



COLORADO

Department of Public
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

April 27, 2015

Twentymile Coal, LLC
Corporation Service Company
1560 Broadway, Suite 2090
Denver, CO 80202

Certified Mail Number: 7002 2410 0001 0130 4407

RE: Compliance Order on Consent, Number: IC-150409-1

Dear Sir or Madam:

Enclosed for Twentymile Coal's records, you will find Twentymile Coal's copy, with original signatures, of the recently executed Compliance Order on Consent. Please remember that this agreement is subject to a thirty-day public comment period (paragraph 23). Following initiation, if the Division receives any comments during this period we will contact your office to discuss. Also, please be advised that the first page of the Compliance Order on Consent was changed to place the assigned Order Number on the final document.

If you have any questions, please don't hesitate to contact myself at (303) 692-3584 or by electronic mail at christy.pickens@state.co.us.

Sincerely,

Christy Pickens, Enforcement Specialist
Clean Water Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure(s)

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Michael Zopf, Director, Routt County Environmental Health Dept
Jason Musick, DRMS
Erin Scott, Permits Section, CDPHE
Christy Pickens, Compliance & Enforcement Unit, CDPHE
Tania Watson, Compliance & Enforcement Unit, CDPHE





COLORADO

Department of Public Health & Environment

WATER QUALITY CONTROL DIVISION

COMPLIANCE ORDER ON CONSENT

NUMBER: IC-150409-1

IN THE MATTER OF: TWENTYMILE COAL, LLC
 CDPS PERMIT NO. CO-0027154
 ROUTT COUNTY, COLORADO

The Colorado Department of Public Health and Environment (“Department”), through the Water Quality Control Division (“Division”), issues this Compliance Order on Consent (“Consent Order”), pursuant to the Division’s authority under §§25-8-602 and 605, C.R.S. of the Colorado Water Quality Control Act (“the Act”) §§25-8-101 to 803, C.R.S., and its implementing regulations, with the express consent of Twentymile Coal, LLC (“Twentymile Coal”). The Division and Twentymile Coal may be referred to collectively as “the Parties.”

STATEMENT OF PURPOSE

1. The mutual objectives of the Parties in entering into this Consent Order are to resolve, without litigation, civil penalties for the alleged violations cited herein and in the Notice of Violation / Cease and Desist Order, Number: IO-140404-1 (the “NOV/CDO”), that the Division issued to Twentymile Coal on April 4, 2014.

DIVISION’S FINDINGS OF FACT AND DETERMINATION OF VIOLATIONS

2. Based upon the Division’s investigation into and review of the compliance issues identified herein, and in accordance with §§25-8-602 and 605, C.R.S., the Division has made the following determinations regarding Twentymile Coal and Twentymile Coal’s compliance with the Act and a discharge permit issued pursuant to the Act.
3. At all times relevant to the violations cited herein, Twentymile Coal was a Delaware limited liability company in good standing and registered to conduct business in the State of Colorado.
4. Twentymile Coal is a “person” as defined by §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
5. Twentymile Coal owns and/or operates the Mines 1 & 2 and Eckman Park Mine. Mines 1 & 2 were originally permitted but have since been incorporated into the Foidel Creek Mine Complex. The Foidel Creek Mine Complex includes an active underground coal mine and an active coal preparation plant. Mine 2 and the Eckman Park Mine are post coal mining areas. The Foidel

Creek Mine and Eckman Park Mine are located in the vicinity of 40° 23' 15" East latitude and 107° 02' 45" North longitude, approximately twenty (20) miles southwest of Steamboat Springs, Routt County, Colorado (the "Facility").

