

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

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

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

April 7, 2014

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

Certified Mail Number: 7007 0220 0001 0163 1107

RE: Service of Notice of Violation/Cease and Desist Order, Number: IO-140404-1

Dear Sir or Madam:

Twentymile Coal, LLC is hereby served with the enclosed Notice of Violation / Cease and Desist Order (the "NOV/CDO"). The NOV/CDO is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act*, (the "Act"). The Division bases the NOV/CDO upon findings that Twentymile Coal, LLC has violated the Act and/or permit or control regulations promulgated pursuant to the Act and/or a permit, as described in the enclosed NOV/CDO.

Pursuant to §25-8-603, C.R.S., Twentymile Coal, LLC is required, within thirty (30) calendar days of receipt of this NOV/CDO, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

This action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-8-608, C.R.S., to impose a penalty of \$10,000 per day for each day during which such violation occurs.

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this NOV/CDO or the issuance of additional enforcement actions.

Should you or representatives of Twentymile Coal, LLC desire to discuss this matter informally with the Division, or if you have any questions regarding the NOV/CDO, please do not hesitate to contact Christy Pickens of this office by phone at (303) 692-3584 or by electronic mail at christy.pickens@state.co.us.

Sincerely,



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

Enclosure(s)

- cc: Enforcement File
- ec: Natasha Davis, EPA Region VIII
Mike Zopf, Routt County Department of Environmental Health
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Bret Icenogle, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Erin Scott, Permits Section, CDPHE
Tania Watson, Compliance & Enforcement Unit, CDPHE



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
DIVISION OF ADMINISTRATION
WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION / CEASE AND DESIST ORDER

NUMBER: IO-140404-1

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

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602 and §§25-8-605 C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation / Cease and Desist Order:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all time relevant to the violations cited herein Twentymile Coal, LLC ("Twentymile Coal") was a Delaware limited liability company in good standing and registered to conduct business in the state of Colorado.
2. Twentymile Coal is a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
3. Twentymile Coal owns and/or operates the Mines 1 & 2 and Eckman Park Mine (also known as Foidel Creek Mine). Mine 1 includes an active underground coal mine and an active coal preparation plant. Mine 2 and the Eckman Park Mine are post coal mining areas. Mines 1 & 2 and Eckman Park Mine are located in the vicinity of 40° 23' 15" East latitude and 107° 02' 45" North longitude, approximately eighteen (18) miles southwest of Steamboat Springs, Routt County, Colorado (the "Facility").
4. 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.

5. The Permit authorizes Twentymile Coal to discharge treated wastewater from the Facility through Outfalls 002A, 004A, 005A, 006A, and 008A (sedimentation ponds that treat surface runoff and discharge into Foidel Creek) and Outfalls 003A 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 MON3 and MON7, which are database distinctions assigned to Outfalls 003A and 007A, respectively, for monitor and report only effluent parameters required to support a reasonable potential analysis.
6. 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).
7. 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

8. 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).
9. 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.
10. 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”).
11. Division records establish that Twentymile Coal failed to submit DMRs to the Division by the 28th day of the month following the end of reporting periods from 2009 to 2013 as identified in the attached Exhibit A.
12. Twentymile Coal’s failure to submit DMRs to the Division by the 28th day of the month following each reporting period as identified above in paragraph 11 and Exhibit A constitutes violations of Part I.E.1. of the Permit.

NOTICE OF VIOLATION

13. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined Twentymile Coal has violated the following sections of the Permit:

Part I.E.1. of the Permit, which states in part: “Reporting of the data gathered in compliance with Part I.B.1 shall be on a monthly [and/or quarterly] basis. Reporting of all data gathered shall comply with the requirements of Part I.E. (General Requirements). Monitoring results shall be summarized for each calendar month [and/or quarter] and reported on Division approved discharge monitoring report (DMR) forms (EPA form 3320-1). One form shall be mailed to the Water Quality Control Division, as indicated below, so that the DMR is received no later than the 28th day of the following month. The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with requirements of this permit and the instructions on the forms.”

