A report for each violation conferenced is included in the report.	_____	_____	_____
_____	8. A copy of the vacation of the violation(s) is attached if it has been vacated.	_____	_____	_____

Date

SAMPLE AFFIDAVIT  
STATEMENT OF JOHN DOE

I, John Doe, Engineer for ABC Coal Company, Inc. make the following statement to demonstrate extraordinary efforts taken by ABC Coal Company, Inc. to achieve rapid abatement of violation 1 of 2, citation number NOV 86-091-016-002(3), mine #24 in Scott County, Tennessee.

(1) I pulled eight men from active production mine #26 in Fentress County, Tennessee to inactive mine #24 in Scott County, Tennessee, approximately 25 miles away.

(2) I pulled one dozer, one front end loader, and two trucks from active production mine #27, Whitley County, Kentucky, approximately 75 miles away.

(3) All equipment was hauled from mine #27 by contract carrier, XYZ Haulers, of Williamsburg, Kentucky at a cost of \$2,500.00. (Copy of invoice and/or payment is attached).

(4) Contracted with JOB Consulting, Inc., of Oak Ridge, Tennessee at a cost of \$1,800.00 (copy of invoice attached) to design and assist in the installation of the treatment system required to abate the violation.

(5) I personally supervised and directed the work to achieve abatement of this violation for approximately 12 hours.

(6) Abatement was achieved at 10:00 a.m. on June 30, 1986.

(7) Jack Labor called Inspector Jake Q. Smith at 10:15 a.m., June 30, 1986, advising him that abatement had been achieved and effluent limits were in compliance.

(8) Inspector Smith returned to the site of violation July 1, 1986 at 11:00 a.m. and issued termination for the violation.

State of \_\_\_\_\_

County of \_\_\_\_\_

I hereby affirm, under oath, that the foregoing is correct and true to the best of my knowledge.

\_\_\_\_\_  
John Doe, Engineer

Sworn to before me and subscribed in my presence this \_\_\_\_\_  
day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

(Include country, state and  
expiration date of commission)





# United States Department of the Interior



OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
530 Gay St., S.W., Suite 500  
Knoxville, TN. 37902

To: Evelyn Freeman  
Conference Officer Task Force

Thru: Pete Thompson  
Knoxville Field Office

From: Billy R. Kneisley, Conference Officer  
Knoxville Field Office

Subject: Status Report

COMPANY: \_\_\_\_\_ CITATION: \_\_\_\_\_

<u>VIOLATION NO.</u>	<u>DATE FOR ABATEMENT</u>	<u>TERMINATION</u>
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----
-----	-----	-----

Reason(s) for delay:

If you have any questions, please contact me at (615) 673-5126.

cc: C. Carter  
Branch of Assessments

Pre-Conference Notes, cont.

Proposed Assessment

Revised Assessment

History\_\_\_\_\_

Probability\_\_\_\_\_

Extent\_\_\_\_\_

Total Seriousness\_\_\_\_\_

Obstruction\_\_\_\_\_

Negligence\_\_\_\_\_

Good Faith\_\_\_\_\_

Total Points\_\_\_\_\_

\$\_\_\_\_\_

History\_\_\_\_\_

Probability\_\_\_\_\_

Extent\_\_\_\_\_

Total Seriousness\_\_\_\_\_

Obstruction\_\_\_\_\_

Negligence\_\_\_\_\_

Good Faith\_\_\_\_\_

Total Points\_\_\_\_\_

\$\_\_\_\_\_

Conference Notes: \_\_\_\_\_

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Documents to Support Revision: \_\_\_\_\_

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EXHIBIT 15 - Pre-Conference Notes

This form may be used by the Conference Officer to summarize data to be addressed during the conference

Pre-Conference Notes

-----  
Permittee Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Permit : \_\_\_\_\_  
Area: \_\_\_\_\_ County: \_\_\_\_\_ Mine Type: \_\_\_\_\_  
Operator: \_\_\_\_\_ Phone: \_\_\_\_\_

Citation #: \_\_\_\_\_  
Date Issued: \_\_\_\_\_  
Date Served: \_\_\_\_\_ By: Mail \_\_\_ Hand \_\_\_  
Person Served: \_\_\_\_\_

Viol. # \_\_\_ of # \_\_\_  
Date for Abatement \_\_\_\_\_

Date of Modification \_\_\_\_\_

Date of Abatement \_\_\_\_\_  
Vacation Date \_\_\_\_\_  
FTACO Issued \_\_\_\_\_  
FTACO # \_\_\_\_\_

