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ENERGY  
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MINERAL MINING  
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ADMINISTRATION

# COMMONWEALTH of VIRGINIA

*Department of Mines, Minerals and Energy*

P.O. Drawer 900  
3405 Mountain Empire Road  
Big Stone Gap, Virginia 24219-0900  
(276) 523-8100  
[www.dmme.virginia.gov](http://www.dmme.virginia.gov)

February 5, 2014

Mr. James C. Justice II  
A & G Coal Corporation  
P.O. Box 1010  
Wise, VA 24293

Certified Mail Return  
Receipt No. 7013 1090 0001 0523 5867

Re: Informal Hearing Decision - Issuance of Notice of Violation LJJ0000777 (1 Violation)  
for A & G Coal Corporation, Permit Number 1102051.

Dear Mr. Justice:

An informal hearing was held on January 22, 2014, to review the issuance of Notice of Violation LJJ0000777, 1 violation. Based upon the attached opinion of the Informal Hearing Officer, I am affirming the issuance of Notice of Violation LJJ0000777.

Pursuant to §4VAC25-130-843.16(a) of the Virginia Coal Surface Mining Reclamation Regulations, you (or any person having an interest which is or may be adversely affected by this decision) have the right to request a formal public hearing to review this decision. The request must be submitted in writing within 15 days from service of this decision to the:

Hearings Coordinator  
Division of Mined Land Reclamation  
P. O. Drawer 900  
Big Stone Gap, Virginia 24219

Please be advised that the party requesting formal review shall bear the burden of proof at the formal hearing. Should you have any questions concerning the formal hearing process, please call Harve A. Mooney, Hearings Coordinator, at (276) 523-8271.

Respectfully,

A handwritten signature in blue ink that reads "Gavin M. Bledsoe". The signature is written in a cursive style with a large initial "G".

Gavin M. Bledsoe  
Reclamation Services Manager

c: Landon Jenkins, Area Inspector  
Kenneth Coomer, Area Supervisor  
Harve A Mooney, Informal Hearing Officer  
Leslie S. Vincent, PE.



COMMONWEALTH OF VIRGINIA  
 DEPARTMENT OF MINES, MINERALS AND ENERGY  
 DIVISION OF MINED LAND RECLAMATION  
 P. O. DRAWER 900; BIG STONE GAP, VA 24219  
 TELEPHONE: (276) 523-8157

**Informal Hearing Determination**

**Company:** A & G Coal Corporation **Permit No.:** 1102051  
**Subject:** Notice of Violation LJJ0000777 (WM)  
**Conference:** January 22, 2014 at 10:30 a.m. **Location:** BSG Office  
**Participants:** Les Vincent, Company Representative, Area Inspector Landon Jenkins

**Summary of Informal Hearing**

On January 22, 2014, an informal hearing was held at the Big Stone Gap office of the Department of Mines Minerals and Energy (Room 116), in reference to the fact of violation for Notice of Violation LJJ0000777. Representing A & G Coal Corporation was Mr. Leslie Vincent, PE. The hearings officer was Harve Mooney. Mr. Vincent was afforded the opportunity to provide comments and/or information during the informal hearing. There were no attendees from the general public at this hearing.

**Violation 1 of 1 (WM)**

Notice of Violation LJJ0000777 (1 of 1) was issued to the permittee because he has failed to meet the water monitoring requirements for the month of August in the 3rd quarter of 2013. Mr. Vincent re-stated his position that the company was concerned that they would be penalized by the writing of another violation for the third and fourth quarter of 2013. He also asked that any violation issued as a result of the fourth quarter be added to a proposed settlement agreement. Mr. Vincent asked that the violation reflect language that referenced the Clean Water Act.

The hearing was then closed, and the participants informed that due to the necessity of reviewing the plans the decision would require some additional time.

**Informal Hearing Recommendation**

Notice of Violation LJJ0000777 (1 of 1) was issued for failure to meet the water monitoring requirements for the month of August in the 3rd quarter of 2013. No evidence was put forward by the company to refute this claim. It is not in the scope of the authority of this hearings officer to address items in a proposed settlement agreement. Since the permittee failed to submit the appropriate water monitoring reports, he was in violation of Section 4VAC-25-130-816.41 of the VCSMRR. **Based on the findings of this informal hearing, it is the recommendation of this hearings officer that Notice of Violation LJJ0000777 (violation 1 of 1) be affirmed.**

Informal Hearings Officer: Harve A. Mooney Date: 02/05/14

