

Kentucky citizens and the environment. Specifically, on at least forty-eight occasions between May 2008 and June 2010, Defendant submitted a report on its discharged pollutants that repeats exactly the data already submitted in a report for a prior month. This indicates that Defendant simply copied old information onto its forms and submitted them, rather than monitoring its discharges and reporting accurate data. In addition, on at least sixty-eight occasions Defendant omitted required information from its reports.

3. Plaintiffs Appalachian Voices, Inc., Waterkeeper Alliance, Inc., Kentuckians For The Commonwealth, Inc., and Kentucky Riverkeeper, Inc., have members who use the rivers and streams polluted by Defendant's discharges. These members' use and enjoyment of such waters is impaired by Defendant's failure to file accurate and complete reports disclosing the amount of pollutants it discharges. Appalachian Voices, Inc. and Waterkeeper Alliance, Inc. also rely on accurate and complete discharge monitoring reports in order to fulfill a common purpose of these organizations, which is to ensure that Kentucky waters are safe and protected. These organizations are therefore injured by Defendant's illegal actions.

4. Appalachian Voices, Inc., Waterkeeper Alliance, Inc., Kentuckians For The Commonwealth, Inc., Kentucky Riverkeeper, Inc., and Pat Banks in her capacity as the Kentucky Riverkeeper (collectively, "Plaintiffs") bring this action as a citizen suit pursuant to the Clean Water Act, 33 U.S.C. § 1365(a)(1). Plaintiffs seek civil penalties payable to the United States Treasury, declaratory and injunctive relief, and costs including reasonable attorneys' fees.

JURISDICTION

5. This Court has subject matter jurisdiction over the claims in this Complaint pursuant to the CWA, 33 U.S.C. § 1365(a) (jurisdiction over CWA citizen enforcement actions), 28

U.S.C. § 1331 (jurisdiction over civil actions arising under federal law), and 28 U.S.C. § 1355 (jurisdiction over actions for recovery of a penalty incurred under federal statute).

6. The injunctive and civil penalty relief that Plaintiffs request is authorized pursuant to the CWA, 33 U.S.C. § 1365(a). This Court may award declaratory relief pursuant to 28 U.S.C. §§ 2201-2202.

7. On March 9, 2011, Plaintiffs mailed a notice letter via certified mail to Defendant and to its registered agent, notifying them of the violations referenced in this Complaint and of Plaintiffs' intent to sue. *See* 33 U.S.C. § 1365(b)(1)(A); 40 C.F.R. § 135.2(a)(1).

8. On March 9, 2011, Plaintiffs also mailed the notice letter via certified mail to the Secretary of the Kentucky Energy and Environment Cabinet, the Commissioner of the Kentucky Department for Natural Resources, the Commissioner of the Kentucky Department for Environmental Protection, the Director and Assistant Director of the Kentucky Department for Environmental Protection's Division of Water, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of EPA for Region 4, the Attorney General of the United States, and the Attorney General of Kentucky.

9. A copy of the notice letter is attached to this Complaint as Exhibit A.

10. More than sixty days have passed since Plaintiffs mailed Defendant the notice letter.

11. As of this filing neither EPA nor the Commonwealth of Kentucky has commenced and is diligently prosecuting an action in court to redress the violations alleged in the notice letter and this Complaint. *See* 33 U.S.C. § 1365(b)(1)(B). Plaintiffs allege on information and belief that this action is not barred by any administrative penalty action. *See* 33 U.S.C. § 1319(g)(6).

12. Defendant has exhibited a pattern and practice over at least two years, through 2010, of violating the Clean Water Act, its implementing regulations, and the Coal General Permit.

Defendant's violations are ongoing, and its pattern and practice of submitting false and incomplete reports is reasonably likely to continue in the future.

VENUE

13. Venue is proper in the Eastern District of Kentucky because Defendant's discharges occur in this judicial district. 33 U.S.C. § 1365(c)(1).

14. Venue is proper in the Southern Division, London Docket of the Eastern District of Kentucky, because the majority of Defendant's discharges (and therefore a substantial part of the events or omissions giving rise to the Complaint) occur in the Southern Division, in counties within the London Docket. LR 3.2(a)(3)(A), (d). Defendant has its principal office in Bardstown, Kentucky, in Nelson County, and therefore Defendant does not reside in this district. LR 3.2(d).

PARTIES

A. DEFENDANT

15. Defendant is a Kentucky corporation with its principal office in Nelson County at 109 S. 4th St., P.O. Box 157, Bardstown, Kentucky 40004. Defendant is a resident of Nelson County. LR 3.2(d).

16. Defendant owns or operates, or has owned or operated, coal mining facilities, including reclamation sites, in at least seven Kentucky counties: Bell, Harlan, Knott, Knox, Leslie, Letcher, and Perry.

17. Defendant's coal mining facilities discharge effluent into the Kentucky and Cumberland Rivers and/or their tributaries.

18. Defendant's discharges are regulated by state permits, including the Coal General Permit, issued by Kentucky pursuant to delegated authority under the Clean Water Act. The Coal General Permit requires Defendant to monitor its discharged effluents and report regularly on the results of that monitoring with respect to multiple parameters.

B. PLAINTIFFS

19. Plaintiffs' interests are or may be adversely affected by Defendant's actions, and therefore Plaintiffs are "citizens" for purposes of the Clean Water Act's citizen suit provision. 33 U.S.C. §§ 1362(5), 1365(g).

20. Plaintiff Appalachian Voices, Inc. sues on behalf of itself and its members.

21. Appalachian Voices is a non-profit membership corporation organized under the laws of the State of North Carolina, with its principal office in Boone, North Carolina. Appalachian Voices has approximately 1,100 individual members and works to solve environmental problems that impact people who live in the central and southern Appalachian Mountains, including in eastern Kentucky.

22. Plaintiff Waterkeeper Alliance, Inc. sues on behalf of itself and its members.

23. Waterkeeper Alliance is a national, non-profit membership corporation organized under the laws of the State of New York, with its principal office in New York City. Waterkeeper Alliance is an umbrella organization composed of nearly two hundred local Waterkeeper organizations, including plaintiffs Kentucky Riverkeeper and Appalachian Voices. Waterkeeper Alliance works to restore and protect the waters of the United States, including the Kentucky and Cumberland Rivers and their tributaries. Waterkeeper Alliance promotes compliance with environmental laws such as the Clean Water Act, responds to citizen

complaints, identifies threats to water bodies, and protects the public's right to a pollution-free environment.

24. Plaintiff Kentucky Riverkeeper, Inc. sues on behalf of its members.

25. Kentucky Riverkeeper is a non-profit membership corporation organized under the laws of the Commonwealth of Kentucky, with its principal office, and therefore its residence, in Richmond, Kentucky, in Madison County. LR 3.2(d). Kentucky Riverkeeper has approximately 450 members. Kentucky Riverkeeper's purposes include the protection and restoration of the Kentucky River watershed and the communities that depend upon it.