Inspector Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Good Faith Information

Days for Abatement \_\_\_\_\_  
Days to Abatement \_\_\_\_\_  
Percent of Time \_\_\_\_\_  
Good Faith Points Available \_\_\_\_\_  
Sworn Statement Received \_\_\_\_\_

Pre Conference Remarks: \_\_\_\_\_  
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EXHIBIT 14 - Conference Sign-In Sheet

\*\*\*\*\*  
CONFERENCE SIGN-IN SHEET

Conference Date: \_\_\_\_\_

Name of Company: \_\_\_\_\_

Citation Number(s)

Permit Number(s)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

THOSE IN ATTENDANCE:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_

\*\*\*\*\*





EXHIBIT 12 - Conference Conclusion Letter - Payment Plan

\*\*\*\*\*  
CONCLUSION OF CONFERENCE

Mr. John J. Jones, President  
ABC Coal Co Inc  
P.O. Box 123  
Someplace, Tennessee 37777

Re: Assessment Conference for: ABC Coal Co Inc  
Violation No. 1 of 1 of N88-099-099-099(1)  
Permit: 88-888

Dear Mr. Jones

This letter formally concludes the conference relating to the above violation.

After reviewing all of the information supplied to me at the conference and all other information available to me concerning the above violation, pursuant to 30 CFR Part 723, I am revising the assessment for the above mentioned violation as shown on the attached Assessment Conference Report.

The Assessment Conference Report shows the dollar amount of the civil penalty associated with each violation for which the conference was held and reflects changes, if any, resulting from the conference. It also shows the point values assigned for the proposed assessment and the point values assigned as a result of the conference.

As you chose to resolve this matter through a Consent Assessment of Civil Penalty (Payment Plan) and down payment was received, this concludes the above assessment conference. If you have any questions which are not answered by this letter, you may call me at (615) 673-5126.

Sincerely

Assessment Conference Officer

Enclosure

cc: E. Freeman  
Conference Officer Task Force  
C. Carter  
Branch of Assessments

\*\*\*\*\*

This is a continuation of the inspector's report. Look for discrepancies in comments versus assessments.

Page 2 of 2

Permittee Anyole Coal Company  
Permit No. 88-A03

summarized as follows:

	<u>pH</u>	<u>Acidity</u>	<u>Alkalinity</u>
Basin 001 discharge	3.73	99.84	0
Basin 001 upstream	6.89	6.12	12.94
Basin 001 downstream	6.60	7.08	12.94

At this point the inspection concluded.

Service of NOV No. 86-091-000-001 was effective on 12/10/86 at the tippie facility in Morley. Present to accept service was Lloyd Smith, tippie manager.

Mr. Lloyd Smith was informed about the issuance of this NOV. This discussion included the nature of the violation, the abatement measures, the basin involved, and the abatement time.

Performance standards not indicated as in compliance are summarized as follows:

25F: Effluent violation addressed in NOV 86-091-000-001.

Item 28 is not in compliance as evidenced by NOV 86-091-000-001.

This is the inspector's statement and used by the Assessor's to determine the level of assessment within the various categories.

12/1/78

NOV 86-091-000-001

Violation # 1 of 1

SUPERVISOR'S STATEMENT

1. What violations (see 10.) if this is an obstruction or enforcement violation? (What local event was this regulation designed to prevent? (Insert the event listed on the reference list and remember that the event is not the cause of the violation.)

WATER pollution

← event or obstruction ?

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

The event has happened. Discharge from basin 001 was out of compliance for pH. Basin 001 discharge had a pH of 3.73.

← probability of occurrence

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area? Damage does extend off the permit area.

The damage to the receiving stream is slight. Lab analysis of impacts to the receiving stream is as follows: upstream pH 6.89, downstream pH 6.60, acidity upstream/downstream was unchanged, and alkalinity upstream was 10.95 dropping to 9.95 on the downstream.

← what was the extent

4. How much damage might have occurred if the violation had not been discovered by an O&A inspector? Describe this potential damage. Would the damage extend off the permit area? Damage associated with this type of violation (effluent limits) invariably occurs off the permit area. The basins have been in place quite some time, no previous effluent violations have been documented, and the basins only discharge during rainfall events. It is doubtful that off-site damage will get any worse than that documented in this violation.

