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

July 24,, 2013

Ms. Janice Harvey
Henthorn Environmental Services
517 Sixth Avenue
St. Albans, WV 25177

Re: Freedom of Information Act Request:
EPA-R3-2013-006658

Dear Ms. Harvey :

This is in response to your Freedom of Information Act request listed above, regarding 4065 Buffalo Creek Road Site.

/ / The Office Of Hazardous Site Clean-up Division found no records in response to your request..
/X / The Resource Conservation and Recovery Program, the Toxics Programs Branch, and the Pesticides/Asbestos Programs Branch is enclosing records in response to your request.

PLEASE NOTE: If any Program(s) listed above has been checked, a response from that Program(s) is enclosed along with a billing invoice for the information provided if appropriate.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA Records, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, NW (2822T), Washington, DC 20460, Fax: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the EPA R3 number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions, please contact me at 215-814-5553.

Sincerely,

Richard Van Holt

Richard Van Holt
Freedom of Information Officer

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Customer Service Hotline: 1-800-438-2474

FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: May 31, 2013 - 2:57 PM

Version 5.0

User Selection Criteria

Location:	West Virginia, all activities	**Activity Location:**	None Chosen
Handler ID:	None Chosen	**Group of IDs:**	None Chosen
Handler Name:			
Handler Universe:	All Facilities Regardless of Universe		
Determined Date Range:	From: 10/01/1990 To: 05/31/2013		
Location County Code:	None Chosen	**Evaluation Type:**	
Location City:		**Focus Area:**	
Location Zip Code:	25607	**Violation Type:**	
State District:	None Chosen	**Display Code Descrip.:**	Yes
Sort Order:	Region, State, Handler Name	**Display Universes:**	Yes

Results

Data meeting the criteria you selected follows.

Total Pages:5 Total Handlers:3

Report Description

This report presents available information from the Resource Conservation and Recovery Act Information System (RCRAInfo) about compliance evaluations, violations, and enforcement actions meeting the criteria supplied by the user. Evaluations showing no violations does not always indicate that no violations were determined. Violation without enforcement actions does not always mean no enforcement action will be issued. In order to avoid releasing enforcement sensitive information to the public the following information is not shown on the report: pending civil / judicial referrals, criminal actions and referrals, and State to EPA referrals; all other enforcement actions are released.

Report Information

Name:	cme_foia.rdf
Developed by:	EPA Headquarters, Office of Enforcement and Compliance Assurance
Deployed:	June 2006
Last Updated:	May 2012
Contact:	rcrainfo.help@epa.gov
Tables Used:	cmecomp3, ccitation3, hreport_univ5, lu_citation, lu_state, hid_groups
Libraries:	none

FOIA Report of Non-Sensitive Compliance Monitoring and Enforcement Data

Report run on: May 31, 2013 - 2:57 PM

APOGEE COAL CO LLC County Name / Code: LOGAN / WV045 **WVD988798195**

Location: BUFFALO CREEK; AMHERSTDALE, WV 25607 **REGION 03**

Mailing: HC 61 PO BOX 156; YOLYN, WV 25654

Activity Location: WV | State District: | Accessibility: | Non-Notifier: | Extract Flag: Y | Active Site: Y

Generator: SQG | Transporter: N | Operating TSDF: ----- | IC In Place: N | EI Indicator (HE / GW) N / N
Short-Term Gen: N | Transfer Facility: N | Offsite Receiver: N | HSM: N | Subpart K: ----
Full Enforcement: ----- | Converter: ----- | State Unaddressed SNC: N | EPA Unaddressed SNC: N
CA Wrkld: N | State TSDF: ----- | State Addressed SNC: N | EPA Addressed SNC: N
Active State Gen: N | State SNC w/Comp Sched: N | EPA SNC w/Comp Sched: N

Evaluations With No Violations:

CEI Evaluation 08/12/2010 Activity Location: WV By: State Identifier: 001 Person: WVPEA Branch: EE-HW Found Violation: NO
Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO Not Subtitle C: NO Day Zero: 08/12/2010 Focus Area:

BRAGG'S ENTERPRISES County Name / Code: LOGAN / WV045 **WVR000527762**

Location: 371 PROCTOR BOTTOM ROAD; AMHERSTDALE, WV 25607 **REGION 03**

Mailing: PO BOX 245; AMHERSTDALE, WV 25607

Activity Location: WV | State District: | Accessibility: | Non-Notifier: E | Extract Flag: Y | Active Site: Y

Generator: N | Transporter: N | Operating TSDF: ----- | IC In Place: N | EI Indicator (HE / GW) N / N
Short-Term Gen: N | Transfer Facility: N | Offsite Receiver: N | HSM: N | Subpart K: ----
Full Enforcement: ----- | Converter: ----- | State Unaddressed SNC: N | EPA Unaddressed SNC: N
CA Wrkld: N | State TSDF: ----Y- | State Addressed SNC: N | EPA Addressed SNC: N
Active State Gen: Y | State SNC w/Comp Sched: N | EPA SNC w/Comp Sched: N

Evaluations With No Violations:

CEI Evaluation 10/04/2012 Activity Location: WV By: State Identifier: 001 Person: WVTPV Branch: EE-HW Found Violation: NO
Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO Not Subtitle C: NO Day Zero: 10/04/2012 Focus Area:

GUYAN TRANSFER & SANITATION SERVICE County Name / Code: LOGAN / WV045 **WVD988791653**