6. The Facility is the subject of the Colorado Discharge Permit System, Permit No. CO-0027154 (the "Permit"). The current Permit became effective on September 1, 2007. The Permit was amended with Amendment #1 and reissued effective March 1, 2008. Typographical errors in the Permit were corrected with Minor Modification #1, issued March 17, 2008. The permit expired on August 31, 2012, and has subsequently been administratively continued pending permit reissuance.
7. The Permit authorizes Twentymile Coal to discharge treated wastewater from the Facility through Outfalls 002A, 003A, 004A, 006A, and 008A (sedimentation ponds that treat surface runoff and discharge into Foidel Creek) and Outfalls 005A and 007A (sedimentation ponds that treat surface runoff and spoils spring water and discharge into Foidel Creek). The Permit includes an authorization for a discharge from Outfalls MON5 and MON7, which are database distinctions assigned to Outfalls 005A and 007A, respectively, for monitor and report only effluent parameters required to support a reasonable potential analysis.
8. Foidel Creek is "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).
9. Pursuant to 5 CCR 1002-61, §61.8, Twentymile Coal must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

Failure to Properly Monitor and Report

10. Pursuant to Part I.B.1. of the Permit, Twentymile Coal is required to monitor effluent parameters at specified frequencies and report the results on a discharge monitoring report (DMR).
11. Pursuant to Part I.E.1. of the Permit, Twentymile Coal is required to report all monitoring results on Division approved DMRs. Twentymile Coal is required to ensure the DMRs are mailed to the Division so that they are received no later than the 28th day of the month following the reporting period. The Permit specifies that if no discharge occurs during the reporting period, "No Discharge" shall be reported.
12. Twentymile Coal's DMRs for the Facility include those required to be submitted on a monthly basis and those utilized to report monitoring data at a quarterly frequency (identified with a "Q"), including Whole Effluent Toxicity monitoring results (identified with a "W").
13. Division records establish that Twentymile Coal failed to submit DMRs to the Division so that they were received by the 28th day of the month following the end of specific identified reporting periods from 2009 to 2013 as identified in the attached Exhibit A.
14. Twentymile Coal's failure to submit DMRs to the Division so that they were received by the 28th day of the month following each reporting period as identified above and in Exhibit A constitutes violations of Part I.E.1. of the Permit.
15. The Division acknowledges that Twentymile Coal timely and satisfactorily performed all of the obligations and actions required under the NOV/CDO.

ORDER AND AGREEMENT

16. Based on the foregoing factual and legal determinations, pursuant to its authority under §§25-8-602 and 605, C.R.S., and in satisfaction of the civil penalties associated with the alleged violations cited herein and in the NOV/CDO, the Division orders Twentymile Coal to comply with all provisions of this Consent Order, including all requirements set forth below.
17. Twentymile Coal agrees to the terms and conditions of this Consent Order. Twentymile Coal agrees that this Consent Order constitutes a notice of alleged violation and an order issued pursuant to §§25-8-602 and 605, C.R.S., and is an enforceable requirement of the Act. Twentymile Coal also agrees not to challenge directly or collaterally, in any judicial or administrative proceeding brought by the Division or by Twentymile Coal against the Division:
 - a. The issuance of this Consent Order;
 - b. The factual and legal determinations made by the Division herein; and
 - c. The Division's authority to bring, or the court's jurisdiction to hear, any action to enforce the terms of this Consent Order under the Act.
18. Notwithstanding the above, Twentymile Coal does not admit to any of the factual or legal determinations made by the Division herein, and any action undertaken by Twentymile Coal pursuant to this Consent Order shall not constitute evidence of fault and liability by Twentymile Coal with respect to the conditions of the Facility. Twentymile Coal expressly reserves its rights to deny any of the Division's factual or legal determinations or defend itself in any other third party proceeding relating to the information identified in this Consent Order.

CIVIL PENALTY

19. Based upon the factors set forth in §25-8-608(1), C.R.S., and consistent with Departmental policies for violations of the Act, Twentymile Coal shall pay Twenty-Six Thousand One Hundred Eighty Dollars (\$26,180.00) in civil penalties. The Division intends to petition the Executive Director or his designee to impose the Twenty-Six Thousand One Hundred Eighty Dollar (\$26,180.00) civil penalty for the above violation(s) and Twentymile Coal agrees to make the payment through two (2) installment payments as follows: Thirteen Thousand Ninety Dollars (\$13,090.00) due within thirty (30) calendar days after issuance of an Order for Civil Penalty by the Executive Director or his designee, and the second payment of Thirteen Thousand Ninety Dollars (\$13,090.00) by September 1, 2015. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to:

Christy Pickens
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

20. Failure to submit full payment of any installment by the due date described in paragraph 19 above shall be deemed a violation of this Consent Order.