5. Describe any enforcement violations (enforce for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications).

6. Describe any violations of this regulation actually obstructed enforcement by you and/or the public.

7. If you think this violation was not the fault of the operator (perhaps due to vandalism or the actions of all persons working on the site).

8. If you think this violation was the result of not knowing about O&A regulations, or the result of lack of reasonable care, explain.

Operator usually treats the two basins (001 and 002) on his area that have pH problems prior to rainfall events which would result in basin discharge. However, in this event, the operator apparently did not exercise reasonable care as basin 001 was discharging and was out of compliance.

← negligence

9. If the actual or potential environmental harm or harm to the public should have occurred as a careful operator, describe the situation and what, if anything, the operator did or did not do to prevent it from being cited.

10. Was the operator in violation of a specific permit condition? Did the operator have any other notices of violation by the State or by O&A concerning this violation? If so, give the dates and the type of notices.

← prior warnings ?

Cost Data

11. In order to estimate good faith for compliance with an O&A or EC, an O&A inspector should estimate the cost of compliance as rapidly as possible. The violation number and date are in the top left corner. If you think this applies, describe any costs incurred and what corrective measures the operator took.

12/1/78

J. H. 11000

This is a check-sheet used for statistics within enforcement management. This form is not always included in the enforcement package. Some of the information might be useful but explanation of the blocks will have to be explained by enforcement. This is a two page report.

Page 1 of 2 pages

United States Department of the Interior Office of Surface Mining Mine Site Evaluation Inspection Report			For Office Use Only No. <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Date <input type="text"/> <input type="text"/> Report <input type="text"/>		
1. Name of Permittee AINYOLE COAL COMPANY			9. MEMA Number 40-00000-		10. Date of Inspection (Y M D) 8 6 1 2 1 0
2. Street Address P O Box 000			11. State Permit Number 88 A03		
4. City Jellico		5. State TN	12. Name of Mine MORE Tipple		
6. Zip Code 37762	7. Area Code 615	8. Telephone Number 555-7225	13. County Code 013	14. State Code TN	15. Strata <input checked="" type="checkbox"/>
16. State Area Office 01	17. OSM Field Office No. 09	18. OSM Area Office No. 1	19. OSM Sample No. <input checked="" type="checkbox"/>	20. Type of Inspection (Code) PP	21. Joint Inspection Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
22. Status A <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Type of Permit B <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> State Mining Code C <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Type of Facility (Code) D <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Number of Permitted Areas E <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Number of Disturbed Areas			23. Type of Activity (check applicable boxes) A <input type="checkbox"/> Strip Slope B <input type="checkbox"/> Mountain Top Removal C <input type="checkbox"/> Pitso Formations D <input type="checkbox"/> Abandoned Valley Floors E <input type="checkbox"/> Anthracite F <input type="checkbox"/> Federal Lands G <input type="checkbox"/> Indian Lands H <input checked="" type="checkbox"/> Other Tipple		
24. Performance Standards (Code) Inspections indicate compliance code. For any standard marked 2 or 3 provide narrative to support this determination.					
Standards That Limit the Effects to the Permit Area A <input type="checkbox"/> Distance Prohibitions B <input type="checkbox"/> Mining Within Permit Boundaries C <input type="checkbox"/> Signs and Markers D <input type="checkbox"/> Sediment Control Measures E <input type="checkbox"/> Design and Certification Requirements—Sediment Control F <input checked="" type="checkbox"/> Drifted Lands G <input type="checkbox"/> Surface Water Monitoring H <input type="checkbox"/> Ground Water Monitoring I <input type="checkbox"/> Blasting Procedures J <input type="checkbox"/> Non-Aesthetic Road Design and Maintenance K <input type="checkbox"/> Refuse Impoundments L <input type="checkbox"/> Other: Specialty			Standards That Assure Reclamation Quality and Timeliness M <input type="checkbox"/> Topsoil Handling N <input type="checkbox"/> Backfilling and Grading O <input type="checkbox"/> Following Reclamation Schedule P <input type="checkbox"/> Revegetation Requirements Q <input type="checkbox"/> Deposit of Excess Spoil R <input type="checkbox"/> Handling of Acid or Toxic Materials S <input type="checkbox"/> Highest Estimation T <input type="checkbox"/> Damaged Spoil Disposal U <input type="checkbox"/> Post Mining Land Use V <input type="checkbox"/> Cancellation of Operations, Temporary W <input type="checkbox"/> Other		

This is the continuation page.

