

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement CESSATION ORDER Permanent Regulatory Procedures			1. Cessation Order Number C25-111-440-001	
2. Name South Fork Coal Company, LLC			<input checked="" type="checkbox"/> Permittee <input type="checkbox"/> No Permit	
3. Mailing Address 1295 Ashford Hill Road, Ashford, WV 25009			Originating Office Address Charleston Field Office USDOJ Office of Surface Mining 1027 Virginia Street, East Charleston, WV 25301	
4. Mine Name Haulroad # 2			Telephone Number 304-977-7450	
5. Phone 304-836-5860	8. County Pocahontas	State WV	9. Date of Inspection	
7. Operator's Name (if other than Permittee)			10. Time of Inspection From _____ To _____	
8. Mailing Address			11. Permit Number O-3022-11	
12. NPDES Number WV1026593			13. MSHA ID Number	14. OSM Mine Number

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 that a Cessation Order must be issued for each violation(s) of the Act, the regulations, or required permit conditions listed in the attachment(s). This Order constitutes a separate Cessation Order for each condition, practice, or violation listed.


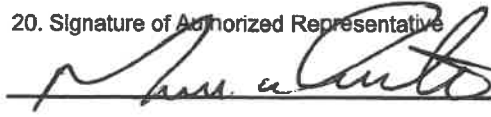
In accordance with Section 521(a) of the Surface Mining Control and Reclamation Act of 1977, **YOU ARE ORDERED TO CEASE IMMEDIATELY** the operations described in the attachment(s) and to perform the corrective actions described in the attachment(s) within the designated abatement time. Reclamation operations not directly the subject of this Order shall continue while this Order is in effect.

You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE DOES NOT DOES 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 Order shall remain in effect until it expires as provided on the attached notice or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary.

IMPORTANT -- Please Read Information on the Next Page

15. Print Name of Person Served Charles Felber	18. Date of Service 1-13-2025
16. Print Title of Person Served Surface Mine Engin.	19. Print Name of Authorized Representative Mark Carter
17. Signature of Person Served 	20. Signature of Authorized Representative 
	ID Number 440

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement
CESSATION ORDER (CONTINUATION)

1. Notice of Violation Number C25-111-440-001

Violation Number

1 of 1

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

South Fork Coal Company, LLC failed to obtain approval of a valid permit in that the permittee failed to demonstrate Valid Existing Rights (VER) across United States of America property (Tract M) prior to obtaining approval of permit O-3022-11.

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

843.11 (a) (2)
761.11 (b)

- The condition, practice, or violation is creating an imminent danger to the health or safety of the public
- The condition, practice or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources
- The permittee has failed to abate Violation of included in Notice of Violation within the time for abatement originally fixed or subsequently extended pursuant to 521(a)(3) of the Act.

OPERATIONS TO BE CEASED IMMEDIATELY

Cease mining operations on the entire permit area.

CORRECTIVE ACTION AND TIME FOR ABATEMENT (If Applicable - Not Required if F.T.A.)

South Fork Coal Company, LLC shall obtain a valid permit which includes the approval of a Valid Existing Rights determination by OSMRE.

Scheduled Final Abatement Date:

IMPORTANT-- PLEASE READ CAREFULLY

1. **Formal Review and Temporary Relief.** You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Order by you or your agent to:

Office of Hearings and Appeals
U.S. Department of the Interior
351 South West Temple, Suite 6.300
Salt Lake City, UT 84101
(801) 524-5344

If you apply for a formal review, you may request temporary relief from complying with this Notice. Your request must be filed with the Hearings Division at the above address prior to a decision in the formal review. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. **Informal Public Hearing.** A Notice of Violation which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the first page of this Notice of Violation, the authorized representative has made a finding as to whether or not this Notice of Violation requires cessation of mining. If you are entitled to an informal review please notify the OSM office indicated on this Cessation Order.

No hearing will be held where the violation in question has been abated, or the hearing has been waived. Your right to an informal review will be deemed waived unless you request an informal review within 30 days after service of this Order.

OSM may conduct the hearing later than the 30 day period with the consent of the person to whom this Order was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Order.

3. **Penalties.** You may submit information in writing pertaining to the condition(s), practice(s) or violation(s) covered by this Order within 15 days of the date that the Order is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 845.13 in determining the civil penalty for the violations cited in this Order. Your request must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that, taking into account exceptional factors present in the particular case, the penalty is demonstrably unjust. If you wish to submit this information, you should send it to one of the three addresses below:

For OSM's Appalachian Region:

US DOI, Office of Surface Mining
Knoxville Field Office
Program Support Group
710 Locust St, 2nd Floor
Knoxville, TN 37902

For OSM's Mid-Continent Region:

US DOI, Office of Surface Mining
Alton Field Division
Program Support Group
Alton Federal Building
501 Belle Street, Room 216

For OSM's Western Region:

US DOI, Office of Surface Mining
Denver Regional Office
Program Support Group
Denver Federal Center, Building 41
PO Box 25065

For each violation covered by this Order, a penalty of up to \$5,000 may be assessed for each day during which that violation continues.