26. Plaintiff Pat Banks sues in her capacity as the Kentucky Riverkeeper.

27. Plaintiff Kentuckians For The Commonwealth ("KFTC") sues on behalf of its members.

28. KFTC is a non-profit membership corporation organized under the laws of the Commonwealth of Kentucky, with its principal office, and therefore its residence, in London, Kentucky, in Laurel County. LR 3.2(d). KFTC is a social, economic, and environmental justice organization with approximately 7,000 members statewide. KFTC's purposes include promoting the participation of citizens in democratic institutions and promoting social justice and quality of life for all Kentuckians, including by addressing environmental harms that affect Kentucky citizens.

29. Members of Appalachian Voices, Waterkeeper Alliance, Kentucky Riverkeeper, and KFTC reside near and/or use and enjoy waters downstream from Defendant's coal mining discharges into the Kentucky and Cumberland Rivers and/or their tributaries. These members have used and continue to use these affected waterways for activities such as fishing, boating,

kayaking, swimming, and other recreation or activities that involve being on or in the water. In addition, some members drink the affected water and/or eat fish caught in that water.

30. These members' use and enjoyment of Kentucky's waterways is impaired by Defendant's violations of the monitoring and reporting requirements of the Clean Water Act and the Coal General Permit. The members of Appalachian Voices, Waterkeeper Alliance, Kentucky Riverkeeper, and KFTC cannot know, in the absence of Defendant accurately monitoring and reporting on the amount of pollutants discharged, whether recreating in or using waterways downstream of Defendant's discharges will subject them or their families to injury from unsafe levels of pollutants. Defendant's actions prevent these members from making informed decisions about whether using the affected water will have harmful health impacts. Defendant's illegal actions therefore impair, and will continue to impair until enjoined, the members' environmental, health, and recreational interests in the affected waterways.

31. Some Plaintiffs' organizational interests are also impaired by Defendant's illegal actions. Appalachian Voices and Waterkeeper Alliance rely on accurate and timely discharge monitoring reports to, among other things, inform the public about water pollutants and water quality and work to remedy any hazardous conditions in Kentucky waters. Defendant's incomplete and inaccurate discharge monitoring reports impair the efforts of these Plaintiff organizations to research Defendant's compliance with relevant discharge permits, report the results of that research to members, propose any necessary legislation with respect to the discharges, and bring litigation to prevent any violation of discharge limitations and thereby protect their members' interests in the affected waterways.

32. The interests that Appalachian Voices, Waterkeeper Alliance, Kentucky Riverkeeper, and KFTC seek to protect in this action are germane to each organization's purpose. Neither the

claims asserted nor the relief requested requires the participation of individual members of these organizations as parties to this lawsuit.

STATUTORY AND REGULATORY BACKGROUND

33. Congress passed the Clean Water Act to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1251(a).

34. The Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person from a point source into waters of the United States unless the discharge complies with various enumerated sections of the Act. Among other things, the Act prohibits discharges that are not authorized by, or are in violation of, the terms of a National Pollutant Discharge Elimination System (“NPDES”) permit issued by EPA or an EPA-delegated State permitting authority. *See* 33 U.S.C. §§ 1311(a), 1362(12)(A), 1342.

A. MONITORING AND REPORTING REQUIREMENTS

35. The Clean Water Act and its implementing regulations require dischargers to monitor and report any regulated pollution. Under the CWA, whenever necessary to carry out the Act’s objectives, owners or operators of point sources that discharge pollutants must “(i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods” and “(iv) sample such effluents” as EPA may reasonably require. 33 U.S.C. § 1318(a)(A). This self-monitoring and reporting by dischargers allows the government to determine, among other things, whether the discharger is in violation of effluent limitations applicable to the discharge. *See id.* § 1318(a). The Clean Water Act carries criminal penalties for any person who negligently or knowingly violates permit conditions or other specified sections of the Act, including provisions related to monitoring and reporting. *Id.* § 1319(c).

36. EPA has established by regulation monitoring, recordkeeping, and reporting requirements under the CWA. 40 C.F.R. §§ 123.25(a)(12), 122.41(j), (l). Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity, *id.* § 122.41(j)(1); the permit-holder's records of monitoring information must include, among other things, the date, place, and time of sampling, the analytical techniques used, and the results of such analyses, *id.* § 122.41(j)(3); monitoring must be conducted according to certain approved test procedures, *id.* § 122.41(j)(4); and monitoring results must be reported on a Discharge Monitoring Report ("DMR"), *id.* § 122.41(l)(4)(i).

37. Kentucky's administrative regulations incorporate these federal monitoring and reporting requirements. *See* 401 Ky. Admin. Regs. 5:065.

B. KENTUCKY'S PERMIT PROGRAM

38. EPA has delegated NPDES permitting authority within Kentucky to the Commonwealth. *See* 33 U.S.C. § 1342(b); Approval of Kentucky's NPDES Program, 48 Fed. Reg. 45,597 (Oct. 6, 1983); Ky. Rev. Stat. Ann. § 224.16-050. Kentucky's program for issuing NPDES permits is known as the Kentucky Pollutant Discharge Elimination System, or "KPDES." 401 Ky. Admin. Regs. 5:002(66).

39. Defendant's coal mining operations discharge into the Kentucky and Cumberland Rivers and/or the tributaries of each. These are "waters of the United States" as defined in the Clean Water Act and implementing regulations. *See* 33 U.S.C. § 1362(7); 40 C.F.R. § 122.2.

40. Defendant's coal mining discharges are subject to the terms and conditions of KPDES permits, including the KPDES Coal General Permit No. KYG040000. The current Coal General Permit became effective on August 1, 2009 ("current Permit"). The prior Coal General Permit became effective on January 1, 2004 ("prior Permit").

41. The Coal General Permit, among other terms and conditions, authorizes Defendant to discharge limited quantities of certain pollutants into Kentucky waters, and requires that Defendant monitor and report on the quantity of its discharge of these and other pollutants and parameters.

42. Under the current Permit, Defendant must file reports on at least eight parameters: Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese, Conductivity, Acidity, Alkalinity, and pH. *See, e.g.*, Permit I-1 (2009). Defendant must measure these parameters twice per month, except for Conductivity, Acidity, and Alkalinity, which it must measure once per month. For discharges from reclamation areas, Defendant must file reports on at least six parameters: Flow, Settleable Solids, Acidity, Alkalinity, Conductivity, and pH. *See, e.g.*, Permit I-5 (2009). These parameters must be measured once per month.

43. Under the prior Permit, Defendant was required to file reports on at least seven parameters: Flow, Total Suspended Solids, Total Iron, Total Manganese, Acidity, Alkalinity, and pH. *See, e.g.*, Permit I-1, I-3 (2004). Defendant was required to measure these parameters twice per month, except for Acidity and Alkalinity, which it was required to measure once per month.