United States Department of the Interior Office of Surface Mining Mine Site Evaluation Inspection Report			
28. State Permit Number <b>88 403</b>		29. Date of Inspection (Y M D) <b>86 12 10</b>	
29. Yes <input type="checkbox"/> No <input type="checkbox"/> Do mining and reclamation activities on the site comply with the plans in the permit? <input type="checkbox"/> If no, provide narrative to support this determination.			
30. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:			
29a. <input type="checkbox"/> Number of Complete			29b. <input type="checkbox"/> Number of Partial
31. Indicate number of complete and partial inspections required by the State during this annual review period:			
30a. <input type="checkbox"/> Number of Complete			30b. <input type="checkbox"/> Number of Partial
31. Has inspection frequency been met?			
31a. Yes <input type="checkbox"/> No <input type="checkbox"/> Complete			31b. Yes <input type="checkbox"/> No <input type="checkbox"/> Partial
32. FEDERAL ENFORCEMENT INFORMATION. [Enter violation number. Check appropriate boxes]			
Ten-Day Notice No. <input type="checkbox"/>	Notice of Violation No. <b>86-87-002-001</b>	Cessation Order No. <input type="checkbox"/>	Violation Codes
A <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Authorizations to Operate
B <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signs and Markers
C <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reclaiming and Grading
D <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highwall Elimination
E <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pits and Gullies
F <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Improper Pits
G <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Topsoil Handling
H <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Sediment Ponds
I <input type="checkbox"/>	<input checked="" type="checkbox"/> viol. 1.e.F.1	<input type="checkbox"/>	Effluent Limits
J <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water Monitoring
K <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Buffer Zones
L <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Roads
M <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dams
N <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Shoring
O <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Revegetation
P <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Spill on the Downslope
Q <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mining Without Permit
R <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Exceeding Permit Limits
S <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance Prohibitions
T <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Toxic Materials
U <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other Violations
33. Name of Authorized Representative (print or type) <b>JEFF</b>		34. Administrative Information	
Signature of Authorized Representative <i>Jeff</i>	Date <b>12/11/86</b>	a. <input type="checkbox"/> Permit Review (Hours)	
Signature of Inspecting Official <b>I. M. Bono</b>	Date <b>12-15-86</b>	b. <input type="checkbox"/> Travel Time (Hours)	
		c. <input type="checkbox"/> Inspection Time (Hours)	
		d. <input type="checkbox"/> Report Writing Time (Hours)	

This is a modification of a citation. It should be carefully reviewed to see if the original violation was amended and whether the assessment should also be amended.

U.S. DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement MODIFICATION OF NOTICE OF VIOLATION OR CESSATION ORDER				
1. Name <u>ANYOLE COAL COMPANY</u> <input checked="" type="checkbox"/> Permittee : <input type="checkbox"/> No Permit		Originating Office Address <u>OSM NORRIS AREA OFFICE P.O. Box 179 NORRIS, TENNESSEE 37828</u>		
2. Mailing Address <u>P.O. Box 000, Jellico, Tennessee 37762</u>		3. Name of Mine <u>More Tipple</u> Surface <input type="checkbox"/> Underground <input checked="" type="checkbox"/> <u>Tipple</u>		
4. Telephone Number <u>(615) 555-2225</u>	5. County <u>Campbell</u>	6. State <u>Tennessee</u>	Telephone Number <u>(615) 632-1718</u>	
6. Operator's Name		8. Date of Inspection <u>December 17, 1986</u>		
7. Mailing Address		9. Time of Inspection From <u>11:15</u> To <u>11:30</u>		
10. State Permit Number <u>8-A03</u>	11. NPDES Number <u>TN005555</u>	12. MSHA ID Number <u>40-00000</u>	13. OSM Mine Number	
ACTIONS TAKEN				
Authority: Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201) the following action is taken:				
14. Notice of Violation Number <u>86-091-000-001</u>	Dated <u>12/10/86</u>	15. Cessation Order Number <u>- - -</u>	Dated	
16. VIOLATION <u>1</u> OF <u>1</u> IS MODIFIED. (Describe Action and Justify) <u>Abatement date is extended to 10:00 AM on ANYDAY DEC. 22, 1986. Permittee/operator requested the extension in order to try additional treatment methods. Site inspection indicated that the basin 001 had been treated with agricultural lime with limited success. The basin pH had been raised a full pH unit from 3.7 to approximately 4.7. In-flow into the basin had been treated and was in compliance. As the permittee/operator is making "good faith" effort to abate, the extension is granted.</u>				
17. VIOLATION _____ OF _____ IS MODIFIED. (Describe Action and Justify)				
18. VIOLATION _____ OF _____ IS MODIFIED. (Describe Action and Justify)				
19. Print Name of Authorized Representative <u>Jeff</u>		Identification Number <u>000</u>		
20. Signature of Authorized Representative <u>Jeff</u>		Effective Date <u>12/17/86</u>		