If you are a corporation, you may be assessed a separate penalty, for up to \$5000 for each violation, for which you can be held personally liable.

If this Order is being issued for failure to abate a violation(s) which was the subject of a prior Notice of Violation a minimum penalty of \$2566 or more must be assessed for each day, during which the violation(s) continues beyond the abatement period set forth in that Notice, up to a maximum of 30 days.

If you willfully and knowingly fail or refuse to comply with this Order, you will be subject to criminal prosecution and will, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than one year or both.

4. **Effect on Permit.** In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or permit conditions exists, and that the violations were caused by unwarranted failure of the permittee or were willful violations, the permit may be suspended or revoked,

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4; Title 30 Code of Federal Regulations Chapter VII; and Title V of the Act, or **CONTACT** the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

PERMIT NUMBER	DATE	INSPECTION			MINE STATUS	PHOTOS	BLASTING	
		TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
O302211	01/18/2025	09:00	RI	C	A4	No	No	No

PERMITTEE NAME	SOUTH FORK COAL COMPANY, LLC			MSHA #	pending						
OPERATOR NAME				MR-19 DATE							
NPDES #	VV1028593	NPDES EXPR DATE	03/03/2028	PERMIT EXPR DATE	04/30/2028						
PERMIT ACRES	133.20	TOTAL DISTBD	124.24	RECLMD	10.35	ANCIL-LARY	113.89	UNRECLMD	0		
DATES: PH I		PH II		LAST AUG SEED		MR-8					
LAST INSP DATE	12/03/2024	TYPE	P	BOND INC	1	INC BONDED ACRES	133.20	CUR IBR#	1	REV#	2
EXPR DATES: INACT		EMER RESP PLAN		INS	07/01/2025	BLAST AD					
TIME USED (HRS) =>	PERMIT REVIEW	0.25	INSPECT	1.50	TRAVEL	2.00	REPORT	0.25			

INSPECTION COMMENTS

This was a multi-day complete. The haul road is currently closed for coal haulage by order of OSM. Ensure haul road and sediment control structures continue to be maintained. The permit was covered in snow and frozen during the times of inspection.

ENFORCEMENT STANDARD	EVALUATION	VIO#	ENFORCEMENT STANDARD	EVALUATION	VIO#
0100 Distance Prohibited.....	Full Compliance	<input type="checkbox"/>	0200 Exceeding Limits.....	Full Compliance	<input type="checkbox"/>
0300 Signs and Markers.....	Full Compliance	<input type="checkbox"/>	0400 Sediment Control.....	Comments	<input type="checkbox"/>
0500 Design Certification.....	Full Compliance	<input type="checkbox"/>	0600 Effluent Limits.....	Full Compliance	<input type="checkbox"/>
0700 Surface Water.....	Full Compliance	<input type="checkbox"/>	0800 Ground Water.....	Full Compliance	<input type="checkbox"/>
0900 Blasting Procedures.....	Not Applicable	<input type="checkbox"/>	1000 Haul Roads.....	Comments	<input type="checkbox"/>
1100 Refuse Impoundments.....	Not Applicable	<input type="checkbox"/>	1200 Topsoil Handling.....	Full Compliance	<input type="checkbox"/>
1300 Backfill / Grading.....	Full Compliance	<input type="checkbox"/>	1400 Reclamation Schedule.....	Full Compliance	<input type="checkbox"/>
1500 Revegetation Requirements.....	Full Compliance	<input type="checkbox"/>	1600 Disposal of Excess Spoil.....	Full Compliance	<input type="checkbox"/>
1700 Highwall Elimination.....	Full Compliance	<input type="checkbox"/>	1800 Downslope Spoil Disposal.....	Full Compliance	<input type="checkbox"/>
1900 Postmining Land Use.....	Full Compliance	<input type="checkbox"/>	2000 Ceased Mining Temporarily.....	Full Compliance	<input type="checkbox"/>
2100 Acid bearing /Toxic Material.....	Full Compliance	<input type="checkbox"/>	2200 Method of Operations.....	Full Compliance	<input type="checkbox"/>
2300 Change of Operator.....	Full Compliance	<input type="checkbox"/>	2400 Permit Conditions.....	Comments	<input type="checkbox"/>
2500 Diversions and Drainage Control..	Comments	<input type="checkbox"/>	2600 Fugitive Dust Control.....	Full Compliance	<input type="checkbox"/>
2700 Subsidence Plan.....	Full Compliance	<input type="checkbox"/>	2800 Insurance Current.....	Full Compliance	<input type="checkbox"/>
2900 Bonding Current.....	Full Compliance	<input type="checkbox"/>	3000 Other Conditions.....	Full Compliance	<input type="checkbox"/>