21. In the event that Twentymile Coal fails to comply with any of the terms or provisions of this Consent Order relating to payment of the civil penalty, Twentymile Coal shall be liable for payment of the outstanding balance of the civil penalty within thirty (30) calendar days of receipt of written demand by the Division. Method of payment shall be by certified or cashier's check drawn to the order of the "Colorado Department of Public Health and Environment," and delivered to the address specified in paragraph 19 above.

SCOPE AND EFFECT OF CONSENT ORDER

22. The Parties agree and acknowledge that this Consent Order constitutes a full and final settlement of the civil penalties associated with the violations cited herein and in the NOV/CDO.
23. This Consent Order is subject to the Division's "Public Notification on Administrative Enforcement Actions Policy," which includes a thirty day public comment period. The Division and Twentymile Coal each reserve the right to withdraw consent to this Consent Order if comments received during the thirty day period result in any proposed modification to the Consent Order.
24. This Consent Order constitutes a final agency order or action upon the date when the Executive Director or his designee imposes the civil penalty following the public comment period. Any violation of the provisions of this Consent Order by Twentymile Coal, including any false certifications, shall be a violation of a final order or action of the Division for the purpose of §25-8-608, C.R.S., and may result in the assessment of civil penalties of up to ten thousand dollars per day for each day during which such violation occurs.
25. Notwithstanding paragraph 18 above, the violations described in this Consent Order will constitute part of Twentymile Coal's compliance history.

LIMITATIONS, RELEASES AND RESERVATION OF RIGHTS AND LIABILITY

26. Upon the effective date of this Consent Order, and during its term, this Consent Order shall stand in lieu of any other enforcement action by the Division with respect to civil penalties for the specific instances of violations cited herein and in the NOV/CDO. The Division reserves the right to bring any action to enforce this Consent Order, including actions for penalties or the collection thereof, and/or injunctive relief.
27. This Consent Order does not grant any release of liability for any violations not specifically cited herein.
28. Twentymile Coal reserves its rights and defenses regarding the Facility other than proceedings to enforce this Consent Order.
29. Nothing in this Consent Order shall preclude the Division from imposing additional requirements necessary to protect human health or the environment and to effectuate the purposes of the Consent Order. Nor shall anything in this Consent Order preclude the Division from imposing additional requirements in the event that additional information is discovered that indicates such requirements are necessary to protect human health or the environment.

30. Twentymile Coal releases and covenants not to sue the State of Colorado or its employees, agents or representatives as to all common law or statutory claims or counterclaims or for any injuries or damages to persons or property resulting from acts or omissions of Twentymile Coal, or those acting for or on behalf of Twentymile Coal, including its officers, employees, agents, successors, representatives, contractors, consultants or attorneys in carrying out activities pursuant to this Consent Order. Nothing in this Consent Order shall constitute an express or implied waiver of immunity otherwise applicable to the State of Colorado, its employees, agents or representatives.

NOTICES

31. Unless otherwise specified, any report, notice or other communication required under the Consent Order shall be sent to:

For the Division:

Christy Pickens
Colorado Department of Public Health and Environment
Water Quality Control Division
Mail Code: WQCD-CWE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: 303-692-3584
E-mail: christy.pickens@state.co.us

For Twentymile Coal:

Jerry Nettleton
Twentymile Coal, LLC
29515 RCR 27
Oak Creek, Colorado 80467
Telephone: 970-870-2712
E-mail: jnettleton@peabodyenergy.com

MODIFICATIONS

32. This Consent Order may be modified only upon mutual written agreement of the Parties.

NOTICE OF EFFECTIVE DATE

33. This Consent Order shall be fully effective, enforceable and constitute a final agency action upon the date when the Executive Director or his designee imposes the civil penalty following closure of the public comment period referenced in paragraph 23. If the penalty as described in this Consent Order is not imposed, or an alternate penalty is imposed, this Consent Order becomes null and void.