changes the abatement date

Note the good faith comment and also the consistent effort

This is the termination or vacation notice whichever is applicable. Document should be reviewed for statements and dates. Only if a violation has been satisfactorily resolved is settlement possible.

U.S. DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement VACATION OR TERMINATION OF NOTICE OF VIOLATION OR CESSATION ORDER				
1. Name <b>ANYOLE COAL COMPANY</b>		8. Permit 11. No Permit		Originating Office Address <b>OSM NORRIS AREA OFFICE P.O. Box 179 NORRIS, TENNESSEE 37828</b>
2. Mailing Address <b>P.O. Box 000, Jellico, Tennessee 37762</b>		3. Name of Mine <b>MORE TIPPLE</b>		Telephone Number <b>(415) 632-1718</b>
4. Telephone Number <b>(615) 784-7225</b>		5. County <b>Campbell</b>	6. State <b>TENNESSEE</b>	7. Date of Inspection <b>December 18, 1986</b>
6. Operator's Name		7. Mailing Address		9. Time of Inspection From <b>11:35</b> to <b>11:55</b>
10. State Permit Number <b>EB-AC3</b>	11. WPOES Number <b>TN005555</b>	12. MSMA ID Number <b>40-00000</b>	13. OSM Mine Number	
ACTIONS TAKEN				
Authority: Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201) the following action is taken:				
14. Notice of Violation Number <b>86-091-000-001</b>	Dated <b>12/10/86</b>	15. Cessation Order Number	Dated	
16. VIOLATION <u>1</u> OF <u>1</u> IS <input checked="" type="checkbox"/> Terminated <input type="checkbox"/> Vacated for the following reasons: <b>Permittee/operator has performed ABATEMENT MEASURES. BASIN OOI HAS BEEN SUCCESSFULLY TREATED AND IS IN COMPLIANCE WITH EFFLUENT limitations.</b>				
17. VIOLATION _____ OF _____ IS <input type="checkbox"/> Terminated <input type="checkbox"/> Vacated for the following reasons:				
18. VIOLATION _____ OF _____ IS <input type="checkbox"/> Terminated <input type="checkbox"/> Vacated for the following reasons:				
12/23/86		HAND SIGNED <i>W.H. [Signature]</i>		
19. Print Name of Authorized Representative <b>J. P. [Signature]</b>		Identification Number <b>000</b>		
20. Signature of Authorized Representative <i>[Signature]</i>		Election Date <b>Dec. 18, 1986</b>		

Termination vacation ?

This is another inspector's report and not always will be included or made a part of the package. The comments can be most helpful in determining the overall effort and cooperation of the operator in resolving the situation.

### INSPECTION REPORT

Permittee: Anyole Coal Company  
P. O. Box 000  
Jellico, TN 37762

County Campbell

Operator:

Permit No.: 88-A03

Date of Inspection: December 17 and 18, 1986

Type of Inspection: NOV Follow-up

Inspector: Jeff 9

Action Taken: Modified NOV 86-091-000-001, violation 1 of 1 for effluent limits to extend abatement date from 12/19/86 to 12/22/86. Terminated NOV 86-091-000-001 violation 1 of 1 on 12/18/86

Discussion:

A follow-up inspection was conducted on this triple site on 12/17/86 and 12/18/86. The permittee was represented on site during these inspections by Mr. Lloyd Smith

On 12/10/86 basin 001 was found to be discharging water with a pH below minimum effluent limitations. This resulted in the issuance of NOV 86-091-000-001. Abatement date was initially set for 10:00 a.m. on 12/19/86. The initial NOV follow-up inspection was conducted on 12/17/86. This inspection revealed that basin 001 had been treated with agricultural lime with limited success. The basin pH had increased from approximately 3.7 to 4.7. In-flow into the basin was being treated and was in compliance. At this point the permittee requested additional time be granted in order to try a different treatment method and achieve compliance with effluent limits. As the permittee was making a "good faith" effort to comply, additional days was granted making the new abatement date 12/22/86. This modification was hand-served on 12/18/86 at which time it was determined that basin 001 had been successfully treated and was in compliance with effluent limitations. As a result, violation 1 of 1 in NOV 86-091-000-001 was terminated. A copy of the termination was hand served to Mr. Lloyd Smith at the completion of the follow-up inspection.

