BROOKS M. SMITH
804.697.1414 telephone
804.697.1339 facsimile
brooks.smith@troutmansanders.com

TROUTMAN SANDERS

TROUTMAN SANDERS LLP
Attorneys at Law
Troutman Sanders Building
1001 Haxall Point
P.O. Box 1122 (23218-1122)
Richmond, Virginia 23219
804.697.1200 telephone
troutmansanders.com

December 10, 2013

Mr. Kevin M. Pierard, Chief
NPDES Programs Branch
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Clean Water Act Section 308 Information Request
American Energy Corporation – Century Mine Bennoc Refuse Disposal Area
Docket No. V-W-14-308-06

Dear Mr. Pierard:

Your letter dated December 5 is helpful in explaining why EPA is seeking information from my client, American Energy Corporation. However, we believe that it is unreasonable for EPA to request information prepared and maintained for purposes entirely outside the scope of the Clean Water Act (in this case, the Surface Mining Control and Reclamation Act). We also believe that it is unreasonable for EPA to request information that from a factual perspective is not germane to EPA's limited oversight role under Section 402(d) of the Clean Water Act.

In keeping with your request and in a good faith effort to resolve our disagreement over the scope and nature of EPA's request, we intend to produce an initial response that contains a map depicting the proposed operation in relation to the SMCRA monitoring locations from which EPA has requested data. We believe that this map will help to show why EPA's request is not reasonably tailored to assist EPA in determining whether Ohio EPA's proposed permit falls within the guidelines and requirements of the Clean Water Act.

Once you have had an opportunity to review this map, we agree with you that it would be useful to have a discussion in which we attempt to resolve any lingering confusion and avoid any unnecessary or unreasonable work on my client's part.

Sincerely,

Brooks M. Smith

cc: Mr. Paul Novak, Ohio EPA