BINDING EFFECT AND AUTHORIZATION TO SIGN

34. This Consent Order is binding upon Twentymile Coal and its corporate subsidiaries or parents, their officers, directors, employees, successors in interest, and assigns. The undersigned warrant that they are authorized to legally bind their respective principals to this Consent Order. In the event that a party does not sign this Consent Order within thirty (30) calendar days of the other party's signature, this Consent Order becomes null and void. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Consent Order.

FOR TWENTYMILE COAL, LLC:

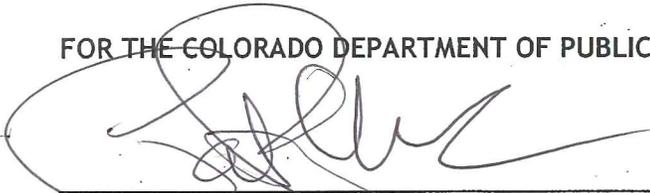


Date:

3/30/15

Patrick K. Sollars, General Manager
Colorado Operations
Twentymile Coal, LLC

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT:



Date:

9 Apr 15

Patrick J. Pfaltzgraff, Director
WATER QUALITY CONTROL DIVISION

EXHIBIT A

| TWENTYMILE COAL COMPANY LATE DISCHARGE MONITORING REPORTS <u>Reporting Periods 2009 - 2013</u> | | | |
|--|--|--------------|---|
| DISCHARGE MONITORING REPORTING PERIOD | OUTFALL NUMBER(S) | DMR DUE DATE | DMR RECEIPT DATE |
| Reporting Periods for 2009 | | | |
| 1/1/2009 – 1/31/2009 | 002A, 003A, 004A, 006A, 007A, MON7, 008A | 2/28/2009 | 3/9/2009 |
| 1/1/2009 – 1/31/2009 | 005A, MON5 | 2/28/2009 | 3/9/2009 Corrected DMR received 8/18/2009 |
| 2/1/2009 – 2/28/2009 | 002A, 003A, 004A, 006A, 007A, MON7, 008A | 3/28/2009 | 4/2/2009 |
| 2/1/2009 – 2/28/2009 | 005A, MON5 | 3/28/2009 | 4/2/2009 Corrected DMR received 8/18/2009 |
| 3/1/2009 – 3/31/2009 | 002A, 002Q, 003A, 003Q, 004A, 004Q, 005A, MON5, 006A, 007A, MON7, 007Q, 008A | 4/28/2009 | 5/4/2009 |
| 1 st Quarter 2009 (1/1/2009 – 3/31/2009) | 005W, 007W | 4/28/2009 | 5/4/2009 |
| 1 st Quarter 2009 (1/1/2009 – 3/31/2009) | 005Q, MON5, 006Q, 008Q | 4/28/2009 | 5/4/2009 Corrected DMR received 6/26/2009 |
| 4/1/2009 – 4/20/2009 | 002A, 003A, 004A, 005A, 007A, 008A | 5/28/2009 | 6/4/2009 |
| 4/1/2009 – 4/20/2009 | MON5, 006A, MON7 | 5/28/2009 | 6/4/2009 Corrected DMR received 6/26/2009 |
| 5/1/2009 – 5/31/2009 | 002A, 003A, 004A, MON5, 006A, 007A, MON7, 008A | 6/28/2009 | 7/8/2009 |
| 5/1/2009 – 5/31/2009 | 005A | 6/28/2009 | 10/07/2009 |
| 6/1/2009 – 6/30/2009 | 002A, 002Q, 003A, 003Q, 004A, 004Q, MON5, 005Q, 006A, 006Q, 007A, MON7, 007Q, 008A, 008Q | 7/28/2009 | 8/6/2009 |
| 6/1/2009 – 6/30/2009 | 005A | 7/28/2009 | 8/6/2009 Corrected DMR received 8/18/2009 |

