UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 EST AC SON OULEVARD
CHICAGO IL 60604 3590

1 2 12

REF TO THE ATTENTION OF

WN 16J

George Elmaraghy Chief
Surface Water Division
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus Ohio 43216 1049

Re: U.S. Environmental Protection Agency Request for Complete Record Pertaining to Draft NPDES Permit American Energy Corporation Century Mine (Bennoc Refuse Disposal Area) Alledonia Ohio Permit No. OIL00159 AD Application No. O 0144576

Dear Mr. Elmaraghy:

The U.S. Environmental Protection Agency has reviewed the draft National Pollutant Discharge Elimination System Permit (Permit) and supporting documents provided for the AEC Century Mine Bennoc Refuse Disposal that were received by EPA on November 26, 2012. Because of the limited amount of information provided to EPA by the Ohio Environmental Protection Agency (Ohio EPA) to date regarding this permit, EPA is unable to complete our review and determine whether the draft permit meets the guidelines and requirements of the Clean Water Act. To enable us to complete our review, we request the complete record of the permit proceedings relative to Permit No. OIL00159. The complete record should include, but is not limited to, information that the permittee provided to Ohio EPA as required by 40 CFR 122.21(g) (1.7). We also request copies of any public comments that Ohio EPA has received on the draft permit.

I encourage your staff to work with Janet Pellegrini of my staff to transmit the complete permit record and resolve any issues that may exist with the draft permit prior to Ohio EPA proposing a permit for final issuance. Please note that, once Ohio EPA decides that it is ready to finalize the permit, Ohio EPA must transmit the proposed permit to EPA in accordance with Sections V.C. and V.D. of our Memorandum of Agreement (MOA) with Ohio EPA, prior to final issuance of the permit. In accordance with Section V.E. of the MOA, Ohio EPA may not proceed to finally issue the permit until it has either received a letter from EPA indicating that it is not objecting to the permit or the time periods specified in the MOA have passed and Ohio EPA has not received any comment from EPA. Finally, EPA can object to the draft permit (i.e., the permit that Ohio EPA public noticed and sought public comment on) at any time prior to the date that Ohio EPA transmits the proposed permit to EPA for final review in accordance with Section V.C. and V.D. of the MOA.

Recycled Recyclable Printed on Recyclable Oil based Inks on 100% Recycled Paper 50% Postcons

hank you for your cooperation during the review process f you have any uestions related to EPA s review please contact Patrick Kuefler of my staff Mr Kuefler can be reached by telephone at 3 2 3 3 626 or by Email at *kue er patrick epa ov*

Sincerely

Kevin M Pierard Chief
NP ES Program ranch

cc American Energy Corporation
Eric Nygaard hio EPA