This document has been
Rescinded and is located
in our Archive files.

For Active files, visit
http://www.osmre.gov/directiv.htm

U· S· DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM

Subject Number: AML 15-1
Transmittal Number: 623
Date: [illegible] 1993

Subject: Abandoned Mine Land (AML) Fee/Citations

Approval: [signature] Title: Director

1. PURPOSE. The purpose of this amendment is to make changes to the policy and procedures for identification, issuance, and assessment of citations, under Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), for failure to file for or pay Abandoned Mine Land (AML) reclamation fees.

2. SUMMARY OF CHANGES.

a. Change the responsibility for issuance of the citations from the Division of Compliance Management to the Field Office Directors.

b. Add procedures for the issuance of Ten-Day Notices (TDN).

c. Remove specific language providing assessment procedures. These instructions are carried in the Civil Penalty Assessment Manual.

3. DEFINITIONS.

a. Abandoned Mine Land (AML) fees: The fee that each operator is required to pay on each ton of coal produced for sale, transfer, or use, including the products of in situ mining.

b. OSM-1 Form: The Coal Production and Reclamation Fee Report Form used to report to the Office of Surface Mining Reclamation and Enforcement (OSM) tonnage of coal sold, used, or transferred during the applicable calendar quarter.

c. Calendar Quarter: A three-month period within a calendar year. The first calendar quarter begins on January 1 of the calendar year and ends on the last day of March. The second calendar quarter begins on the first day of April and ends on the last day of June. The third calendar quarter begins on the first day of July and ends on the last day of September. The fourth calendar quarter begins on the first day of October and ends on the last day of December.

d. Non-respondency: All operators with any coal production and all operators who receive an OSM-1 form, including those with zero production, must submit a completed OSM-1 form within 30 days after the end of the applicable calendar quarter. The act of not completing and returning this form is known as "non-respondency," and the operator is termed "non-respondent."

CHANGE NOTICE

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

NOTICE OF VIOLATION

Permanent Regulatory Procedures

1. Notice of Violation Number — — —
TV

2. Name ☐ Permittee ☐ No Permit

3. Mailing Address

4. Name of Mine ☐ Surface ☐ Other *(Specify)* ☐ Underground

5. Telephone Number | 6. County | State

7. Operator's Name *(If other than permittee)*

8. Mailing Address

Originating Office Address

Telephone Number

9. Date of Inspection

10. Time of Inspection From ____ a.m. p.m. To ____ a.m. p.m.

11. State Permit Number	12. NPDES Number	13. MSHA ID Number	14. OSM Mine Number

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violation(s) within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE ☐ DOES NOT ☐ DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you ☐ are ☐ are not entitled to an informal public hearing on request, within 30 days after service of this notice (30 CFR 843.15).

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for correction may be extended by an authorized representative for good cause. If you need additional time to correct the violation(s), please contact the field office named above.

IMPORTANT—Please Read Information on the Back of this Page

15. Print Name of Person Served	18. Date of Service	
16. Print Title of Person Served	19. Print Name of Authorized Representative	
17. Signature of Person Served	20. Signature of Authorized Representative	ID Number

Copy Distribution: White-District Office File, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-161 (3/81)

IMPORTANT—PLEASE READ CAREFULLY
Permanent Regulatory Procedures

1. *Formal Review and Temporary Relief.* You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203
(703) 557-9200

If you apply for a formal review, you may request temporary relief from complying with this Notice. Your request must be filed with the Hearings Division at the above address prior to a decision in the formal review. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. *Informal Public Hearing.* A Notice of Violation which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the reverse of this page, the authorized representative has made a finding as to whether or not this Notice of Violation requires cessation of mining. If you are entitled to an informal review please notify the OSM office indicated on the reverse of this page.

No hearing will be held where the violation in question has been abated, or the hearing has been waived. Your right to an informal review will be deemed waived unless you request an informal review within 30 days after service of this Notice.

OSM may conduct the hearing later than the 30 day period with the consent of the person to whom this Notice was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Notice.