**PERMIT VIOLATIONS:
FAILURE TO MONITOR AND REPORT**

44. The Coal General Permit requires that Defendant take accurate samples and measurements of its discharged effluents, use approved testing procedures and analytical methods, and accurately report the results of its monitoring to the Kentucky Department for Natural Resources. Samples and measurements must be “representative of the volume and nature of the monitored discharge,” Permit I-15, Section D (2009); test procedures for the analysis of pollutants must conform to applicable Kentucky regulations, *id.* at I-18, Section F;

permittees must demonstrate compliance with parameter limitations by the use of sufficiently sensitive analytical methods, *id.* at II-1; and discharge monitoring results must be summarized and reported using only approved DMR forms, *id.* at I-15, Section D.

45. Defendant has violated, and continues to violate, these conditions of the Coal General Permit by submitting false and incomplete reports regarding its discharged pollutants.

46. Defendant's noncompliance with permit conditions constitutes a violation of the Clean Water Act and is grounds for an enforcement action. 40 C.F.R. § 122.41(a). Any citizen may commence a civil action against any person alleged to be in violation of an "effluent standard or limitation," which includes violation of a permit condition. 33 U.S.C. § 1365(a)(1), (f)(6).

Defendant is a "person" within the meaning of this provision. *Id.* § 1362(5).

A. DEFENDANT'S SUBMISSION OF FALSE DATA

47. Defendant submits DMRs each quarter to the Kentucky Department for Natural Resources. The DMRs for facilities regulated by the Coal General Permit must contain all data required under that permit for each monitoring point, or "outfall," for the three months prior to submission.

48. Defendant's DMRs from at least May 2008 to June 2010 include false data.

49. Under the current Permit, other than for reclamation sites, Defendant typically reports two measurements per parameter per month for all eight parameters, for a total of sixteen reported values each month. Under the prior Permit, Defendant typically reported two measurements per parameter per month for all seven parameters, for a total of fourteen reported values each month.

50. On at least forty-eight occasions between May 2008 and June 2010, Defendant submitted a DMR in which all data reported for a certain outfall in a certain month, for all parameters, repeat exactly the data reported for the same outfall in a prior month.

51. For example, Defendant submitted DMRs for the first quarter of 2010 for permit number 8480233 (KYG044528) which contained sixteen parameter measurements for “outfall 1MF” for March 2010. Measurements were given to the nearest hundredth of a unit, such that, for example, a value for Alkalinity was “118.44.” Defendant also submitted DMRs for the second quarter of 2010 for the same permit, which also contained sixteen parameter measurements for “outfall 1MF” for June 2010, covering the same eight parameters. All sixteen parameter measurements on the June 2010 DMR are exactly the same, down to the second decimal point, as all sixteen parameter measurements on the March 2010 DMR.

52. Plaintiffs have attached to this Complaint as Exhibit B a chart detailing this and other instances of Defendant’s submission of repeated, and therefore false, data. On at least eleven occasions Defendant repeated for a particular outfall an entire month’s worth of data in a later month. On at least one occasion Defendant repeated for a particular outfall two consecutive months’ worth of data in two later consecutive months. On at least eleven occasions Defendant repeated for a particular outfall an entire quarter’s worth of data—in other words, data from three consecutive months—in a later quarter. On at least one occasion Defendant repeated for a particular outfall one entire month’s worth of data in a later month, and then repeated the same data, again, in another later month. These violations, detailed in Exhibit B, are incorporated herein by reference.

53. There is no natural explanation for these exact repetitions of data.

54. It is apparent that on at least these occasions Defendant re-submitted data from prior months rather than monitoring its discharge and submitting accurate data for each month.

55. These repeated data sets are false.

B. DEFENDANT'S FAILURE TO SUBMIT DATA

56. Defendant's DMRs from at least July 2008 to June 2010 do not include all the required data. On at least sixty-eight occasions, Defendant submitted a DMR that was missing some data required to be monitored and reported under the Coal General Permit.

57. Plaintiffs have attached to this Complaint as Exhibit C a chart detailing Defendant's missing data violations, which is incorporated herein by reference.

58. Defendant submitted DMRs for permit number 8070307 (KYG046155), for outfall 31, for the third and fourth quarters of 2008 and for the first, second, third, and fourth quarters of 2009, which were all missing one set of data required to be reported for certain parameters.

59. Defendant submitted DMRs for permit number 8070307 (KYG046155), for outfall 33, for the third and fourth quarters of 2008 and for the first, second, third, and fourth quarters of 2009, which were all missing one set of data required to be reported for certain parameters.

60. Defendant submitted DMRs for permit number 8610479 (either KYG046305, which is the permit number given in the DMR, or KYG046565, which is the permit number identified by the Division of Mine Permits), for outfall 5, for the second, third, and fourth quarters of 2009, which were all missing one set of data required to be reported for certain parameters.

61. Defendant submitted DMRs for permit number 8660304 (KYG046317), for outfall 15, for the second, third, and fourth quarters of 2009, which were all missing one set of data required to be reported for certain parameters.

62. Defendant submitted DMRs for permit number 8660311 (KYG046293), for outfall 2, for the first quarter of 2009, which were missing one set of data required to be reported for certain parameters.

63. Defendant submitted DMRs for permit number 8660311 (KYG046293), for outfall 13, for the second and third quarters of 2009. One month was missing all data required to be reported, and two other months were missing one set of data required to be reported for certain parameters.

64. Defendant submitted DMRs for permit number 8660311 (KYG046293), for outfall 3, for the third and fourth quarters of 2009. One month was missing all data required to be reported, and two other months were missing one set of data required to be reported for certain parameters.

65. Defendant repeatedly failed to report data on Conductivity in August, September, October, and November 2009, even though such reporting was required under the current Permit, effective in August 2009.

66. Defendant repeatedly failed to report Flow data twice per month, as required, and at least once failed to report Total Suspended Solids twice per month, as required, and instead only reported such data once per month.

67. Defendant submitted DMRs for permit number 8070340 (KYG041921), for the first quarter of 2010, which were missing all data required to be reported for outfall 2LR.

68. Defendant submitted DMRs for permit number 8070340 (KYG041921), for the second quarter of 2010, which were missing all data required to be reported for June for outfalls 2LR, 3LR, 4LR, 5LR, 6LR and 7LR.

69. Defendant submitted DMRs for permit number 8600380 (KYG045520), for outfalls S21, 50A2, and 49A2, for the second quarter of 2010, which were missing one set of data required to be reported for certain parameters.

70. Defendant submitted DMRs for permit number 8600380 (KYG045520), for the second quarter of 2010, which were missing all data required to be reported for June for outfalls S21, 50A2, 49A2, S22, S9, S10, S17A, 57A2, 56A2, and 55A2.

71. The foregoing missing data violations are described in further detail in Exhibit C.

C. DEFENDANT'S SUBMISSION OF DMRs WITH FALSE AND MISSING DATA VIOLATES THE COAL GENERAL PERMIT

72. Defendant's DMRs violate numerous conditions of the Coal General Permit.

73. By filing false or incomplete DMRs Defendant violates the requirement that discharge monitoring results be summarized and reported for each outfall. *See, e.g.*, Permit I-15, Section D (2009). Instead of summarizing and reporting the results of any monitoring activities, on at least the occasions described above Defendant instead reported recycled data from other DMRs or simply failed to report data. Defendant is therefore in violation of the reporting requirements in the Coal General Permit.