REQUIRED CORRECTIVE ACTION

Based upon the foregoing factual and legal determinations and pursuant to §25-8-602 and §25-8-605, C.R.S., Twentymile Coal is hereby ordered to:

14. Cease and desist from all violations of the Colorado Water Quality Control Act, §§25-8-101 through 25-8-803, C.R.S., its implementing regulations promulgated thereto and the Permit.

Furthermore, the Division hereby orders Twentymile Coal to comply with the following specific terms and conditions of this Order:

15. Within thirty (30) calendar days of receipt of this Order, Twentymile Coal shall review the requirements of the Permit with its staff responsible for ensuring compliance with the terms and conditions of the Permit. The review shall focus on, but not be limited to, 1) the effluent limitations imposed by the Permit, 2) the effluent monitoring requirements of the Permit, 3) the record keeping requirements of the Permit, 4) the reporting requirements of the Permit, including the instruction for proper completion and submittal of DMRs required by the Permit, and 5) the noncompliance notification procedures required by the Permit. Within forty five (45) calendar days of receipt of this Order, Twentymile Coal shall submit a written certification to the Division stating that it has completed the review of the Permit with its responsible staff.
16. Twentymile Coal shall immediately initiate measures to ensure complete DMRs are submitted to the Division pursuant to the terms and conditions of the Permit. Within thirty (30) calendar days of receipt of this Order, Twentymile Coal shall submit a written plan and certification to the Division outlining Twentymile Coal’s actions to ensure that accurate and complete DMRs are submitted to the Division by no later than the 28th day of the month following the end of a monitoring period, with consideration being given to applying for approval for the electronic submission of DMRs through the Network Discharge Monitoring Report System (NetDMR).

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation/Cease and Desist Order, the Twentymile Coal shall submit an original and an electronic copy to the Division at the following address:

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
Email: christy.pickens@state.co.us

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation / Cease and Desist Order, that person shall make the following certification with each submittal:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 you are required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 803, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation / Cease and Desist Order, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S., and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

Pursuant to §25-8-601, C.R.S., you are further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

EFFECT OF ORDER

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.

For further clarification of your rights and obligations under this Notice of Violation / Cease and Desist Order you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 4th day April 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Steven H. Gunderson, Director
WATER QUALITY CONTROL DIVISION

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
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, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A	4/28/2009	5/4/2009
1 st Quarter 2009 (1/1/2009 – 3/31/2009)	002Q, 003Q, 004Q, 005W, 007Q, 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, 003A, 004A, MON5, 006A, 007A, MON7, 008A	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
2 nd Quarter 2009 (4/1/2009 – 6/30/2009)	002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, 007W, 008Q	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

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DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER(S)	DMR DUE DATE	DMR RECEIPT DATE
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, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A	10/28/2009	11/3/2009
3 rd Quarter 2009 (7/1/2009 – 9/30/2009)	002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, 007W, 008Q	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, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A	1/28/2009	2/2/2010
4 th Quarter 2009 (10/1/2009 – 12/31/2009)	002Q, 003Q, 004Q, 005Q, MON5, 005W, 006Q, 007Q, 007W, 008Q	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, 003A, 004A, 005A, MON5, 006A, 007A, MON7, 008A	4/28/2010	5/5/2010
1 st Quarter 2010 (1/1/2010 – 3/31/2010)	002Q, 003Q, 004Q, 005Q, 005W, 006Q, 007Q, 007W, 008Q	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, 004A, 005A, MON5, 006A, 007A, MON7, 008A	7/28/2010	8/3/2010

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DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER(S)	DMR DUE DATE	DMR RECEIPT DATE
2 nd Quarter 2010 (4/1/2010 – 6/30/2010)	003Q, 004Q, 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
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

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Reporting Periods 2009 - 2013			
DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER(S)	DMR DUE DATE	DMR RECEIPT DATE
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
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

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DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER(S)	DMR DUE DATE	DMR RECEIPT DATE
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
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

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
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
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

EXHIBIT A

TWENTYMILE COAL COMPANY <u>LATE DISCHARGE MONITORING REPORTS</u> <u>Reporting Periods 2009 - 2013</u>			
DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER(S)	DMR DUE DATE	DMR RECEIPT DATE
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