WATER QUALITY TESTS

In-Stream Station	pH	Fe	Mn	Al	NF	Flow	Units	Temp	Units	Sp Cond	Units

AUTH. COMPANY REPRESENTATIVE	Charles Felber	<i>Charles Felber</i>
DELIVERY METHOD / DATE TIME	Hand	1/22/2025 12:00:00
CERTIFIED MAIL NUMBER		
ADDRESS	1295 ASHFORD HILL RD, ASHFORD, WV 25009	
WV DEP REP.	Adam P Mattemple	<i>Adam P Mattemple</i>

PERMIT NUMBER	INSPECTION				MINE STATUS	PHOTOS	BLASTING	
	DATE	TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
O302211	01/16/2025	09:00	RI	C	A4	No	No	No

OMR COMPLETE INSPECTION CHECKLIST

A. GENERAL PERMIT INFORMATION

	Response	NOV	Comments
1. Are all conditions on permit face being complied with?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2. If permit is not started, has an extension been requested by permittee in accordance with Section 8(3) of the Code?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3. Has annual "proof of continued compliance" with Worker's Compensation requirements been provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4. Does company have all authorizations from Corp of Engineers?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5. Are you aware of any O and C changes that have not been addressed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

B. SIGNS AND MARKERS

	Response	NOV	Comments
1. Is permanent monument in place and correct?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2. Are perimeter markers installed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3. Are buffer zone markers in place?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4. Are topsoil or topsoil substitute markers in place?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5. Are blasting warning signs in place?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

C. HAULROADS OR ACCESS ROADS

	Response	NOV	Comments
1. Have all primary and internal haulroads been properly constructed and certified?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2. Are all haulroads and haulroad drainage being properly maintained?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3. Are any haulroads to be retained as part of the PMLU?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

D. BLASTING

	Response	NOV	Comments
1. Is blasting being conducted per approved plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2. Are blasting records complete and accurate?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3. Are blasting ad and written notification current?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4. Does company use a seismograph?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5. Is operator conducting periodic monitoring to assure compliance with airblast standards?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
6. If blasting occurred during this inspection, were proper warning signals used?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
7. Is blasting being conducted by certified blaster?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
8. Have preblast surveys been completed and acknowledged?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
9. Have required blast designs been submitted in accordance with section 6.5(g)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

E. DRAINAGE AND SEDIMENT CONTROL

	Response	NOV	Comments
1. Does all surface water pass through an approved sediment control structure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2. Have all permanent and temporary drainage control structures been certified in accordance with sections 5A(d) and (e)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3. Do any embankment structures meet MSHA or Dam Control size criteria as defined by section 5.4.c.5?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4. Has company submitted a SWROA in accordance with section 5.6.d.1 and is it being complied with?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5. Are any drainage control structures to be retained for the PMLU?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

PERMIT NUMBER	INSPECTION				MINE STATUS	PHOTOS	BLASTING	
	DATE	TIME	REASON	TYPE			Last 30 Days?	Ints. Req'd?
O302211	01/16/2025	09:00	RI	C	A4	No	No	No

F. METHOD OF OPERATION		Response	NOV	Comments
1.	Has topsoil been replaced or stockpiled in accordance with the approved plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2.	Is mining and reclamation sequence being followed in accordance with the approved plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3.	Are certifications current on excess spoil disposal areas including critical phases?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4.	Are acid producing or toxic materials being handled in accordance with approved plan and regulations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5.	Is the mine site being reclaimed to meet the approved post mining land uses?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
6.	Is reclamation to approximate original contour (AOC)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
7.	If operation is approved under AOC Plus process, are 6 month certifications current and in compliance?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
8.	Are all approved variances being complied with?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
9.	Does the regraded drainage control prevent excessive erosion?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
10.	Is operable regrading equipment on the permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

G. WATER MONITORING		Response	NOV	Comments
1.	Is there an approved NPDES permit covering this site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2.	Is monitoring and reporting occurring per the approved Article 3 and NPDES permit requirements?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3.	Were all discharges in compliance with effluent limitations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4.	Is any chemical treatment present and is it reflected in the NPDES permit?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5.	Is the Groundwater Protection Plan being followed and does it reflect current conditions?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