74. False or incomplete DMRs also indicate that Defendant is failing to collect accurate data in the first place. Defendant therefore is violating the requirements (a) to take accurate samples and measurements that are representative of the monitored discharge, (b) to use approved test procedures with respect to these samples, and (c) to demonstrate compliance with parameter limitations by using sufficiently sensitive analytical methods. *See* Permit I-15, Section D (2009); *id.* at I-18, Section F; *id.* at II-1. Defendant is therefore in violation of the monitoring, testing and analysis requirements in the Coal General Permit.

75. By filing false or incomplete DMRs, Defendant also violates permit conditions on monitoring and reporting outlined in applicable state and federal regulations. *See* Permit II-1 (2009); 40 C.F.R. §§ 122.41, 123.25(a)(12); 401 Ky. Admin. Regs. 5:065.

76. Each violation of a permit condition constitutes a violation of an “effluent standard or limitation” within the meaning of the Clean Water Act citizen suit provision, and is a violation of the Clean Water Act. 33 U.S.C. § 1365(a)(1), (f)(6); 40 C.F.R. § 122.41(a). Defendant is subject to liability for civil penalties for each day for each violation. 33 U.S.C. § 1365(a)(1), (f)(6); *id.* § 1319(d).

77. Defendant’s violations of the Clean Water Act are ongoing. Defendant’s pattern and practice of submitting false and incomplete data over a period of at least two years through 2010 also raises an inference that such practice is continuing through today, and will continue in the future unless enjoined by a court of law.

78. Plaintiffs reserve the right to add to the specific violations set forth in this Complaint additional claims based on similar violations upon determining that such claims exist based on information in Defendant’s possession or the government’s possession that will be made available to Plaintiffs after the filing of this Complaint.

CLAIM FOR RELIEF

Failure to Monitor and Report in Violation of the Coal General Permit and Clean Water Act, 33 U.S.C. §§ 1311(a), 1365(a)

79. Plaintiffs reallege, as if set forth fully herein, each and every allegation contained in the preceding paragraphs.

80. In violation of the Coal General Permit, the Clean Water Act, and implementing regulations, Defendant has failed on at least 116 occasions to sample, monitor, test and report accurately and completely the discharges from its coal mining operations.

81. Each day that Defendant violates a condition of the Coal General Permit, for each parameter to which the condition applies, is a separate and distinct violation of the Clean Water Act.

82. Defendant's violations are ongoing and continuing. Defendant's history of violations and the nature of the violations show that Defendant will continue to violate the Coal General Permit and the CWA unless and until enjoined from doing so.

83. Unless Defendant is enjoined from committing and/or continuing the violations described above, Plaintiffs will suffer irreparable harm.

84. The acts and omissions described above subject Defendant to an assessment of civil penalties and injunctive relief. 33 U.S.C. §§ 1319(d), 1365(a).

85. Plaintiffs have no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter a judgment:

86. Declaring, pursuant to 28 U.S.C. § 2201, that Defendant has violated and is in violation of the Coal General Permit and the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1365(a), by submitting false and incomplete discharge monitoring reports;

87. Enjoining Defendant from violating the requirements of the Coal General Permit and the Clean Water Act, 33 U.S.C. §§ 1311(a) and 1365(a);

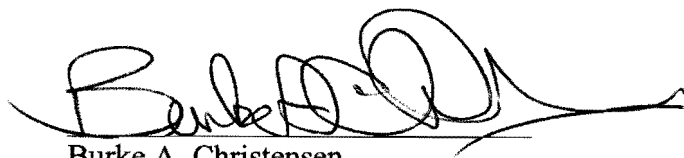
88. Awarding civil penalties in the amount of \$32,500 per day for each violation that occurred on or before January 12, 2009, and in the amount of \$37,500 per day for each violation that occurred after January 12, 2009, *see* 33 U.S.C. §§ 1365(a), 1319(d); 40 C.F.R. § 19.4;

89. Awarding litigation costs to Plaintiffs, including reasonable attorneys' and expert witness fees, *see* 33 U.S.C. § 1365(d); and

90. Awarding such other relief as this Court may deem just and proper.

Dated: May 9, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Burke A. Christensen", with a long horizontal flourish extending to the right.

Burke A. Christensen
350 Lancaster Avenue
Richmond, KY 40475
Phone: (859) 622-1120
Fax: (859) 622-8014
Email: burke.christensen@eku.edu

EXHIBIT A

NATURAL RESOURCES DEFENSE COUNCIL

March 9, 2011

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Nally & Hamilton Enterprises, Inc.
109 South 4th Street
PO Box 157
Bardstown, KY 40004
Tel: (502) 348-0084
Fax: (502) 348-2552

Stephen Hamilton
Registered Agent of Nally & Hamilton
Enterprises, Inc.
109 South 4th Street
Bardstown, KY 40004

Re: Notice of Violations and Intent to File Suit Under the Federal Clean Water Act

Dear Sir or Madam:

On behalf of Appalachian Voices, Inc., Waterkeeper Alliance, Inc., Kentuckians For The Commonwealth, Inc., Kentucky Riverkeeper, Inc., Ms. Pat Banks, Ms. Lanny Evans, Mr. Thomas H. Bonney, and Mr. Winston Merrill Combs (collectively, "Appalachian Voices"), we are writing in regard to violations of the Clean Water Act (CWA), 33 U.S.C. §§ 1251 *et seq.*, committed by Nally & Hamilton Enterprises, Inc. ("Nally and Hamilton"). This letter constitutes a Notice of Violations and Intent to File Suit ("Notice Letter") under Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b). Following sixty (60) days from the date of this Notice Letter, Appalachian Voices intends to file suit against Nally and Hamilton for its ongoing violations of an "effluent standard or limitation" within the meaning of Clean Water Act § 505(a)(1)(A), (f), 33 U.S.C. § 1365(a)(1)(A), (f).

A person violates an "effluent standard or limitation" by violating, *inter alia*, "a permit or condition thereof" that is in effect and issued under the National Pollutant Discharge Elimination System (NPDES). CWA §§ 505(a)(1)(A), (f), 402; 33 U.S.C. §§ 1365(a)(1)(A), (f), 1342. Nally and Hamilton's coal mining discharges are subject to an NPDES permit entitled the Kentucky Pollutant Discharge Elimination System Coal General Permit, Permit No. KYG040000 (the "General Permit"), which was issued by the Kentucky Department for Environmental Protection, Division of Water.¹ See *Kentucky Waterways Alliance v. Johnson*, 540 F.3d 466, 470 (6th Cir. 2008) (the U.S. Environmental Protection Agency has authorized Kentucky to issue NPDES permits under the Kentucky Pollution Discharge Elimination System program).