EXHIBIT A

| TWENTYMILE COAL COMPANY LATE DISCHARGE MONITORING REPORTS <u>Reporting Periods 2009 - 2013</u> | | | |
|--|---|---------------------|--|
| DISCHARGE MONITORING REPORTING PERIOD | OUTFALL NUMBER(S) | DMR DUE DATE | DMR RECEIPT DATE |
| 2 nd Quarter 2009 (4/1/2009 – 6/30/2009) | 005W, 007W | 7/28/2009 | 8/3/2009 |
| 7/1/2009 -7/31/2009 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 8/28/2009 | 9/2/2009 |
| 8/1/2009 – 8/31/2009 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 9/28/2009 | 9/29/2009 |
| 9/1/2009 – 9/30/2009 | 002A, 002Q, 003A, 003Q, 004A, 004Q, 005A, MON5, 005Q, 006A, 006Q, 007A, 007Q, MON7, 008A, 008Q | 10/28/2009 | 11/3/2009 |
| 3 rd Quarter 2009 (7/1/2009 – 9/30/2009) | 005W, 007W | 10/28/2009 | 11/3/2009 |
| 10/1/2009 – 10/31/2009 | 002A, 003A, 004A, 005A, 006A, 007A, MON7, 008A | 11/28/2009 | 12/1/2009 |
| 10/1/2009 – 10/31/2009 | MON5 | 11/28/2009 | 12/1/2009 Corrected DMR received 1/19/2010 |
| 12/1/2009 – 12/31/2009 | 002A, 002Q, 003A, 003Q, 004A, 004Q, 005A, MON5, 005Q, 006A, 006Q, 007A, 007Q, MON7, 008A, 008Q | 1/28/2009 | 2/2/2010 |
| 4 th Quarter 2009 (10/1/2009 – 12/31/2009) | 005W, 007W | 1/28/2009 | 2/2/2010 |
| Reporting Periods for 2010 | | | |
| 1/1/2010 – 1/31/2010 | 002A, 003A, 005A, MON5, 006A, 007A, MON7, 008A | 2/28/2010 | 3/3/2010 |
| 1/1/2010 – 1/31/2010 | 004A | 2/28/2010 | 3/3/2010 Corrected DMR received 3/18/2010 |
| 2/1/2010 – 2/28/2010 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 3/28/2010 | 4/5/2010 |
| 3/1/2010 – 3/31/2010 | 002A, 002Q, 003A, 003Q, 004A, 004Q, 005A, MON5, 005Q, | 4/28/2010 | 5/5/2010 |

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| TWENTYMILE COAL COMPANY LATE DISCHARGE MONITORING REPORTS <u>Reporting Periods 2009 - 2013</u> | | | |
|--|--|---------------------|---|
| DISCHARGE MONITORING REPORTING PERIOD | OUTFALL NUMBER(S) | DMR DUE DATE | DMR RECEIPT DATE |
| | 006A, 006Q, 007A, 007Q, MON7, 008A, 008Q | | |
| 1 st Quarter 2010 (1/1/2010 - 3/31/2010) | 005W, 007W | 4/28/2010 | 5/5/2010 |
| 4/1/2010 - 4/30/2010 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 5/28/2010 | 6/4/2010 |
| 5/1/2010 - 5/31/2010 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 6/28/2010 | 6/30/2010 |
| 6/1/2010 - 6/30/2010 | 002A, 003A, 003Q, 004A, 004Q, 005A, MON5, 006A, 007A, MON7, 008A | 7/28/2010 | 8/3/2010 |
| 2 nd Quarter 2010 (4/1/2010 - 6/30/2010) | 005W, 007W | 7/28/2010 | 8/3/2010 |
| 2 nd Quarter 2010 (4/1/2010 - 6/30/2010) | 002Q, 005Q, 006Q, 007Q, 008Q | 7/28/2010 | 8/3/2010 Corrected DMR received 1/18/2011 |
| 7/1/2010 - 7/31/2010 | 002A, 003A, 004A, MON5, 006A, 007A, MON7, 008A | 8/28/2010 | 9/3/2010 |
| 7/1/2010 - 7/31/2010 | 005A | 8/28/2010 | 9/3/2010 Corrected DMR received 10/13/2010 |
| 8/1/2010 - 8/31/2010 | 002A, 003A, 004A, MON5, 006A, 007A, MON7, 008A | 9/28/2010 | 10/13/2010 |
| 8/1/2010 - 8/31/2010 | 005A | 9/28/2010 | 10/13/2010 Corrected DMR received 12/8/2010 |
| 9/1/2010 - 9/30/2010 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 10/28/2010 | 11/8/2010 |
| 3 rd Quarter 2010 (7/1/2010 - 9/30/2010) | 002Q, 003Q, 004Q, 005Q, 005W, 006Q, 007Q, 007W, MON7Q, 008Q | 10/28/2010 | 11/8/2010 Corrected DMR received 1/18/2011 |
| 12/1/2010 - 12/31/2010 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 1/28/2011 | 2/4/2011 Corrected DMR received 3/20/2012 |
| 4 th Quarter 2010 (10/1/2010 - 12/31/2010) | 002Q, 003Q, 004Q, 006Q, 007Q, MON7Q, 007W, 008Q | 1/28/2011 | 2/4/2011 Corrected DMR received 3/20/2012 |