again comments on good faith efforts and consistency of effort. 1st attempt did not resolve so an alternate method was employed



This package contains the forms and depicts the procedures that are employed by the Conference Officer and staff. Once the conference is held, decisions are rendered, conference conclusion is prepared and accepted, the case is concluded. The case file is retired and retained in the permanent file.

CONFERENCE NOTES

Date of Conference: *MARCH 11, 1987*

Company: *Anyole Coal Company*

Wine Name: *More Tipple*

Permit #: *BR-A03*

County: *Campbell*

St: *Tn*

Citation # *M86-091-000-001* (1) Violation *1* of *1*

Cause of Problem: *Failure to meet effluent limitations for water discharge.*

Service Date: *12-10-86 (Hand-served)*

Date to Abate: *12-19-86 12-22-86* #Days to Abate: *12 (1)*

Termination Date: *12-18-86* #Days to Termination: *8 (2)*

2/1 X 100 = *66.67* % Rapid abatement points available: *Four (4)*

Extraordinary measures employed: *Budget Supplies - Budget in EXTRA MEN - CONSTRUCTED NEW TREATMENT SYSTEM*

Original Assessment:

HISTORY	_____	*10
PROBABILITY	<i>.15</i>	
EXTENT	<i>.9</i>	
SERIOUSNESS	<i>.24</i>	*21
OBSTRUCTION	_____	*10
NEGLIGENCE	<i>.12</i>	*13
GOOD FAITH	_____	
TOTAL	<i>.36</i>	*31
		<i>32</i>
	<i>1000</i>	<i>\$1200</i>

Notes:

*AFFIRM AS PROPOSED EXCEPT AWARD GOOD FAITH - OPERATOR FURNISHED SWORN STATEMENT. ADVISED TO MONITOR TREATMENT SYSTEM AND ASSURE COMPLIANCE. OPERATOR FULL PAID AND SIGNED A CONSENT AGREEMENT.*

This form can be used to evaluate the assessment and enforcement packages. The typed data was extracted from these two packages and used to determine if the conference was ready for scheduling and to determine problems if any. It was noted that potential good faith was available.

Once the conference is held notes can be added and then studied so as to arrive at a conclusion.

The decision should be made and rendered to the Operator. Settlement should be achieved if possible.

This form is used to schedule the conference, and is also used as a posting copy to comply with posting requirements. Normally a copy is posted at the Conference Officer's location and also in the office that was instrumental in issuing the citation. The person requesting the conference should be contacted and a mutual agreeable date and time established to hold the conference. The conference should only be scheduled after the assessment and enforcement packages are reviewed and noted discrepancies either clarified or eliminated.



United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
530 Gay St., S.W., Suite 500  
Knoxville, TN. 37902

MAR 4 1987

The Conference Officer should assure that the requestor of the conference is apprised of the procedure and documentation required at the conference.

Mr. Lloyd Smith, Manager  
Anyole Coal Company  
P.O. Box 000  
Jellico, Tennessee 37762

Subject: Anyole Coal Company  
MSG-091-000-001(1) Permit: 88-A03

Dear Mr. Smith

You have been scheduled an assessment conference on the above referenced citation for March 11, 1987 at 10:00 a.m. at the following address:

Department of the Interior  
Office of Surface Mining  
530 Gay Street, S.W., Room 408  
Knoxville, Tennessee 37902

Please be prepared to submit any material for consideration before or during the conference which concerns the violation or the penalty. You should be prepared to finalize the case at the conclusion of the conference which may include making payment for the agreed penalty. This conference can be held in person, by telephone, or by submitting any written material received by the scheduled conference date. Any person has a right to attend and participate in the conference.

If it is necessary to reschedule the conference due to circumstances beyond your control, please contact me at (615) 673-5126. Only one rescheduling will be considered.

Sincerely,

*Billy R. Kneisley*  
Billy R. Kneisley  
Assessment Conference Officer

The appointment letter is to be mailed regular mail if contact was established. If unable to contact the Operator the appointment should be sent certified to assure receipt. Additional time should be allowed before the scheduled conference to assure receipt of mail.