The Clean Water Act requires owners or operators of point sources that discharge pollutants to "(i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such

¹ The current General Permit became effective on August 1, 2009. The previous General Permit became effective on January 1, 2004. Unless otherwise noted, references and citations to the General Permit refer to the General Permit effective in 2009.

monitoring equipment or methods” and “(iv) sample such effluents” as the Administrator of the Environmental Protection Agency (EPA) may require. CWA § 308(a)(A), 33 U.S.C. § 1318(a)(A). The EPA has established by regulation applicable monitoring, recordkeeping, and reporting requirements. See 40 C.F.R. §§ 122.41(j) and (l), 122.48.

In accordance with these regulations, the General Permit mandates that permittees such as Nally and Hamilton monitor, sample, and test their discharged pollutants and report the results in Discharge Monitoring Reports (DMRs) to the Kentucky Department for Natural Resources.² As described in more detail below and in the attached Appendix, Nally and Hamilton has violated and continues to violate these conditions of the General Permit by submitting false and incomplete data regarding its discharged pollutants. Nally and Hamilton is therefore in violation of an “effluent standard or limitation” within the meaning of the Clean Water Act and is subject to liability in a citizen suit.

CONDITIONS OF THE GENERAL PERMIT

The General Permit imposes sampling, monitoring, testing and reporting requirements on Nally and Hamilton with respect to its coal mining discharges.

First, the General Permit requires that “[s]amples and measurements taken in accordance with the requirements” detailed elsewhere in the General Permit—which are applicable to Nally and Hamilton—“shall be representative of the volume and nature of the monitored discharge” Page I-15, Section D. Samples and measurements required to be taken and reported under the permit must be accurate and reported accurately.

Second, the General Permit requires that “[t]est procedures for the analysis of pollutants shall conform to all regulations published pursuant to KRS 224 (401 KAR 5:065, Section 1(10)).” Page I-18, Section F. The cited Kentucky Administrative Regulation (KAR) incorporates a federal regulation, 40 C.F.R. § 122.41, which requires that monitoring must be conducted according to specified, approved test procedures or methods.³ See 40 C.F.R. § 122.41(j)(4); *id.* § 136.3 (detailing testing methods applicable to each pollutant).

² The General Permit that became effective in 2009 controls for Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese, Oil and Grease, Conductivity, Acidity, Alkalinity, and pH. See, e.g., Page I-1 (2009). For reclamation areas, the 2009 General Permit controls for Flow, Settleable Solids, Oil and Grease, Acidity, Alkalinity, Conductivity, and pH. See, e.g., Page I-5 (2009). The limits and monitoring for Oil and Grease do not apply if the permittee implements a “Best Management Practices” plan. See, e.g., Page I-1, I-5 (2009). The General Permit that became effective in 2004 controlled for Flow, Total Suspended Solids, Total Iron, Total Manganese (unless for Alkaline Mine Drainage), Oil and Grease, Acidity, Alkalinity, and pH. See, e.g., Page I-1, I-3 (2004). As with the 2009 General Permit, the permittee was not subject to the requirements for Oil and Grease if it implemented a Coal Best Management Practices plan. Page I-11 (2004).

³ When the General Permit was signed on July 1, 2009, the cited regulation (401 KAR 5:065, Section 1) expressly incorporated substantive provisions of 40 C.F.R. § 122.41. The current version of the

Third, the General Permit states that “[i]t is the responsibility of the permittee to demonstrate compliance with permit parameter limitations by utilization of sufficiently sensitive analytical methods.” Page II-1.

Fourth, the General Permit requires that “[d]ischarge monitoring results obtained during the previous month shall be summarized for each outfall and reported using only . . . approved Discharge Monitoring Report (DMR) forms and formats.” Page I-15, Section D.

The General Permit therefore requires that Nally and Hamilton take accurate samples and measurements of the relevant effluents, use approved testing procedures and sufficiently sensitive analytical methods, and summarize the results for each outfall on approved DMR forms.

NALLY AND HAMILTON’S DISCHARGE MONITORING REPORTS

Nally and Hamilton’s submitted DMRs violate the General Permit’s monitoring and reporting conditions in multiple respects.

First, Nally and Hamilton’s DMRs from February 2008 to June 2010 include false or even fraudulent data. On many occasions, Nally and Hamilton submitted DMRs in which all effluent data reported for a certain outfall in a certain month repeat exactly the data reported for the same outfall in another month. In other words, Nally and Hamilton seems to have re-submitted the same data for different time periods rather than monitoring the discharge and submitting accurate data for each month.

For a detailed, DMR-specific identification of Nally and Hamilton’s submissions of false data, please see the items listed under heading A in the attached Appendix.

Second, Nally and Hamilton repeatedly submitted DMRs with missing information. On numerous occasions between July 2008 and June 2010, Nally and Hamilton submitted DMRs that failed to contain data required to be reported under the General Permit, such as data for a particular month or outfall.

For a detailed, DMR-specific identification of Nally and Hamilton’s failures to submit data, please see the items listed under heading B in the attached Appendix.

NALLY AND HAMILTON’S REPORTS VIOLATE THE GENERAL PERMIT

Nally and Hamilton’s DMRs violate numerous conditions of the General Permit. First, false or incomplete DMRs violate the requirement that “[d]ischarge monitoring results obtained during the previous month” be summarized for each outfall and reported. Page I-15, Section D. Instead of summarizing and reporting the results of any monitoring activities, Nally and Hamilton’s DMRs often report recycled data from other DMRs, or fail to report some of the required data.

Second, Nally and Hamilton’s submission of false or incomplete DMRs raises an inference that the company is failing to comply with the General Permit’s monitoring and testing requirements. Reporting

regulation, effective September 25, 2009, instead incorporates these provisions by reference. See 401 KAR 5:065, Section 2.

false data indicates a failure to collect accurate data in the first place; thus Nally and Hamilton is violating the General Permit's requirements to take accurate samples and measurements that are "representative of the volume and nature of the monitored discharge," and to use "[t]est procedures for the analysis of pollutants" that conform to applicable regulations. Page I-15, Section D; Page I-18, Section F. Nally and Hamilton's DMRs also fail to demonstrate compliance with permit parameter limitations "by utilization of sufficiently sensitive analytical methods." Page II-1. With respect to recycled or missing data, Nally and Hamilton has not demonstrated the use of *any* analytical methods with regard to its discharges, much less "sufficiently sensitive" methods.

The General Permit also incorporates by reference federal regulations applicable to State permits. See Page II-1; *see also* 40 C.F.R. §§ 122.41, 123.25(a)(12) (all State programs must be administered in conformance with Section 122.41(a)(1) and (b) through (n)). Nally and Hamilton's false and incomplete DMRs therefore violate the conditions of its permit for the additional reason that they violate requirements in applicable federal regulations. *See, e.g.*, 40 C.F.R. § 122.41(j)(1) (samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity); *id.* § 122.41(l)(4)(i) (monitoring results must be reported on a Discharge Monitoring Report).

