



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

**Assessment Conference Determination**

<b>Company:</b>	<u>Wynnly, Inc.</u>	<b>Permit No.:</b>	<u>1102132</u>
<b>Penalty of:</b>	<u>\$225.00</u>	<b>Violation No.:</b>	<u>TMM0009875</u>
<b>Conference date:</b>	<u>03/01/2017 at 9:30 AM</u>	<b>Location:</b>	<u>DMME Lebanon</u>
<b>Participants:</b>	<u>Kevin Lowe-Vice President of Operations of Wynnly, Inc., Tom Mackey-DMLR Supervisor and Ken Coomer-DMLR Supervisor-Conference Officer</u>		

**Summary of Conference**

An assessment conference concerning Notice of Violation No. TMM0009875 was held at the DMME Lebanon office at 9:30AM on March 01, 2017. No one from the public participated in this conference. The above referenced violation concerned failure to file a temporary cessation notice or completion letter after the permit was idle for more than 30 days. The history of previous violations, seriousness of the violation, negligence and good faith in complying were considered during this assessment conference.

History of Previous Violations-NA

Seriousness of the Violation

Mr. Kevin Lowe began by stating that the inspector (Tom Mackey at the time of issuance of the violation) arrived on the permit and asked him to meet on the site. He added that the company was trying to get a market for the coal for about a year. The company was keeping up with drainage control on the permit during the whole time. They had a contractor do some testing for air and feasibility of marketing the product. The company had been advised on several occasions about placing the permit in temporary cessation status, beginning operations on the permit or filing a completion letter. Mr. Lowe stated that they had gone a few days beyond the 30 days idle period because they were waiting until the last minute to get the tests performed and results of the testing. They had hope that the tests would prove positive so that they could market the product. The company was hoping all along that things would break loose and they could sell the coal. Mr. Lowe stated that they had monitored the permit and kept drainage up according to the approved plans and had maintained the integrity of the site the whole time.

Negligence

Mr. Lowe stated that they were not trying to be negligent or evading the regulations. Again they were waiting up to the last minute hoping to find a market for the coal. He added that he had always had a good working relationship with DMME and MSHA.

Good Faith In Complying

The violation was issued 09-13-16 with an abatement date of 10-13-16. Mr. Lowe stated that he had attempted to contact Mr. Greg Baker at the Big Stone Gap office for assistance with obtaining a request for temporary cessation notice on E-forms on the date of the violation. However, Mr. Baker was out of