As it is essential to document the persons attending the conference a sign-in sheet should be used. The conference report will reflect the names of persons attending and this information is sometimes needed for other future requirements.

CONFERENCE SIGN-IN SHEET

Conference Date: MARCH 11 1987  
 Name of Company: ANYOLE Coal Company  
 Citation Number(s) MS6-91-000-001 (1) Permit Number(s) 88-A03  
 \_\_\_\_\_  
 \_\_\_\_\_

All persons attending the conference should sign-in. If more pages are needed they should be prepared and numbered accordingly

THOSE IN ATTENDANCE:

Name: LLOYD SMITH Lloyd Smith  
 Title: MANAGER  
 Company: ANYOLE Coal Co.  
 Address: P.O. Box 000 JELICO TN 37762  
 Telephone No: (615) 555-7225  
 \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No: \_\_\_\_\_  
 \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone No: \_\_\_\_\_

This is only one of many conclusion of conference letters. The one appropriate to the situation should be used.



United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
830 Gay St., S.W., Suite 500  
Knoxville, TN. 37902  
MAR 17 1987

CONCLUSION OF CONFERENCE

← The date will be inserted after the case is reviewed and approved by the Program Manager.

Mr. Lloyd Smith, Manager  
Anyole Coal Company  
P.O. Box 000  
Jellico, Tennessee 37762R41

Re: Assessment Conference for: Anyole Coal Company  
Violation No. 1 of 1 of NR6-091-000-001(1) Permit: 88-A03

Dear Mr. Smith

This letter formally concludes the conference relating to the above violation.

After reviewing all of the information supplied to me at the conference and all other information available to me concerning the above violation, pursuant to 30 CFR Part 723, I am revising the assessment for the above mentioned violation as shown on the attached Assessment Conference Report.

The Assessment Conference Reports show the dollar amount of the civil penalty associated with each violation for which the conference was held and reflects changes, if any, resulting from the conference. It also shows the point values assigned for the proposed assessment and the point values assigned as a result of the conference.

As you chose to resolve this matter through a Consent Assessment of Civil Penalty (Full Payment) and payment was received, this matter has been settled. If you have any questions which are not answered by this letter, you may call me at (615) 673-5126.

Sincerely

Handwritten signature of Billy R. Kneisley in cursive.

Billy R. Kneisley  
Assessment Conference Officer

Enclosure

cc: E. Freeman  
Conference Program Manager  
C. Carter  
Branch of Assessments



This page reflects the cause of the citation, the initial proposed assessment and the final assessment as a result of the conference. In addition it shows the dates as reflected in the enforcement package.

ASSESSMENT CONFERENCE REPORT  
(Continued)

Company Name: Anyole Coal Company

Permit No: 88-A03

1. Citation No: 886-091-000-001(1)

Violation 1 of 1

(a) Nature of Violation: Failure to meet effluent limitations for water discharge.

(b) Date For Abatement: 12-22-86 Date Served: 12-10-86  
Date of Termination: 12-18-86

2. Conference Result	Proposed ASSESSMENT	Conference ASSESSMENT
(a) History/Prev. Violation	-----	-----
(b) Seriousness		
(1) Probability of Occurrence	.15	.15
Extent of Damage	.9	.9
(2) Obstruction to Enforcement	-----	-----
(c) Negligence	.12	.12
(d) Good Faith	-----	-4
TOTAL POINTS	.36	.32
TOTAL AMOUNT ASSESSMENT	\$ 1,600.00	\$ 1,200.00

The narrative page is not furnished to the operator. Note that the page numbering is such as to not identify the existence to the operator.

ASSESSMENT CONFERENCE REPORT  
(Continued)

Company Name: Anyole Coal Company

Permit No: BK-A03

Citation No: WSG-091-000-001(1)

Violation 1 of 1

3. Narrative:

(Brief explanation of reasons for any changes in assignment of points and any additional information that was presented at the conference.)

Four (4) points good faith awarded for rapid abatement combined with extraordinary measures. Citation was hand served on 12-10-86 with abatement date of 12-22-86, after modification. This allowed 12 days to resolve the problem. Citation was terminated on 12-18-86; within 8 days or in 66.67% of the time allowed for resolution. Inspector's statement commented on good faith efforts and the Operator furnished a sworn affidavit (see attached).

Operator agreed to the revised assessment, signed the consent agreement and rendered full payment.