Each of Nally and Hamilton's violations of the General Permit described above and in the Appendix constitutes a violation of an "effluent standard or limitation" within the meaning of the Clean Water Act, which subjects Nally and Hamilton to liability in a citizen suit by Appalachian Voices. CWA § 505(a)(1)(A), (f), 33 U.S.C. § 1365(a)(1)(A), (f); *Menzel v. County Utils. Corp.*, 712 F.2d 91, 94 (4th Cir. 1983) ("[A] discharger that fails to file discharge-monitoring reports, or fails to file accurate reports, would be in violation of the provisions of its NPDES permit and would be subject to citizens' suits under 33 U.S.C. § 1365."). These ongoing and continuing violations subject Nally and Hamilton to civil penalties per day for each violation. CWA § 309(d), 33 U.S.C. § 1319(d); CWA § 505(a), 33 U.S.C. § 1365(a).⁴

NALLY AND HAMILTON'S VIOLATIONS ARE ONGOING AND CONTINUING

Nally and Hamilton's repeated practice of submitting false and incomplete data between 2008 and 2010 raises a good faith belief that such violations of its permit conditions are ongoing and continuing and have been ongoing for the past five years.

The DMRs currently available to Appalachian Voices show that Nally and Hamilton's practice of falsifying data and failing to submit required data has continued for at least two years, from February 2008 to June 2010. Appalachian Voices therefore has a good faith belief that this practice is ongoing and

⁴ Nally and Hamilton is liable for violations of the 2004 General Permit although that permit is not currently in effect because each of the provisions from the 2004 General Permit that Nally and Hamilton has violated was carried over to the current 2009 General Permit, and thus continues to apply. *See Louisiana Env'tl. Action Network, Inc. v. Evans Cooperage Co., Inc.*, 1997 WL 824310, No. Civ.A. 95-3002, at *7 (E.D. La. Sept. 30, 1997) (citizen suits may include violations of permits no longer in effect as long as the previous limitations have been carried over or made more stringent in the current permit); *Pub. Interest Research Group of New Jersey, Inc. v. Carter-Wallace, Inc.*, 684 F. Supp. 115, 119 (D.N.J. 1988) (same).

continuing through today, and that it will continue in the future unless enjoined by a court of law. Moreover, this practice raises an inference that Nally and Hamilton has submitted false or incomplete data in DMRs prior to 2008 as well, for the past five years. *See Pub. Interest Research Group of New Jersey, Inc. v. Powell Duffryn Terminals Inc.*, 913 F.2d 64, 75 (3d Cir. 1990) (five year statute of limitations applicable to Clean Water Act citizens' suits).

CIVIL PENALTIES AND OTHER RELIEF

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty of up to \$32,500 per day (if the violations occurred between March 15, 2004 and January 12, 2009) and up to \$37,500 per day (if the violations occurred after January 12, 2009). Appalachian Voices will seek assessment of civil penalties as well as injunctive relief, *see* CWA § 505(a), 33 U.S.C. § 1365(a), litigation costs including attorneys' fees, CWA § 505(d), 33 U.S.C. § 1365(d), and such other relief as permitted by law.

CONTACT INFORMATION

The names, addresses and telephone numbers of each person giving notice pursuant to this Notice Letter are:

- Appalachian Voices, Inc. (contact person: Ms. Willa Mays, Executive Director, 191 Howard Street, Boone, North Carolina 28607, Phone: (828) 262-1500);
- Waterkeeper Alliance, Inc. (contact person: Mr. Scott Edwards, Director of Advocacy, 17 Battery Place, Suite 1329, New York, New York 10004, Phone: (212) 785-0816);
- Kentuckians For The Commonwealth, Inc. (contact person: Mr. Burt Lauderdale, Executive Director, P.O. Box 1450, London, Kentucky 40743, Phone: (606) 878-2161);
- Kentucky Riverkeeper, Inc. (contact person: Ms. Pat Banks, 300 Summit Street, Richmond, Kentucky 40475, Phone: (859) 622-3065);
- Ms. Pat Banks, in her capacity as Kentucky Riverkeeper, 300 Summit Street, Richmond, Kentucky 40475, Phone: (859) 527-3334;
- Ms. Lanny Evans, 4625 Four Mile Road, Winchester, Kentucky 40391, Phone: (859) 527-0134;
- Mr. Thomas H. Bonny, 1548 Wisemantown Road, Irvine, Kentucky 40336, Phone: (606) 723-5694; and
- Mr. Winston Merrill Combs, 7225 Old Boonesboro Road, Winchester, Kentucky 40391, Phone: (859) 595-9637.

Please address all communications regarding this Notice Letter to counsel. The names, addresses, and telephone numbers of counsel representing Appalachian Voices are:

- Aaron Colangelo and Steven Fleischli, Natural Resources Defense Council, 1200 New York Ave., NW, Suite 400, Washington, DC 20005, Phone: (202) 289-2376;
- Mitchell Bernard and Catherine Rahm, Natural Resources Defense Council, 40 W. 20th Street, New York, New York 10011, Phone: (212) 727-2700; and
- Burke A. Christensen, 350 Lancaster Avenue, Richmond, Kentucky 40475, Phone: (859) 622-1120.

Burke Christensen is admitted to practice in the State of Kentucky. Aaron Colangelo, Steven Fleischli, Mitchell Bernard and Catherine Rahm are admitted to practice in jurisdictions other than Kentucky, and plan to move for admission *pro hac vice* in the court where litigation is filed.

CONCLUSION

Upon expiration of the 60-day notice period, Appalachian Voices intends to file a citizen enforcement action pursuant to Section 505(a) of the Clean Water Act for the above violations. Given Nally and Hamilton's pattern and practice of falsifying its DMRs and failing to submit required data, Appalachian Voices reserves the right to add to the specific violations set forth in the Appendix additional claims based on the same or similar violations upon determining that such claims exist based on information made available after the service of this Notice Letter.

Sincerely,



Aaron Colangelo
Steven Fleischli*
Natural Resources Defense Council
1200 New York Ave., NW, Suite 400
Washington, DC 20005
Phone: (202) 289-2376

Mitchell S. Bernard
Catherine Marlantes Rahm
Natural Resources Defense Council
40 W. 20th Street
New York, NY 10011
Phone: (212) 727-2700

Burke A. Christensen
350 Lancaster Avenue
Richmond, KY 40475
Phone: (859) 622-1120

* Admitted in California; not yet admitted to practice law in Washington DC.

cc: (By certified mail, return receipt requested)