3. *Penalties.* You may submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 845 in determining the civil penalty for the violations cited in this Notice. Your request must be submitted to the Director within 10 days of service of the Notice and must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that a waiver will further abatement of violations of the Act. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to $5,000 may be assessed for each day during which that violation continues.

Pursuant to 30 CFR 845.13(b) the amount of the penalty may be reduced significantly if you abate the violations in the shortest possible time using extraordinary measures. If you believe you have abated one or more of the violations in the shortest possible time using extraordinary measures, contact the inspector that issued this Notice and ask for an abatement inspection.

If you fail to correct any of the violations within the time set for abatement (unless extended by the inspector) or for meeting any interim step a failure to abate cessation order will be issued by the inspector. This order will require you to cease surface coal mining operations or the portion relevant to the violations and you must be assessed a penalty of at least $750 per day each day that the violation continues up to a maximum of thirty days.

4. *Effect on Permit.* In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or permit conditions exists, and that the violations were caused by unwarranted failure of the permittee or were willful violations, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4, Title 30 Code of Federal Regulations Chapter VII, and Title V of the Act, or CONTACT the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

NOV Number — — —

Violation Number _____ of _____

NOTICE OF VIOLATION *(CONTINUATION)*

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

The Office of Surface Mining records indicate that your company is delinquent in the payment of reclamation fees. The records indicate that your company currently owes fees of (insert amount of fees) in addition to interest, penalties, and administrative costs for a Total of (insert total amount due), as of (insert Date).

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

Sections 402 (a) and (b) of Public Law 95-87, Surface Mining Control and Reclamation Act of 1977

PORTION OF THE OPERATION TO WHICH NOTICE APPLIES

Entire coal production operation with MSHA ID: _____.

CORRECTIVE ACTION REQUIRED *(Including Interim Steps, if Any)*

In order to correct this violation, you must satisfactorily resolve the debt shown above. Mail your payment to: Office of Surface Mining, P.O. Box (insert proper lockbox address), Pittsburgh, PA 15251.

ANY QUESTIONS REGARDING THIS VIOLATION SHOULD BE DIRECTED TO THE AML COLLECTION BRANCH AT (202) 343-3603.

TIME FOR ABATEMENT *(Including Time for Interim Steps, if Any)*

Resolution of this debt must be made no later than thirty (30) days from the date of service of this notice. Failure to pay your fees will subject your company to appropriate enforcement action by the Office of Surface Mining Reclamation and Enforcement. Such enforcement action could require cessation of your mining operation(s) until all fees are paid in full.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

CESSATION ORDER

1. Cessation Order Number — — —
TV

2. Name ☐ Permittee ☐ No Permit

Originating Office Address

3. Mailing Address

4. Name of Mine ☐ Surface ☐ Underground ☐ Other *(Specify)* 7

5. Telephone Number | 6. County | State

Telephone Number

7. Operator's Name *(If other than permittee)*

9. Date of Inspection

8. Mailing Address

10. Time of Inspection From ____ a.m. p.m. To ____ a.m. p.m.

11. State Permit Number	12. NPDES Number	13. MSHA ID Number	14. OSM Mine Number

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found that a Cessation Order must be issued for each violation(s) of the Act, the regulations, or required permit conditions listed in the attachment(s). This Order constitutes a separate Cessation Order for each condition, practice, or violation listed.

In accordance with Section 521(a) of the Surface Mining Control and Reclamation Act of 1977, YOU ARE ORDERED TO CEASE IMMEDIATELY the operations described in the attachment(s) and to perform the corrective actions described in the attachment(s) within the designated abatement time. Reclamation operations not directly the subject of this Order shall continue while this Order is in effect.

You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS ORDER ☐ DOES NOT ☐ DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you ☐ are ☐ are not entitled to an informal public hearing on request, within 30 days after service of this Order (30 CFR 722.15).

This Order shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary.

