UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAY 2 5 2017

Via UPS

Mr. Kevin S. Crutchfield, Chief Executive Officer and Director
Contura Energy, Inc.
340 Martin Luther King Jr. Blvd.
Bristol, Tennessee 37620

Re: Information Requirement Pursuant to Section 308 of the Clean Water Act

Dear Mr. Crutchfield:

Enclosed is an Information Requirement issued to Contura Energy, Inc. ("Contura"). The United States Environmental Protection Agency ("EPA") is authorized under Section 308 of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purposes of the Act. You should read the Information Requirement carefully as it provides instructions and deadlines for certain information to be provided to EPA.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. EPA is authorized to seek the imposition of penalties up to $20,965 for each day of continued noncompliance with the Information Requirement. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

You may assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information required herein when it is received, EPA may make the information available to the public without further notice to you.

This Information Requirement is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

Should you have any questions pertaining to this matter, please contact Mr. Mark Zolandz of my office at (215) 814-2319.

Sincerely,

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division

cc: Randy Casey, VA DMME

Enclosure

In The Matter of:	:	INFORMATION REQUIREMENT
Contura Energy, Inc.	:	Proceeding Under Section 308 of the Clean Water Act, 33 U.S.C. § 1318
Respondent	:	

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III who in turn has delegated it to the Associate Director of the Office of National Pollutant Discharge Elimination System (NPDES) Permits and Enforcement. EPA hereby requires Contura Energy, Inc. (Contura) to provide information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:

   a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;

   b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;

   c. any requirement under Section 308 of the CWA; and,

   d. carrying out Sections 305, 311, 404, and 504 of the CWA.

3. Failure to respond as directed to a CWA Section 308 requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the

assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

4. You may, if you desire, assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. Part 2, Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information required herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. *See* C.F.R. Section 1320.3(c).

III. INSTRUCTIONS

5. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question or subpart to which it corresponds.

6. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.

7. Provide the name, address, telephone number, and occupation of each person providing responses to any questions contained in this Information Requirement, as well as each person consulted in the preparation of the response on behalf of Respondent, to these demands for information.

8. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the questions, and provide a true and correct copy of each document if not provided in response to another specific question.

9. If tabulation is required, provide the required information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file of Microsoft Excel format.

10. To the extent information required herein was previously provided to EPA by the Respondent, there is no need to provide it again, but rather identify the information and the date it was previously provided.

11. If required information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, Respondent must supplement its response to EPA. Moreover, should Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; Respondent must provide EPA with a corrected response as soon as possible.

12. All submissions provided pursuant to this Information Requirement shall be signed and dated by Respondent to include the following certification:

"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."

Signed _____
Title _____
Date _____

13. Submit a copy of your response to the following individual:

Mr. Mark Zolandz
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

IV. DEFINITIONS

14. The terms "document" and "documents" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy which has any writing, notation, or the like on it; c) drafts; (d) attachments to

or enclosures with any document; and (e) every other document referred to or incorporated into each document.

15. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Respondent. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.

16. The term "Facility" refers to all coal mines or related operations, including without limitation all coal refuse facilities, coal preparation facilities or coal storage or transfer facilities owned or operated by Contura Energy, Inc., or any joint venture or affiliated company including Dickenson-Russell Contura, LLC and Paramont Contura, LLC.

17. The term "SMCRA" refers to the Surface Mining Control and Reclamation Act.

V. REQUEST FOR INFORMATION

Within thirty (30) calendar days of receipt of this Information Requirement, and pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, please submit to EPA the following information:

18. In narrative form, provide a description of the business operations of Contura, including any subsidiaries. In your response include:

    a. Date and state of Incorporation. If this is a privately held corporation provide information on the timeframe of state operations;
    b. Years of operation;
    c. An organization chart that includes the list of officers with titles;
    d. The location of headquarters operations and locations for business operations and a list of local offices or any subsidiaries;
    e. The Standard industrial classification code that you operate under;
    f. Number of employees; and
    g. Annual sales and revenue from January 2012 for the present.

19. A list of all Facilities in Virginia, including:

    a. Mine or related operation Name;
    b. Mine or related operation Location;
    c. NPDES Permit Number; and
    d. SMCRA Permit Number.

20. For each Facility identified in response to paragraph 19, provide a table of all hollow fills, whether permitted or unpermitted, with the following information:

a. Permittee name;
b. NPDES permit number;
c. SMCRA permit number;
d. Outfall number and location including Latitude and Longitude (if the outfall has been deleted from the NPDES permit, provide the historic outfall number and indicate that it has been deleted);
e. Receiving stream; and
f. Current operational status of the hollow fill, (e.g., active, inactive, phase of bond release, sediment pond removed and NPDES outfall deleted, etc.).

21. For each hollow fill identified in response to paragraph 20, where the sediment pond has been removed and the outfall deleted from an NPDES permit, provide the following:

a. All documents related to the design and construction of the hollow fill;
b. Any Cumulative Hydrologic Impact Assessments.
c. All water monitoring data, including but not limited to NPDES effluent monitoring data and SMCRA monitoring data, and any samples taken below the toe of the fill, for a period of one year prior to removal of the outfall to present;
d. The permit application to delete the outfall; and
e. The date the outfall was removed.

22. For any hollow fill identified in response to paragraph 20 that is not currently being monitored for water quality, beginning 15 days after receipt of this information requirement and continuing for 6 months, conduct daily monitoring for flow and specific conductivity and weekly monitoring for total dissolved solids at a location directly below the toe of the fill. These results, including GPS coordinates of the sampling locations, should be submitted to EPA on a monthly basis.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: 5/24/17

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Compliance and Enforcement
Water Protection Division