Location: 101 MAIN ST; AMHERSTDALE, WV 25607 **REGION 03**

Mailing: PO BOX 89; AMHERSTDALE, WV 25607

Activity Location: WV | State District: | Accessibility: | Non-Notifier: | Extract Flag: Y | Active Site: N

Generator: N | Transporter: N | Operating TSDF: ----- | IC In Place: N | EI Indicator (HE / GW) N / N
Short-Term Gen: N | Transfer Facility: N | Offsite Receiver: N | HSM: N | Subpart K: ----
Full Enforcement: ----- | Converter: ----- | State Unaddressed SNC: N | EPA Unaddressed SNC: N
CA Wrkld: N | State TSDF: ----- | State Addressed SNC: N | EPA Addressed SNC: N
Active State Gen: N | State SNC w/Comp Sched: N | EPA SNC w/Comp Sched: N

Evaluations With No Violations:

CEI Evaluation 05/10/2012 Activity Location: WV By: State Identifier: 001 Person: WVCMG Branch: EE-HW Found Violation: NO
Citizen Complaint: NO Multimedia Inspection: NO Sampling: NO Not Subtitle C: NO Day Zero: 05/10/2012 Focus Area:

* Note: Penalty amount may not reflect all violations cited.

Total Number of Handlers:	**3**
Total Number of Activity Locations:	**1**

* End of Report *

* Note: Penalty amount may not reflect all violations cited.

Description of codes used on the report:

Universes	Description of Universes
Generator	Indicates that the facility is a Large Quantity Generator (LQG), Small Quantity Generator (SQG), Conditionally Exempt Small Quantity Generator (CEG), or not a generator (N).
Transporter	Indicates that the facility Transports waste subject to RCRA regulations. ('Y' indicates that the facility is in this universe).
Operating TSDF	Indicates that the facility is a Treatment, Storage or Disposal facility subject to any type of enforcement. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
IC in Place	Indicates that the facility has Institutional Controls in place. ('Y' indicates that the facility is in this universe).
EI Indicator (HE / GW)	Indicates that the facility has controls in place for Environmental Indicators. HE - Human Exposures ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist) GW - Groundwater Release ('+' indicates the exposure exists and is under control; '-' indicates the exposure exists and is not under control; 'N' indicates the exposure does not exist)
Short-Term Gen	Indicates that the facility is a short term or one time event generator and not generating from ongoing processes.
Transfer Facility	Indicates that the facility transfers hazardous waste.
Offsite Receiver	Indicates that the facility, whether public or private, currently accepts hazardous waste from another site (site identified by a different EPA ID).
HSM	Indicates that the facility manages hazardous secondary material(s) (e.g. spent material, by-product or sludge) that when discarded, would be identified as hazardous waste.
Subpart K	Indicates that the facility has opted into the subpart K laboratory rule. It then specifies the type of facility (C - College or University; H - Teaching Hospital; N - Non-profit Research Institute; W - withdrawal from the rule)
Full Enforcement	Indicates that the facility is a Treatment, Storage or Disposal facility which is part of the Full Enforcement universe. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
CA Workload	Indicates that the facility is part of the Corrective Action Workload universe. ('Y' indicates that the facility is in this universe).
Active State Gen	Indicates that the facility is an Active State Generator. ('Y' indicates that the facility is in this universe).
Converter	Indicates that the facility is a Converter Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State TSDF	Indicates that the facility is a State Treatment, Storage or Disposal facility. It then specifies the type of facility (L - Land Disposal; I - Incinerator; B - BIF; S - Storage; T - Treatment)
State Unaddressed SNC	Indicates that the facility is a State Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
State Addressed SNC	Indicates that the facility is a State Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
State SNC w/ Compl. Sched	Indicates that the facility is a State Significant Non-Complier with a Compliance Schedule. ('Y' indicates that the facility is in this universe).
EPA Unaddressed SNC	Indicates that the facility is an EPA Unaddressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA Addressed SNC	Indicates that the facility is an EPA Addressed Significant Non-Complier. ('Y' indicates that the facility is in this universe).
EPA SNC w/ Compl. Sched	Indicates that the facility is a EPA Significant Non-Complier with a Compliance Schedule. ('Y' indicates that the facility is in this universe).

* Note: Penalty amount may not reflect all violations cited.

Description of codes used on the report:

ACCESSIBILITY - indicates the reason why the handler is not accessible for normal RCRA tracking and processing (previously called Bankrupt Indicator):

Code	Description
B	indicates that the handler has filed for bankruptcy and bankruptcy litigation is in process.
C	indicates that all RCRA responsibilities for permitting/closure, corrective action, and compliance monitoring and enforcement at the facility have been formally transferred to the CERCLA program or state equivalent.
F	indicates that all responsible parties (owners/operators) for the handler have fled the country or are otherwise not available for prosecution.
L	indicates that the handler's case is tied up in litigation to the extent that further progress in achieving RCRA compliance through normal enforcement is not possible.

NON-NOTIFIER - indicates that the handler has been identified through a source other than Notification and is suspected of conducting RCRA-regulated activities without proper authority:

Code	Description
E	indicates that the handler was initially a non-notifier, subsequently determined to be exempt from requirements to notify.
O	indicates that the handler is a former non-notifier.
X	indicates that the handler is a non-notifier.

Evaluation Type	Type Description
CEI	COMPLIANCE EVALUATION INSPECTION ON-SITE

* Note: Penalty amount may not reflect all violations cited.