IMPORTANT—Please Read Information on the Back of this Page

15. Print Name of Person Served	18. Date of Service	
16. Print Title of Person Served	19. Print Name of Authorized Representative	
17. Signature of Person Served	20. Signature of Authorized Representative	ID Number

Copy Distribution: White-District Office File, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-157 (12/80)

IMPORTANT — PLEASE READ CAREFULLY

1. *Formal Review and Temporary Relief.* You may apply for review of this Order by submitting an application for review, within 30 days of receipt of this Order by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203
(703) 557-9200

If you apply for a formal review, you may request temporary relief from complying with this Order. Your request must be filed with the Hearings Division at the above address prior to a decision in the hearing. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. *Informal Public Hearing.* A Cessation Order which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the reverse of this page, the authorized representative has made a finding as to whether or not this Cessation Order requires cessation of mining. If you desire an informal public hearing, please notify the OSM office indicated on the reverse of this page.

No hearing will be held where the condition, practice, or violation in question has been abated, or the hearing has been waived. Your right to an informal public hearing will be deemed waived unless you request an informal public hearing within 30 days after service of this Order.

OSM may conduct the hearing later than the 30 day requirement with the consent of the person to whom this Order was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Order.

3. *Penalties.* You may submit information in writing pertaining to the condition(s), practice(s) or violation(s) covered by this Order within 10 days of the date that the Order is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 723 in determining the civil penalty for the violations cited in this Order. Your request must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that a waiver will further abatement of violations of the Act. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Order, a penalty of up to $5,000 may be assessed for each day during which that violation continues.

If this Order is being issued for failure to abate a violation(s) which was the subject of a prior Notice of Violation a minimum penalty of $750 or more must be assessed for each day, during which the violation(s) continues beyond the abatement period set forth in that Notice.

If you willfully and knowingly fail or refuse to comply with this Order, you will be subject to criminal prosecution and will, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than one year or both.

4. *Effect on Permit.* In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or required permit conditions exists, and that the violations were caused by unwarranted failure to comply or were willful, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4, Title 30 Code of Federal Regulations Chapter VII, and Title V of the Act, or CONTACT the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

Cessation Order Number
— — —

Violation Number
_____ of _____

CESSATION ORDER *(CONTINUATION)*

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

The Office of Surface Mining records indicate that your company remains delinquent in the payment of reclamation fees. The records indicate that your company currently owes fees of (Insert amount of fees) in addition to interest, penalties, and administrative costs for a Total of (insert total amount due), as of (Insert Date).

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

Sections 402 (a) and (b) of Public Law 95-87, Surface Mining Control and Reclamation Act of 1977.

Mark "X" in the appropriate box

☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.

☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

☒ The permittee or operator has failed to abate Violation No. ____of____ included in Notice of Violation No. ___-_____-_____-_____ within the time for abatement originally fixed or subsequently extended pursuant to Section 521(a)(3) of the Act.

OPERATIONS TO BE CEASED IMMEDIATELY

Entire coal production operation under MSHA ID: _____

CORRECTIVE ACTION AND TIME FOR ABATEMENT *(If Applicable — Not Required if F.T.A)*

In order to correct this situation and to rectify the cessation order, you must satisfactorily resolve this debt shown above. Mail your payment to: Office of Surface Mining, P.O. Box (Insert proper lockbox address), Pittsburgh, PA 15251.

ANY QUESTIONS REGARDING THIS VIOLATION SHOULD BE DIRECTED TO THE AML COLLECTION BRANCH AT (202) 343-3603.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

MODIFICATION OF NOTICE OF VIOLATION OR CESSATION ORDER

1. Name ☐ Permittee ☐ No Permit	Originating Office Address
2. Mailing Address	
3. Name of Mine ☐ Surface ☐ Underground ☐ Other (Specify) _____	
4. Telephone Number / 5. County / State	Telephone Number
6. Operator's Name	8. Date of Inspection
7. Mailing Address	9. Time of Inspection From _____ a.m. p.m. To _____ a.m. p.m.
10. State Permit Number / 11. NPDES Number / 12. MSHA ID Number	13. OSM Mine Number

ACTIONS TAKEN

Authority: Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201) the following action is taken:

14. Notice of Violation Number	Dated	15. Cessation Order Number	Dated
— — —		— — —	

16. VIOLATION _____ OF _____ IS MODIFIED: *(Describe Action and Justify)*

To extend the abatement time to (Insert date when debt will be paid in full according to installment agreement or date of default of installment agreement.)