Full explanation or rationale should be made for any changes or modifications of assessment. In addition documents should be attached or identified that constitute the basis for change.

A brief statement of settlement or non-settlement should be made

All modifications or revisions of assessments should be documented and made a part of the case file. Sworn statements can be obtained or copies of actual documents. There needs to be justification in every instance that caused a revision, reduction or affirmation of assessment. Submitted documents need to be reviewed and evaluated as to whether the assessment as proposed can be modified. Sufficient time may be allowed for the Operator to supply documentation but firm deadlines should be established.

Pg 23 of 2

Page 1 of 2

#### STATEMENT OF LLOYD SMITH

I, Lloyd Smith, Manager of Anyole Coal Company, make the following statements to demonstrate extraordinary efforts taken by Anyole Coal Company to achieve rapid resolution of the violation cited under NOV 86-091-000-001(1), More Tipple, located in Campbell County, Tennessee.

- (1) There were three men pulled from active production mine #2, Anderson County, Tennessee which is approximately 15 miles away.
- (2) I used two of the men to immediately start treating the basin with agricultural lime. The other man was dispatched to LaFollette approximately 8 miles away to secure additional chemicals. For this purpose, I utilized the truck normally used at the active mine site to transport the men and to purchase the chemicals.
- (3) After treating and monitoring the basin it was determined that some improvement had been accomplished but the basin was still not within acceptable limits.
- (4) An engineering firm was contacted and a representative came to the site. It was recommended a different treatment system be employed and the engineer drew up plans and specifications. The specifications were delivered to a welding shop in Jacksboro and the new system was manufactured. When completed two men were dispatched to secure the new system and return it to the tipple site for installation. The cost of the engineer, construction of the new system, delivery and installation was \$3,121.77. Cost of the chemicals was an additional \$223.84.
- (5) When the new system was installed and it was determined the basin was in compliance, a call was made to the Inspector. The Inspector came to the site, made an analysis of the discharge and issued termination of the violation on December 18, 1986.
- (6) The resolution of the violation incurred the use of three men for eight (8) days and the exclusive use of the truck for the entire period. This also involved the bulk of my time to supervise and monitor the activities to resolve the violation.



Statements should be sworn, notarized and furnished prior to or at the scheduled conference. If the statement was not prepared in advance it may be rendered at a later date or taken during the conference process. Conference Officers have been delegated the authority to administer oaths and the Operator should be asked to confirm that the statements rendered are true and accurate.

*Pg 2c of 2*

Page 2 of 2

Lloyd Smith, being duly sworn says that the statement made in the foregoing is true to the best of his knowledge.

*Lloyd Smith*  
-----  
Lloyd Smith, Manager

State of Tennessee  
County of Campbell

Sworn to before me and subscribed in my presence this the 10th day of March, 1987.

*Suzie Jones*  
-----  
Notary Public

Settlement should be achieved if at all possible. A consent agreement is used to affirm settlement. The settlement agreement should be executed and signed at the scheduled conference unless the representative can not sign and render necessary payment. The consent agreement can be prepared and furnished to the representative to be returned by a given date.



United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
830 Gay St., S.W., Suite 500  
Knoxville, TN. 37902

RE: Anvols Coal Company :  
----- Operator : NOV 86-091-000-001(1)  
: :  
: :

CONSENT ASSESSMENT OF CIVIL PENALTY  
(Full Payment)

THIS AGREEMENT is made and entered into this 11th day of March, 1987, by and between Anvols Coal Company ("the Operator") and the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior ("OSM").

WHEREAS, pursuant to its authority under the Surface Mining Control and Reclamation Act of 1977 ("the Act") and regulations promulgated thereunder, OSM has issued to the Operator Notice of Violation ("NOV") No. 86-091-000-001(1), charging the Operator with one or more violations of said Act and regulations at the Operator's surface coal mining operation in Campbell County, Tennessee, operated under Permit No. 88-A03; and

WHEREAS OSM has proposed a civil penalty assessment in the amount of \$1,600.00 for said violation; and

WHEREAS the parties wish to settle all outstanding issues arising out of the issuance of said NOV and proposed assessment;

NOW, THEREFORE, in consideration of the above premises and the conditions set forth herein, the parties agree as follows:

1. A civil penalty in the amount of \$1,200.00 is hereby assessed for the violation cited in the above referenced NOV. This assessment is now final, and any rights the Operator may otherwise have had to contest the proposed penalty assessment are expressly waived.