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# 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)

April 23, 2019

Mr. Paul R. Ison  
Ambrose Branch Coal Company, Inc.  
P.O. Box 420  
Coeburn, VA 24230

Certified Mail Return  
Receipt No. 7018 1830 0001 4691 0667

Re: Informal Hearing Decision - Issuance of Cessation Order (1 Violation) JBC0000685  
Notice of Violation JBC0000686 (1 Violation) and Revision Order Notice JBC0000688 issued to  
Ambrose Branch Coal Company, Inc., Permit Number 1201949

Dear Mr. Ison:

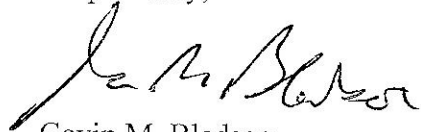
An informal hearing was held on April 11, 2019 at the Big Stone Gap office of DMME to review the issuance of the above captioned enforcement actions. Based upon the attached opinion of the Informal Hearing Officer, I am affirming the issuance of Cessation Order JBC0000685, Notice of Violation JBC0000686 and Revision Order Notice JBC0000688.

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 Darlene Gibson, Hearings Coordinator, at (276) 523-8150.

Respectfully,

A handwritten signature in black ink, appearing to read "Gavin M. Bledsoe". The signature is fluid and cursive, with a large initial "G" and "B".

Gavin M. Bledsoe  
Reclamation Services Manager

c: Gerald Collins, PE  
Jody Collins, Area Inspector  
James Meacham, Area Supervisor  
Tom Mackey, Informal Hearing Officer



**Informal Hearing Determination**

**Company:** Ambrose Branch Coal **Permit No.:** 1201949

**Subject:** Cessation Order #JBC0000685, Notice of Violation #JBC0000686, Revision Order #JBC0000688

**Conference:** April 11, 2019 @ 10:00 a.m. **Location:** BSG- DMME-

**Participants:** Paul R. Ison (Ambrose Branch Coal Company, Inc.), Gerald Collins, PE, Jody Collins (DMME)

On April 11, 2019 an informal hearing was held at the Big Stone Gap, VA office of the Department of Mines Minerals and Energy, in reference to Cessation Order #JBC0000685, Notice of Violation #JBC0000686, and Revision Order #JBC0000688. Ambrose Branch Coal Company, Inc. permit number 1201949 was represented by Paul R. Ison and Gerald Collins, PE. There were no attendees from the general public at this hearing.

**Summary of Informal Hearing**

Cessation Order #JBC0000685, violation 1 of 1, was issued because the operator exceeded the permit boundary.

Notice of Violation #JBC0000686, violation 1 of 2, was issued because the operator had exceeded the permit boundary. The remedial action required the permittee to cease all mining activity in the area and reclaim the disturbed area or submit a revision to the DMLR office within two weeks of the receipt of the Notice of Violation to add the areas off of the permit and gain approval of the revision by the abatement date of March 29, 2019. The operator was also required to reestablish the permit markers that define the boundaries of the permit as part of the remedial measures by the abatement date of March 29, 2019.

Notice of Violation #JBC0000686, violation 2 of 2, was issued requiring the operator to remove the material within the buffer zone, stabilize and revegetate the disturbed area. While the operator was removing material from the buffer zone, measures were to be taken to control drainage in the area with the use of sediment fence, straw bales, etc. until work was completed.

Revision Order #JBC0000688 was issued for the operator to re-evaluate and address the buffer zone area around the stream and how new mining or reclamation activities might affect it.

Mr. Paul Ison stated he was using a contractor to reclaim the mine site. He stated that the contractor was trying to generate material to cover the mine openings. The contractor was not aware of the permit boundaries and got off of the permit boundary trying to get material for reclamation. The area that the contractor got off of the permit had been previously disturbed by another permit and Mr. Ison said that the contractor thought it was part of his permit. Mr. Ison said the area where the contractor was working the material slid off of the permit and was not pushed off. Mr. Ison pointed out that there had been a lot of rain this winter and that had caused the soil to be saturated with water.

Mr. Gerald Collins, PE consultant pointed out that other permits in the area had variances to work in the buffer zone.

**Informal Hearing Recommendation**

Cessation Order #JBC0000685 also cites the operator for exceeding the permit boundary.

*Section 4VAC25-130-843.11(a)(1)(ii) Virginia Coal Surface Mining Reclamation Regulations (VCSMRR) - Is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources*

I recommend this violation be affirmed.

Notice of Violation #JBC0000686, violation 1 of 2, was issued because the operator had exceeded the permit boundary. The remedial action required the permittee to cease all mining activity in the area and reclaim the disturbed area or submit a revision to the DMLR office within two weeks of the receipt of the Notice of Violation to add the areas off of the permit and gain approval of the revision by the abatement date of March 29, 2019. The operator was also required to reestablish the permit markers that define the boundaries of the permit as part of the remedial measures by the abatement date of March 29, 2019.

I recommend this violation be affirmed.

Notice of Violation #JBC0000686, violation 2 of 2, required the operator to remove the material within the buffer zone, stabilize, and revegetate the area. While the operator was removing the material from the buffer zone, measures were to be taken to control drainage in the area with the use of sediment fence, straw bales, etc. until the work was completed.

It is recommended that this violation be affirmed.


Revision Order #JBC0000688 directed the operator to re-evaluate and address the area around the stream (buffer zone), and how any new mining or reclamation activities might affect it.

The permittee's activities resulted in the disturbance of area within a buffer zone. The company needs to address the measures it will take to avoid or minimize any future impacts to such areas.

*Section 4VAC25-130-774.11(b) VCSMRR - After the review required by paragraph (a) of this section, or at any time, the division may order reasonable revision of the permit in accordance with 4VAC25-130-774.13 to ensure compliance with the Act and the regulatory program*

I recommend that this notice be affirmed.

Informal Hearings Officer:

 Date: 4/17/19