17. VIOLATION _____ OF _____ IS MODIFIED: *(Describe Action and Justify)*

18. VIOLATION _____ OF _____ IS MODIFIED: *(Describe Action and Justify)*

19. Print Name of Authorized Representative	Identification Number
20. Signature of Authorized Representative	Effective Date

Copy Distribution: White-District Files, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-158 (12/80)

U. S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamtion and Enforcement

VACATION OR TERMINATION OF NOTICE OF VIOLATION OR CESSATION ORDER

1. NAME ☐ Permittee ☐ No Permit	Originating Office Address
2. Mailing Address	
3. Name of Mine ☐ Surface ☐ Other (specify) ☐ Underground	
4. Telephone Number / 5. County / State	Telephone Number
6. Operator's Name	8. Date of Inspection
7. Mailing Address	9. Time of Inspection From ___ a.m. p.m. To ___ a.m. p.m.

10. State Permit Number	11. NPDES Number	12. MSHA ID Number	13. OSM Mine Number

ACTIONS TAKEN

Authority: Under the authority of the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87; 30 U.S.C. 1201) the following action is taken:

14. Notice of Violation Number	Dated	15. Cessation Order Number	Dated
— — —		— — —	

16. Violation(s) _____ of _____ are ( ) Terminated ( ) Vacated for the following reasons:

AML Reclamation Fees have been paid in full.
An installment agreement for the payment of delinquent reclamation fees has been arranged.
The above named company was inadvertently issued an NOV for delinquent reclamation fees, that were not owed, or were owed by someone else.

17. Good faith recommendation:

( ) None - normal compliance.
( ) Miminal (1-3 points) ( ) Moderate (4-6 points) ( ) Significant (7-10 points).

Good faith award (1-10 points) _____.

Description of extraordinary measures taken: (e.g., began immediately, persistent efforts, reallocation of resources from mining, securing additional manpower or equipment, working overtime).

18. Print Name of Authorized Representative	Identification Number
19. Signature of Authorized Representative	Effective Date

Copy Distribution: White-District Files, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-159 (5/88)

EXHIBIT 2
FAILURE TO FILE REPORTS

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Originating Office:

Number: X - ____ - ____ - ____ - ____ TV ____

Telephone Number:

Ten-Day Notice to the State of ____

You are notified that, as a result of failure to file OSM-1 Form (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ____ County:
(Or Operator if No Permit)

Mailing Address: ____

Permit Number: ____ Mine Name: ____

☐ Surface
☐ Underground
☐ Other ____

NATURE OF VIOLATION AND LOCATION: ____

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: Above named company has not filed the required OSM-1 Coal Production and Reclamation Fee Report and, therefore, is in violation of Section 402 (c) of Public Law 95-87, Surface mining Control and Reclamation Act of 1977.

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: ____

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations: Issue notice of noncompliance which requires the company to file the appropriate OSM-1 and pay any associated reclamation fees within 10 days. Failure to meet remedial measures will result in cessation of coal removal operations on all permits held by the company.

Date of Notice: ____

Signature of Authorized Rep.: ____

Print Name and ID: ____

Distribution: Original-State's Copy, Blue-Field Office, Yellow-Inspector's Copy

IE-160 (3/81)

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

NOTICE OF VIOLATION

Permanent Regulatory Procedures

1. Notice of Violation Number — — — TV

2. Name ☐ Permittee ☐ No Permit

3. Mailing Address

4. Name of Mine ☐ Surface ☐ Other *(Specify)* ☐ Underground

5. Telephone Number | 6. County | State

7. Operator's Name *(If other than permittee)*

8. Mailing Address

Originating Office Address

Telephone Number

9. Date of Inspection

10. Time of Inspection From ____ a.m. p.m. To ____ a.m. p.m.

11. State Permit Number	12. NPDES Number	13. MSHA ID Number	14. OSM Mine Number

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violation(s) within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE ☐ DOES NOT ☐ DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you ☐ are ☐ are not entitled to an informal public hearing on request, within 30 days after service of this notice (30 CFR 843.15).