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| TWENTYMILE COAL COMPANY LATE DISCHARGE MONITORING REPORTS Reporting Periods 2009 - 2013 | | | |
|--|--|--------------|---|
| DISCHARGE MONITORING REPORTING PERIOD | OUTFALL NUMBER(S) | DMR DUE DATE | DMR RECEIPT DATE |
| 4 th Quarter 2010 (10/1/2010 – 12/31/2010) | 005Q, MON5, 005W | 1/28/2011 | 2/4/2011 Corrected DMR received 4/19/2011 |
| Reporting Periods for 2011 | | | |
| 1/1/2011 – 1/31/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 2/28/2011 | 3/4/2011 |
| 2/1/2011 – 2/29/2011 | 002A, 003A, 004A, 005A, 006A, 007A, 008A, MON5, MON7 | 3/28/2011 | 4/1/2012 |
| 3/1/2011 – 3/31/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 4/28/2011 | 5/6/2011 |
| 1 st Quarter 2011 (1/1/2011 – 3/31/2011) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 07W, 008Q | 4/28/2011 | 5/6/2011 |
| 4/1/2011 – 4/30/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 5/28/2011 | 6/6/2011 |
| 5/1/2011 – 5/31/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 6/28/2011 | 7/5/2011 |
| 6/1/2011 – 6/30/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 7/28/2011 | 8/3/2011 |
| 2 nd Quarter 2011 (4/1/2011 – 6/30/2011) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 7/28/2011 | 8/3/2011 |
| 7/1/2011 – 7/31/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 8/28/2011 | 9/2/2011 |
| 8/1/2011 – 8/31/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 9/28/2011 | 10/4/2011 |
| 9/1/2011 – 9/30/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 10/28/2011 | 11/9/2011 |
| 3 rd Quarter 2011 (7/1/2011 – 9/30/2011) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 10/28/2011 | 11/9/2011 |
| 10/1/2011 – 10/31/2011 | 002A, 003A, 004A, MON5, 006A, 007A, MON7, 008A | 11/28/2011 | 12/2/2011 |

EXHIBIT A

| TWENTYMILE COAL COMPANY LATE DISCHARGE MONITORING REPORTS Reporting Periods 2009 - 2013 | | | |
|---|--|--------------|--|
| DISCHARGE MONITORING REPORTING PERIOD | OUTFALL NUMBER(S) | DMR DUE DATE | DMR RECEIPT DATE |
| 10/1/2011 – 10/31/2011 | 005A | 11/28/2011 | 12/2/2011 Corrected DMR received 2/15/2012 |
| 11/1/2011 – 11/30/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 12/28/2011 | 12/30/2011 |
| 12/1/2011 – 12/31/2011 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 1/28/2012 | 2/1/2012 |
| 4 th Quarter 2011 (10/1/2011 – 12/31/2011) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 1/28/2012 | 2/1/2012 |
| Reporting Periods for 2012 | | | |
| 1/1/2012 – 1/31/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 2/28/2012 | 3/2/2012 |
| 2/12/2012 – 2/28/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 3/28/2012 | 5/4/2012 |
| 3/1/2012 – 3/31/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, 008A | 4/28/2012 | 5/4/2012 |
| 3/1/2012 – 3/31/2012 | MON7 | 4/28/2012 | Analysis Not Conducted |
| 1 st Quarter 2012 (1/1/2012 – 3/31/2012) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 4/28/2012 | 5/4/2012 |
| 4/1/2012 – 4/30/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 5/28/2012 | 5/31/2012 |
| 5/1/2012 – 5/31/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 6/28/2012 | 7/3/2012 |
| 6/1/2012 – 6/30/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 7/28/2012 | 8/3/2012 |
| 2 nd Quarter 2012 (4/1/2012 – 6/30/2012) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 7/28/2012 | 8/3/2012 |
| 7/1/2012 – 7/31/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 8/28/2012 | 10/31/2012 |