<p>Lisa P. Jackson, Administrator Environmental Protection Agency Headquarters Ariel Rios Building 1200 Pennsylvania Avenue, NW Mail Code: 1101A Washington, DC 20460</p>	<p>Sandy Gruzesky, Director Kentucky Department for Environmental Protection, Division of Water 200 Fair Oaks Lane, Fourth Floor Frankfort, KY 40601</p>
<p>Gwendolyn Keyes Fleming, Regional Administrator U.S. Environmental Protection Agency, Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Mail Code: 9T25 Atlanta, GA 30303-8960</p>	<p>Peter Goodman, Assistant Director Kentucky Department for Environmental Protection, Division of Water 200 Fair Oaks Lane, Fourth Floor Frankfort, KY 40601</p>
<p>Eric H. Holder, Jr., Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001</p>	<p>R. Bruce Scott, Commissioner Kentucky Department for Environmental Protection 300 Fair Oaks Lane Frankfort, KY 40601</p>
<p>Jack Conway, Attorney General Office of the Attorney General Capitol Suite 118 700 Capitol Avenue Frankfort, KY 40601-3449</p>	<p>Carl Campbell, Commissioner Kentucky Department for Natural Resources #2 Hudson Hollow Frankfort, KY 40601</p>
	<p>Dr. Len Peters, Cabinet Secretary Kentucky Energy and Environment Cabinet 500 Mero Street 5th Floor, Capital Plaza Tower Frankfort, KY 40601</p>

APPENDIX

A—False DMRs

Permit	Outfall	Monitoring Period	Description of Violation
8970441 [KYG046014]	16	1st and 2nd Quarters 2008	14 parameter measurements (all 7 parameters, 2 samples each) from February 2008 repeated in May 2008
8070341 [KYG041924]	5TC	3rd and 4th Quarters 2009	14 parameter measurements (all 7 parameters, 2 samples each) from September 2009 repeated in December 2009
8600380 [KYG045520]	105-A6	3rd and 4th Quarters 2009	14 parameter measurements (all 7 parameters, 2 samples each) from July 2009 repeated in October 2009
8600380 [KYG045520]	107-A6	3rd and 4th Quarters 2009	14 parameter measurements (all 7 parameters, 2 samples each) from July 2009 repeated in October 2009
8660311 [KYG046293]	2	1st and 2nd Quarters 2009	7 parameter measurements (all 7 parameters, 1 sample each ¹) from February 2009 repeated in May 2009
8070307 [KYG046155]	2	1st Quarter 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 samples each) from January 2010 repeated in February 2010 and again in March 2010
8070342 [KYG046205]	1	1st and 2nd Quarters 2010	32 parameter measurements (all 8 parameters, excluding only Oil and Grease, 4 samples each) from February and March 2010 repeated in May and June 2010
8070342 [KYG046205]	2	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8070342 [KYG046205]	3	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8070342 [KYG046205]	4	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8070347 [KYG041895]	BB1	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8078061 [KYG042569]	1	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8660276 ² [KYG045935]	8	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 samples each) from March 2010 repeated in June 2010
8480233 [KYG044528]	1MF	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 samples each) from March 2010 repeated in June 2010
8600380 [KYG045520]	S27	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 samples each) from January 2010 repeated in April 2010

¹ The DMR for February 2009 gives two measurements for Flow on the same sample date; only one of these measurements is repeated in May 2009.

² The Coal DMR Cover Sheet and Outfall Summary for the 1st Quarter 2010 lists the permit number as 8600380. However, the individual outfall reports list it as 8660276.

8600380 [KYG045520]	S-11	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 samples each) from March 2010 repeated in June 2010
8600380 [KYG045520]	78-A3	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 samples each) from March 2010 repeated in June 2010
8610479 [KYG046305] ³ [KYG046565] ⁴	2	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ³ [KYG046565] ⁴	3	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ³ [KYG046565] ⁴	5	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ³ [KYG046565] ⁴	6	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ³ [KYG046565] ⁴	21	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 samples each) from January, February and March 2010 repeated in April, May and June 2010
8070340 [KYG041921]	1LR	1st and 2nd Quarters 2010	6 parameter measurements (all 6 parameters, excluding only Oil and Grease, 1 sample each) from March 2010 repeated in June 2010
8970382 [KYG045111]	4	1st and 2nd Quarters 2010	18 parameter measurements (all 6 parameters, excluding only Oil and Grease, 3 samples each) from January, February and March 2010 repeated in April, May and June 2010

B—DMRs With Missing Data

Permit	Outfall	Monitoring Period	Description of Violation
8070307 [KYG046155]	31	3rd Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2008
8070307 [KYG046155]	31	4th Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for October 2008
8070307 [KYG046155]	31	1st Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for January 2009
8070307 [KYG046155]	31	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009

³ Permit number in DMR.

⁴ Permit number as identified by Division of Mine Permits.

8070307 [KYG046155]	31	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8070307 [KYG046155]	31	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8070307 [KYG046155]	33	3rd Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2008
8070307 [KYG046155]	33	4th Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for October 2008
8070307 [KYG046155]	33	1st Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for January 2009
8070307 [KYG046155]	33	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009
8070307 [KYG046155]	33	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8070307 [KYG046155]	33	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8070346 [KYG042163]	10LR	3rd Quarter 2008	1 parameter required to be reported twice per month (Flow) reported only once for July 2008
8070346 [KYG042163]	10LR	4th Quarter 2008	1 parameter required to be reported twice per month (Flow) reported only once for October 2008
8480233 [KYG044528]	1	1st Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for February 2009
8480233 [KYG044528]	1	2nd Quarter 2009	2 parameters required to be reported twice per month (Flow and Total Suspended Solids) reported only once for May 2009
8480233 [KYG044528]	1	3rd Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for August 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8480233 [KYG044528]	1	4th Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for November 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009

8610479 [KYG046305] ⁵ [KYG046565] ⁶	5	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009
8610479 [KYG046305] ⁵ [KYG046565] ⁶	5	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8610479 [KYG046305] ⁵ [KYG046565] ⁶	5	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8660304 [KYG046317]	15	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009
8660304 [KYG046317]	15	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for September 2009
8660304 [KYG046317]	15	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October 2009
8660311 [KYG046293]	2	1st Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for February 2009 ⁷
8660311 [KYG046293]	13	2nd and 3rd Quarters 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) and 2 parameters required to be reported once per month (Acidity and Alkalinity) were not reported at all for August 2009 and reported only once for June and September 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009

⁵ Permit number in DMR.

⁶ Permit number as identified by Division of Mine Permits.

⁷ The DMR for February 2009 gives two measurements for Flow, but on the same sample date.

