



ANDY BESHEAR
GOVERNOR

REBECCA W. GOODMAN
SECRETARY

ENERGY AND ENVIRONMENT CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 SOWER BOULEVARD
FRANKFORT, KENTUCKY 40601

ANTHONY R. HATTON
COMMISSIONER

October 21, 2021

Richard W Liperote
B & W resources Inc.
849 KY 11
Manchester, KY 40962

Re: Coal General Permit Coverage
AI No.: 120669
KPDES No.: KYGE40600
DNR No.: 866-0354
Leslie County, Kentucky

Dear Richard W Liperote:

Effective on the first of the month following the date of this letter, the Kentucky Division of Water (DOW) has determined to grant coverage under the "General Permit for Coal Mining Activities in the Commonwealth of Kentucky" (KYGE40000) for the following DNR actions:

TABLE 1– KPDES APPROVALS		
DNR Permit No.	Action No.	Approval Date
866-0354	NW Thru MA-01	03/31/2020
866-0354	MA-01	10/21/2021

Discharges from sediment control structures associated with these actions are subject to the requirements and conditions of KYGE40000 (KYGE4) until either final bond release, or termination of coverage. A copy of KYGE4 and its accompanying Fact Sheet are available on the DOW web address:

<https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Documents/KYG04PermitPage.pdf>

The following additional conditions apply to the referenced permitted activity:

- Only those outfalls (ponds) listed in Table 2 of this letter are authorized to discharge. Please contact the DOW within thirty (30) days regarding any omissions or errors to Table 2.
- Discharges of runoff from a coal haul road shall be managed using Best Management Practices (BMPs). The permittee shall select, install, operate and maintain those BMPs that are necessary to minimize the discharge of pollutants from haul roads.
- Discharges of runoff from the repair of slides associated with DNR enforcement actions shall be addressed in a specific section of the BMP plan for that mine.
- The permittee shall install, operate, and maintain wastewater treatment facilities consistent with those identified in the permittee's Socioeconomic Demonstration and Alternatives Analysis (SDAA) form as accepted by the DOW as a part of this KPDES general permit coverage.

- **With this application, an estimated or justified off-site sample was submitted in place of an on-site discharge for RPA purposes. Therefore within two (2) years of commencing discharge, the permittee shall submit to DOW actual discharge data for the pollutants required by the eNOI. To fulfill this requirement, this discharge sample must be from an outfall that is receiving Active drainage.**

Failure to comply with these conditions may result in the termination of this general permit coverage. A copy of this coverage letter and the associated BMP plan shall be kept on-site.

Electronic submission of DMRs using NetDMR is required beginning with the effective date of this permit. NetDMR Instructions are available at:

<https://eec.ky.gov/Environmental-Protection/Water/SubmitReport/Pages/NetDMR.aspx>. This site has step by step instructions for [NetDMR Production](#).

Any person aggrieved by the issuance of a permit final decision may demand a hearing pursuant to KRS 224.10-420(2) within thirty (30) days from the date of the issuance of this letter. Any demand for a hearing on the permit shall be filed in accordance with the procedures specified in KRS 224.10-420, 224.10-440, 224.10-470, and the regulations promulgated thereto. The request for hearing should be submitted in writing to the Energy and Environment Cabinet, Office of Administrative Hearings, 211 Sower Boulevard, Frankfort, Kentucky 40601 and the Commonwealth of Kentucky, Energy and Environment Cabinet, Division of Water, 300 Sower Boulevard, Frankfort, Kentucky 40601. For your record keeping purposes, it is recommended that these requests be sent by certified mail. The written request must conform to the appropriate statutes referenced above.

If in the future you wish to amend this KPDES permit coverage, you can recall this action by using the following Submittal ID to generate a template: **227867**

The eForm eNOI-KYG04 is available at:

<https://eec.ky.gov/Environmental-Protection/Water/PermitCert/KPDES/Documents/KYG04PermitPage.pdf>.

Should you have any questions regarding this matter, please contact John Beard at 502-782-4418, or by e-mail at john.beard@ky.gov.

Sincerely,

A handwritten signature in black ink that reads "John Paul Beard". The signature is written in a cursive, flowing style.

John Beard, Permit Writer
Surface Water Permits Branch
Division of Water

Cc: Nick Baker
Kristin Gale
Division of Mine Reclamation and Enforcement
ARM

Effective on the first of the month following the date of this letter and lasting through expiration of the “General Permit for Coal Mining Activities in the Commonwealth of Kentucky” (KYGE40000), final bond release, or termination of coverage, the following outfalls are authorized to discharge.