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for correction may be extended by an authorized representative for good cause. If you need additional time to correct the violation(s), please contact the field office named above.

IMPORTANT—Please Read Information on the Back of this Page

15. Print Name of Person Served	18. Date of Service	
16. Print Title of Person Served	19. Print Name of Authorized Representative	
17. Signature of Person Served	20. Signature of Authorized Representative	ID Number

Copy Distribution: White-District Office File, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-161 (3/81)

IMPORTANT—PLEASE READ CAREFULLY
Permanent Regulatory Procedures

1. *Formal Review and Temporary Relief.* You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203
(703) 557-9200

If you apply for a formal review, you may request temporary relief from complying with this Notice. Your request must be filed with the Hearings Division at the above address prior to a decision in the formal review. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. *Informal Public Hearing.* A Notice of Violation which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the reverse of this page, the authorized representative has made a finding as to whether or not this Notice of Violation requires cessation of mining. If you are entitled to an informal review please notify the OSM office indicated on the reverse of this page.

No hearing will be held where the violation in question has been abated, or the hearing has been waived. Your right to an informal review will be deemed waived unless you request an informal review within 30 days after service of this Notice.

OSM may conduct the hearing later than the 30 day period with the consent of the person to whom this Notice was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Notice.

3. *Penalties.* You may submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 845 in determining the civil penalty for the violations cited in this Notice. Your request must be submitted to the Director within 10 days of service of the Notice and must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that a waiver will further abatement of violations of the Act. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to $5,000 may be assessed for each day during which that violation continues.

Pursuant to 30 CFR 845.13(b) the amount of the penalty may be reduced significantly if you abate the violations in the shortest possible time using extraordinary measures. If you believe you have abated one or more of the violations in the shortest possible time using extraordinary measures, contact the inspector that issued this Notice and ask for an abatement inspection.

If you fail to correct any of the violations within the time set for abatement (unless extended by the inspector) or for meeting any interim step a failure to abate cessation order will be issued by the inspector. This order will require you to cease surface coal mining operations or the portion relevant to the violations and you must be assessed a penalty of at least $750 per day each day that the violation continues up to a maximum of thirty days.

4. *Effect on Permit.* In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or permit conditions exists, and that the violations were caused by unwarranted failure of the permittee or were willful violations, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4, Title 30 Code of Federal Regulations Chapter VII, and Title V of the Act, or CONTACT the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

NOV Number — — —

Violation Number _____ of _____

NOTICE OF VIOLATION *(CONTINUATION)*

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

The Office of Surface Mining records indicate that your company has failed to file a Coal Production and Reclamation Fee Report Form(s) (OSM-1) for Quarters ending .

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

Sections 402 (c) of Public Law 95-87, Surface Mining Control and Reclamation Act of 1977.

PORTION OF THE OPERATION TO WHICH NOTICE APPLIES

Entire coal production operation under MSHA ID:

CORRECTIVE ACTION REQUIRED *(Including Interim Steps, if Any)*

In order to correct this violation, you must complete the OSM-1 form(s) and pay any associated reclamation fees. Mail the form(s) and payment to: Office of Surface Mining, P.O. Box 360095M, Pittsburgh, PA 15251.

ANY QUESTIONS REGARDING THIS VIOLATION SHOULD BE DIRECTED TO THE AML COLLECTION BRANCH AT (202) 343-3603.

TIME FOR ABATEMENT *(Including Time for Interim Steps, if Any)*

Filing of the OSM-1 form(s), and payment of any associated reclamation fees, must be made no later than thirty (30) days from the date of service of this notice. Failure to file the OSM-1 form, and pay any associated fees, will subject your company to appropriate enforcement action by the Office of Surface Mining. Such enforcement action could require cessation of your mining operation(s) until the OSM-1 is filed.