8660311 [KYG046293]	3	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 2 parameters required to be reported once per month (Acidity and Alkalinity) were not reported at all for August 2009 and reported only once for September 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8660311 [KYG046293]	3	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for December 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8660311 [KYG046293]	265	1st Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for February 2009
8070340 [KYG041921]	2LR	1st and 2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for January, February, March and June 2010
8070340 [KYG041921]	3LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	4LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	5LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	6LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	7LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8600380 [KYG045520]	S21	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) only reported once for May 2010; 5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	50A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) only reported once for May 2010; 5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010

8600380 [KYG045520]	49A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) only reported once for May 2010; 5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S22	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S9	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S10	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S17A	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	57A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	56A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	55A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010

EXHIBIT B

Exhibit B

Permit	Outfall	Monitoring Period	Description of Violation
8970441 [KYG046014] ¹ [KY0105872] ²	16	1st and 2nd Quarters 2008	14 parameter measurements (all 7 parameters, 2 sample sets) from February 2008 repeated in May 2008
8070341 [KYG041924]	5TC	3rd and 4th Quarters 2009	14 parameter measurements (all 7 parameters, 2 sample sets) from September 2009 repeated in December 2009
8600380 [KYG045520]	105-A6	3rd and 4th Quarters 2009	14 parameter measurements (all 7 parameters, 2 sample sets) from July 2009 repeated in October 2009
8600380 [KYG045520]	107-A6	3rd and 4th Quarters 2009	14 parameter measurements (all 7 parameters, 2 sample sets) from July 2009 repeated in October 2009
8660311 [KYG046293]	2	1st and 2nd Quarters 2009	7 parameter measurements (all 7 parameters, 1 sample set ³) from February 2009 repeated in May 2009
8070307 [KYG046155]	2	1st Quarter 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 sample sets) from January 2010 repeated in February 2010 and again in March 2010
8070342 [KYG046205]	1	1st and 2nd Quarters 2010	32 parameter measurements (all 8 parameters, excluding only Oil and Grease, 4 sample sets) from February and March 2010 repeated in May and June 2010
8070342 [KYG046205]	2	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8070342 [KYG046205]	3	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8070342 [KYG046205]	4	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8070347 [KYG041895]	BB1	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8078061 [KYG042569]	1	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8660276 ⁴ [KYG045935]	8	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 sample sets) from March 2010 repeated in June 2010

¹ Permit number in 2010 DMRs.

² Permit number as identified in Division of Water files.

³ The DMR for February 2009 gives two measurements for Flow on the same sample date; only one of these measurements is repeated in May 2009.

⁴ The Coal DMR Cover Sheet and Outfall Summary for the 1st Quarter 2010 lists the permit number as 8600380. However, the individual outfall reports list it as 8660276.

8480233 [KYG044528]	1MF	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 sample sets) from March 2010 repeated in June 2010
8600380 [KYG045520]	S27	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 sample sets) from January 2010 repeated in April 2010
8600380 [KYG045520]	S-11	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 sample sets) from March 2010 repeated in June 2010
8600380 [KYG045520]	78-A3	1st and 2nd Quarters 2010	16 parameter measurements (all 8 parameters, excluding only Oil and Grease, 2 sample sets) from March 2010 repeated in June 2010
8610479 [KYG046305] ⁵ [KYG046565] ⁶	2	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ⁵ [KYG046565] ⁶	3	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ⁵ [KYG046565] ⁶	5	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ⁵ [KYG046565] ⁶	6	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8610479 [KYG046305] ⁵ [KYG046565] ⁶	21	1st and 2nd Quarters 2010	48 parameter measurements (all 8 parameters, excluding only Oil and Grease, 6 sample sets) from January, February and March 2010 repeated in April, May and June 2010
8070340 [KYG041921]	1LR	1st and 2nd Quarters 2010	6 parameter measurements (all 6 parameters, excluding only Oil and Grease, 1 sample set) from March 2010 repeated in June 2010
8970382 [KYG045111]	4	1st and 2nd Quarters 2010	18 parameter measurements (all 6 parameters, excluding only Oil and Grease, 3 sample sets) from January, February and March 2010 repeated in April, May and June 2010

⁵ Permit number in DMR.

⁶ Permit number as identified by Division of Mine Permits.

EXHIBIT C

Exhibit C

Permit	Outfall	Monitoring Period	Description of Violation
8070307 [KYG046155]	31	3rd Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2008
8070307 [KYG046155]	31	4th Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for October 2008
8070307 [KYG046155]	31	1st Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for January 2009
8070307 [KYG046155]	31	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009
8070307 [KYG046155]	31	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8070307 [KYG046155]	31	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8070307 [KYG046155]	33	3rd Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2008
8070307 [KYG046155]	33	4th Quarter 2008	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for October 2008
8070307 [KYG046155]	33	1st Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for January 2009
8070307 [KYG046155]	33	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009
8070307 [KYG046155]	33	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009

8070307 [KYG046155]	33	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8070346 [KYG042163]	10LR	3rd Quarter 2008	1 parameter required to be reported twice per month (Flow) reported only once for July 2008
8070346 [KYG042163]	10LR	4th Quarter 2008	1 parameter required to be reported twice per month (Flow) reported only once for October 2008
8480233 [KYG044528]	1	1st Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for February 2009
8480233 [KYG044528]	1	2nd Quarter 2009	2 parameters required to be reported twice per month (Flow and Total Suspended Solids) reported only once for May 2009
8480233 [KYG044528]	1	3rd Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for August 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8480233 [KYG044528]	1	4th Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for November 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8610479 [KYG046305] ⁷ [KYG046565] ⁸	5	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009
8610479 [KYG046305] ⁷ [KYG046565] ⁸	5	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8610479 [KYG046305] ⁷ [KYG046565] ⁸	5	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8660304 [KYG046317]	15	2nd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for April 2009
8660304 [KYG046317]	15	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for July 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for September 2009

⁷ Permit number in DMR.

⁸ Permit number as identified by Division of Mine Permits.

8660304 [KYG046317]	15	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for October 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October 2009
8660311 [KYG046293]	2	1st Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) were reported only once for February 2009 ⁹
8660311 [KYG046293]	13	2nd and 3rd Quarters 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Iron, Total Manganese and pH) and 2 parameters required to be reported once per month (Acidity and Alkalinity) were not reported at all for August 2009 and reported only once for June and September 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8660311 [KYG046293]	3	3rd Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 2 parameters required to be reported once per month (Acidity and Alkalinity) were not reported at all for August 2009 and reported only once for September 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for August and September 2009
8660311 [KYG046293]	3	4th Quarter 2009	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) were reported only once for December 2009; 1 parameter required to be reported once per month (Conductivity) not reported at all for October and November 2009
8660311 [KYG046293]	265	1st Quarter 2009	1 parameter required to be reported twice per month (Flow) reported only once for February 2009
8070340 [KYG041921]	2LR	1st and 2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for January, February, March and June 2010
8070340 [KYG041921]	3LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	4LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	5LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	6LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010
8070340 [KYG041921]	7LR	2nd Quarter 2010	6 parameters required to be reported once per month (Flow, Settleable Solids, Acidity, Alkalinity, Conductivity and pH) were not reported at all for June 2010

⁹ The DMR for February 2009 gives two measurements for Flow, but on the same sample date.

8600380 [KYG045520]	S21	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) only reported once for May 2010; 5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	50A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) only reported once for May 2010; 5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	49A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) only reported once for May 2010; 5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S22	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S9	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S10	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	S17A	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010

8600380 [KYG045520]	57A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	56A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010
8600380 [KYG045520]	55A2	2nd Quarter 2010	5 parameters required to be reported twice per month (Flow, Total Suspended Solids, Total Recoverable Iron, Total Recoverable Manganese and pH) and 3 parameters required to be reported once per month (Acidity, Alkalinity, and Conductivity) not reported at all for June 2010