TABLE 2 - OUTFALLS									
KPDES Outfall No.	DNR Permit No. - Pond No.	Latitude	Longitude	Receiving Water Name	Type of Outfall	Status of Outfall	Type of Drainage Received	Effluent Limitations Table	CRO
045	866-0354-BB45	37.2117	-83.3370	UT into Aces Branch	N	E	NSMD	Table 3	No
046	866-0354-BB46	37.2157	-83.3357	UT into Aces Branch	N	E	NSMD	Table 3	No
047	866-0354-BB47	37.2164	-83.3322	UT into Aces Branch	N	E	NSMD	Table 3	No
048	866-0354-BB48	37.2182	-83.3296	UT into Aces Branch	N	E	NSMD	Table 3	No
049	866-0354-BB49	37.2246	-83.3306	Aces Branch	N	E	RA	Table 4	No
050	866-0354-BB50	37.2228	-83.3301	Aces Branch	N	E	RA	Table 4	No
051	866-0354-BB51	37.2222	-83.3272	Little Peavine Branch	N	E	RA	Table 4	No
052	866-0354-BB52	37.2243	-83.3250	Little Peavine Branch	N	E	RA	Table 4	No
053	866-0354-BB53	37.2223	-83.3243	Little Peavine Branch	N	E	RA	Table 4	No
054	866-0354-BB54	37.2190	-83.3238	Big Peavine Branch	N	E	NSMD	Table 3	No
055	866-0354-BB55	37.2215	-83.3229	UT into Big Peavine Branch	N	E	RA	Table 4	No
056	866-0354-BB56	37.2246	-83.3217	UT into Big Peavine Branch	N	E	RA	Table 4	No
057	866-0354-BB57	37.2238	-83.3189	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
058	866-0354-BB58	37.2230	-83.3169	Big Peavine Branch	N	E	NSMD	Table 3	No
059	866-0354-BB59	37.2259	-83.3144	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
060	866-0354-BB60	37.2284	-83.3127	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
061	866-0354-BB61	37.2272	-83.3096	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
062	866-0354-BB62	37.2247	-83.3108	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
063	866-0354-BB63	37.2227	-83.3063	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
064	866-0354-BB64	37.2226	-83.3046	UT into Big Peavine Branch	N	E	NSMD	Table 3	No

065	866-0354-BB65	37.2198	-83.3050	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
066	866-0354-BB66	37.2184	-83.3086	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
067	866-0354-BB67	37.2198	-83.3134	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
068	866-0354-BB68	37.2180	-83.3115	UT into Big Peavine Branch	N	E	NSMD	Table 3	No
069	866-0354-BB69	37.2155	-83.3090	UT into Macintosh Creek	N	E	NSMD	Table 3	No
070	866-0354-BB70	37.2120	-83.3049	UT into Macintosh Creek	N	E	NSMD	Table 3	No
071	866-0354-BB71	37.2144	-83.3013	UT into Macintosh Creek	N	E	NSMD	Table 3	No
072	866-0354-BB72	37.2264	-83.3007	UT into Beech Oak Branch	N	E	NSMD	Table 3	No

UT means Unnamed Tributary.

Type of Outfall: Continuous (C) or Non-Continuous (N)

Status of Outfall: Existing (E), Proposed (P), Deleted from Plan (D), Outfall Removed (R), or Expanded (EXP)

Type of Drainage Received:

UGNC - Discharges from underground workings of underground mines and/or seep not commingled.

UGC - Discharges from underground workings of underground mines commingled.

CSMD - Controlled surface mine drainage (except steep slope and mountaintop removal).

NSMD - Non-controlled surface mine drainage (except steep slope and mountaintop removal).

SSMR - Discharges from steep slope and mountaintop removal areas.

PPAA - Discharges from coal preparation plant and coal preparation plant associated areas (excluding coal refuse disposal piles).

RA - Reclamation Areas.

SAND – Sanitary wastewaters are comprised of wastewaters from bathhouses, mine offices, etc. SAND is a direct discharge to a water of the Commonwealth.

SANO - Sanitary wastewaters are comprised of wastewaters from bathhouses, mine offices, etc. SANO is a discharge to another treatment system prior to entering a water of the Commonwealth.

Effluent Limitations Table: The regulating Effluent Table as shown in the permit.

Compliance Representative Outfall (CRO):

Yes – This outfall is designated as a compliance representative outfall.

No – This outfall is not representative of or represented by another outfall.

- The number of the outfall that is representing this outfall for compliance purposes.