Copy Distribution: White-District Office File, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-156A (12/80)

e. Mine ID Number: The identification number carried in the AML system to identify the mine and the associated AML fees paid or due. It is comprised of the first seven digits of the Mine Safety and Health Administration (MSHA) identification number plus a sequence code to determine the number of owner transfers (01, 02, 03, etc.) and an "S" or "U" to indicate "surface" or "underground" mining, respectively. Example: 15-12345-01-S.

f. Notice of Violation (NOV): An NOV is an enforcement action used to cite violations that do not create an imminent danger to the health or safety of the public or cannot be reasonably expected to cause significant imminent environmental harm to land, air, or water resources. NOVs set forth the regulatory requirement or provision violated and specify the remedial measures necessary to correct the problems and the time allowed for such correction (abatement).

g. Failure to Abate Cessation Order (FTACO): The FTACO is the document used to inform an operator or permittee that he/she has not complied with a previously issued citation within the prescribed time given for abatement. FTACOs carry a mandatory $750/day civil penalty not to exceed 30 days and usually require cessation of mining operations in total or part.

h. Notice of Proposed Assessment (NOPA): NOPA is the notice prepared by the assessor and sent to the mine operator or permittee informing him or her of a proposed penalty assessment.

i. Ten-Day Notice (TDN): Form IE-160 (3/81) or an equivalent approved by the Assistant Director for Field Operations used in accordance with 30 CFR 842.11 and 843.12(a) (2) to notify a State regulatory authority that an authorized representative of the Secretary has reason to believe that a person is in violation of any requirement of the State program or any permit condition imposed under that program.

4. POLICY/RESPONSIBILITIES.

a. Policy. It is the mission of the OSM to formulate and execute policies that promote compliance with SMCRA. The following are requirements of SMCRA: (1) payment of reclamation fees; (2) filing of a Coal Production and Reclamation Fee Report Form (OSM-1); (3) making available for inspection and copying by OSM fee compliance officers, when OSM is actively conducting an audit, any book or record necessary to substantiate the accuracy of reclamation fee reports and payments. OSM will issue citations, in accordance with the following procedures, to any operator who fails to comply with any of the three requirements listed above, subject to the specific criteria in 5. b.

Prior to issuance of any citation in a State which has an approved regulatory program (primacy State), it is OSM policy to ensure that the State has been given and has waived an opportunity to address the types of AML violations described above in general. Without such a waiver, OSM may not issue any citation until they have issued a ten-day notice (TDN) to the State and the State has not taken any action or shown good cause for not doing so.

b. Responsibilities.

(1) Division of Debt Management (DDM), AML Collection Branch. The AML Collection Branch is responsible for the identification of all companies/operators for which a citation is to be issued for failure to file reports or pay AML fees. This Branch is responsible for compiling the list of the non-compliant companies and forwarding the list to the appropriate Field Office Director. Additionally, the Branch must determine whether subsequent filing or AML fee payment has occurred and keep the Field Office personnel informed regarding abatement of the citation. The Branch must also prepare affadavits regarding the validity of the citation for use in court hearings and supply any information requested by the Field Office Director for use in conducting public hearings resulting from an NOV/FTACO.

(2) Division of Compliance Management (DCM), Regional Audit Managers. DCM is responsible for identifying companies that are to be issued citations for failure to provide fee compliance officers access to books and records during an audit. The Division is responsible for preparing a list of such companies and providing that list to the appropriate Field Office Director for issuance of the NOV. Additionally, this Division must determine abatement regarding these citations.

(3) Field Office Directors. The Field Office Directors are responsible for issuing the citations for failure to file reports or pay AML fees for all companies/operators identified on the lists provided by DDM, AML Collections, or DCM. Before issuance of the citations in primacy States, the Field Office Directors must either issue a ten-day notice to the State or ensure that the State has provided OSM with a waiver of the ten-day notice requirement for AML violations. Ten-day notices are to be issued in accordance with INE-35, March 29, 1989. Field Office personnel must provide copies of all issued citations to the AML Collection Branch (DDM) or the Division of Compliance Management, depending upon the origin of the list, for file purposes. They also must provide a copy of the NOV and FTACO to the appropriate Assessment office for Collection Management Information System (CMIS) coding and assessment action.

Field Office inspection personnel are responsible for mine inspections and/or insuring that the identified coal mine(s) has ceased operations as the result of an FTACO.