EXHIBIT A

| TWENTYMILE COAL COMPANY LATE DISCHARGE MONITORING REPORTS Reporting Periods 2009 - 2013 | | | |
|--|---|---------------------|-------------------------|
| DISCHARGE MONITORING REPORTING PERIOD | OUTFALL NUMBER(S) | DMR DUE DATE | DMR RECEIPT DATE |
| 8/1/2012 – 8/31/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 9/28/2012 | 10/31/2012 |
| 9/1/2012 – 9/30/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 10/28/2012 | 10/31/2012 |
| 3 rd Quarter 2012 (7/1/2012 – 9/30/2012) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 10/28/2012 | 10/31/2012 |
| 10/1/2012 – 10/31/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 11/28/2012 | 4/15/2013 |
| 11/1/2012 – 11/30/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 12/28/2012 | 4/15/2013 |
| 12/1/2012 – 12/31/2012 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 1/28/2013 | 2/4/2013 |
| 4 th Quarter 2012 (10/1/2012 – 12/31/2012) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 1/28/2013 | 2/4/2013 |
| Reporting Periods for 2013 | | | |
| 1/1/2013 – 1/31/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 2/28/2013 | 3/5/2013 |
| 2/1/2013 – 2/28/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 3/28/2013 | 4/1/2013 |
| 3/1/2013 – 3/31/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 4/28/2013 | 5/7/2013 |
| 1 st Quarter 2013 (1/1/2013 – 3/31/2013) | 002Q, 003Q, 004Q, MON5, 006Q, 007Q, MON7Q, 007W, 008Q | 4/28/2013 | 5/7/2013 |
| 1 st Quarter 2013 (1/1/2013 – 3/31/2013) | 005W | 4/28/2013 | Analysis Not Conducted |
| 4/1/2013 – 4/30/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 5/28/2013 | 5/31/2013 |
| 5/1/2013 – 5/31/2013 | 002A, 004A, 005A, MON5, 007A, MON7, 008A | 6/28/2013 | 7/10/2013 |

EXHIBIT A

| TWENTYMILE COAL COMPANY LATE DISCHARGE MONITORING REPORTS <u>Reporting Periods: 2009 - 2013</u> | | | |
|---|--|--------------|--|
| DISCHARGE MONITORING REPORTING PERIOD | OUTFALL NUMBER(S) | DMR DUE DATE | DMR RECEIPT DATE |
| 5/1/2013 – 5/31/2013 | 003A, 006A | 6/28/2013 | 7/10/2013 Corrected DMR received 9/27/2013 |
| 6/1/2013 – 6/30/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 7/28/2013 | 8/7/2013 |
| 2 nd Quarter 2013 (4/1/2013 – 6/30/2013) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 7/28/2013 | 8/7/2013 |
| 7/1/2013 – 7/31/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 8/28/2013 | 9/3/2013 |
| 8/1/2013 – 8/31/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 9/28/2013 | 10/8/2013 |
| 9/1/2013 – 9/30/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 10/28/2013 | 11/8/2013 |
| 3 rd Quarter 2013 (7/1/2013 – 9/30/2013) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 10/28/2013 | 11/8/2013 |
| 10/1/2013 – 10/31/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 11/28/2013 | 1/31/2014 |
| 11/1/2013 – 11/30/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 12/28/2013 | 1/9/2014 |
| 12/1/2013 – 12/31/2013 | 002A, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A | 1/28/2014 | 2/5/2014 |
| 4 th Quarter 2013 (10/1/2013 – 12/31/2013) | 002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, MON7Q, 007W, 008Q | 1/28/2014 | 2/5/2014 |