H. UNDERGROUND MINES		Response	NOV	Comments
1.	Is indiscriminate placing of trash or junk equipment on mine site?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2.	If noncoal waste disposal areas are present, does it meet the requirements of section 15.1.f.?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3.	Is subsidence control plan and approved mining limits being followed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4.	Is there any known material damage from subsidence?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5.	Have remedial measures been initiated?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
6.	Is backfilling, regrading and sealing in accordance with approved plan, with time schedules, variances and regulations?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
7.	Has six month notification of landowners been completed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

I. REFUSE PILES AND/OR DAMS		Response	NOV	Comments
1.	If the refuse pile is an impounding structure, does it fall under Dam Control or MSHA and have all approvals been obtained?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2.	Is abandonment in accordance with the approved plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3.	If in reclamation, is refuse being covered with four feet of non-toxic/non-combustible material or in accordance with the approved variance?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
4.	Are all reporting requirements in section 22.6 being submitted?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
5.	Is construction and placement of refuse in accordance with the approved plan?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

PERMIT NUMBER	INSPECTION				MINE STATUS	PHOTOS	BLASTING	
	DATE	TIME	REASON	TYPE			Last 30 Days?	Ins. Req'd?
O302211	01/16/2025	09:00	RI	C	A4	No	No	No

J. PERMIT REVISIONS/ENFORCEMENT		Response			NOV	Comments
1.	Are any IBRs, modifications, or revisions pending or needed?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
2.	Does it appear a pattern of violations exists?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>
3.	Is this operation under a consent agreement? If yes, explain in comments section.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>

Comments:



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS

Departmental Cases Hearings Division

351 South West Temple, Suite 6.300

Salt Lake City, Utah 84101

TELEPHONE: (801)524-5344

dchd@oha.doi.gov

January 22, 2025

ORDER

SOUTH FORK COAL COMPANY, LLC,) No. CH-2025-01-R
)
Applicant) Application for Review and for
) Temporary Relief
v.)
) Cessation Order No:
OFFICE OF SURFACE MINING) C25-111-440-001
RECLAMATION AND)
ENFORCEMENT,) South Fork Haulroad No. 2
)
Respondent)

Temporary Relief Granted;
Deadline to File Motion to Stay Proceedings

On January 17, 2025, South Fork Coal Company, LLC (South Fork) filed an Application for Review and an Application for Temporary Relief from Cessation Order No. C25-111-440-001 issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) on January 13, 2025. To establish a schedule for resolving these matters, I conducted a Prehearing Status Conference on January 21, 2025.

The following individuals attended and participated in the Prehearing Status Conference:

- Christopher B. Power, Esq., counsel for South Fork
- Joseph M. Iole, Esq., counsel for OSMRE
- Brandon Wells, Esq., counsel for OSMRE
- Justin Adams, Esq., counsel for OSMRE

Also present was Lauren Doxey, an attorney-advisor in my office, and Amanda Lamp, a paralegal specialist in my office.

During the Prehearing Status Conference, counsel represented that the parties had reached a settlement concerning South Fork's Application for Review and Application for Temporary Relief and would be submitting appropriate documentation. Following the Prehearing Status Conference, OSMRE filed its Initial Response, which summarized the parties' settlement and attached a signed copy of the Settlement Agreement. The Settlement Agreement states that: (1) the parties have reached a partial settlement of South Fork's Application for Review; and (2) OSMRE does not object to the entry of an order granting temporary relief under the terms and conditions set forth in the parties' Settlement Agreement attached as Exhibit 1.

OSMRE also represented that South Fork would file a motion requesting a stay of these proceedings after entry of an order granting temporary relief. According to the Initial Response, South Fork will be requesting a 120-day stay to allow OSMRE time to make its determination regarding South Fork's Application for a Valid Existing Rights Determination. Although South Fork has not yet submitted its motion, it did file a proposed temporary relief order.

Based on the parties' agreement and a review of the pleadings, it is hereby ORDERED as follows:

1. South Fork's Application for Temporary Relief is GRANTED pursuant to the terms and conditions contained in the parties' Settlement Agreement, attached to OSMRE's Initial Response as Exhibit 1; and
2. South Fork must file its motion requesting a stay of these proceedings by no later than **Friday, January 24, 2025**.

DAWN PERRY Digitally signed by DAWN PERRY
Date: 2025.01.22 08:54:28 -07'00'

Dawn S. Perry
Administrative Law Judge

See page 3 for distribution.

Distributed

By Email:

Christopher B. Power, Esq.
Robert M. Stonestreet, Esq.
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Charleston, WV 25301
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(Counsel for Applicants)

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brandon.wells@sol.doi.gov
(Counsel for Respondent)