(4) Assessment Personnel (under the jurisdiction of the Knoxville Field Office and the Assistant Director for Western Field Operations in Denver). Assessment personnel are responsible for assessing civil penalties for citations issued by the Field Office personnel for failure to file reports, pay AML fees or provide access to records and/or books during an audit. The Assessment Offices are responsible for performing all functions associated with assessing, serving, and tracking the AML civil penalty as described in the Civil Penalty Assessment Manual for Title V citations and in these Procedures. The citations will be carried on CMIS with a unique identifier to indicate an AML citation. The Assessment personnel are responsible for all CMIS coding for these citations and instructions are provided in the CMIS Coding Manual.

5. PROCEDURES.

a. General. Payment of AML fees to the U.S. Department of the Interior, OSM, is a requirement of SMCRA as stated in 30 CFR 870.12(a). In addition, as set forth in 30 CFR 870.15(b), operators are required to file an OSM-1 report in order to reflect accurately their AML fee liability. The 30 CFR 870.16(c) requires any person engaging in or conducting a surface coal mining operation to make available for inspection and copying by OSM fee compliance officers any book or record necessary to substantiate the accuracy of reclamation fee reports and payments. Therefore, non-payment of all or any portion of AML fees, non-filing of an OSM-1 form (known as "non-respondency"), or not providing access to the appropriate books and/or records to fee compliance officers constitutes a violation of SMCRA and may subject the operator to a Notice of Violation (NOV) and Failure to Abate Cessation Order (FTACO) (30 CFR 843.12(a), 843.11(b)). These procedures establish the process for identifying, issuing, assessing, and tracking NOVs and FTACOs for non-payment or non-respondency with regard to AML fees.

b. Criteria. There are certain criteria that have been identified for all AML cases that may be referred for enforcement action. They are as follows:

(1) The company must be actively mining or still be in business with evidence of assets, as determined by the AML Collection Branch (DDM).

(2) The company must be at least 90 days delinquent in payment of AML fees or non-respondent at least 90 days beyond the end of the applicable calendar quarter.

(3) The company must owe at least $5,000 in delinquent AML fees. Companies with smaller total debts may also be cited for just cause if recommended by the Field Offices, DCM, or the Solicitor's Office and approved by the Chief, Division of Debt Management.

Non-respondent companies, for which a debt amount is not yet established, may be cited if it is reasonable to estimate a debt of approximately $5,000.

c. Compilation of List. The AML Collection Branch (DDM) will formulate a list of companies for which enforcement action will be taken. Other organizations within OSM and DOI, such as the Solicitor's Office or Field Offices, may wish to recommend an operator for an NOV. Such recommendations must be made to the AML Collection Branch (DDM) for inclusion on the list before any citation can be issued.

(1) The list will contain the following information:

(a) Company Name

(b) Permit Number

(c) Mine ID Number(s)

(d) Applicable Calendar Quarters or Audit Bill Number

(e) Amount(s) Due

(f) Operator/Permit Holder/or Otherwise Responsible Party against whom the NOV/FTACO shall be written.

(g) Address for (f) above.

(h) The Type of Violation:

1 Non-Respondency: Operator has failed to file an OSM-1 form.

2 Failure to Pay: Operator has filed an OSM-1 form, or undergone an audit, but failed to pay the full reclamation fees due.

3 Failure to Provide Access to Books and Records: Operator refuses to allow Division of Compliance Management personnel to review books and/or records for audit purposes.

(2) The list will be compiled monthly and forwarded to the appropriate Field Office Director(s) for preparation and issuance of the citations.

d. Issuance of Ten-Day Notice: In cases where a State regulatory authority has not waived its opportunity to initiate action under the approved program with respect to AML violations, Field Offices shall notify the State of alleged AML violations through issuance of a TDN following the procedures in Directive INE-35. See Appendix A for appropriate wording.

e. Issuance of the Citations.

(1) Notice of Violation (NOV): Each company/operator on the list provided by the AML Collection Branch (DDM) shall be issued an NOV. The same procedures must be followed regarding service of documents as for any other violation, as stated in the Civil Penalty Assessment Manual. [See Appendix A for sample NOVs.] Instructions regarding CMIS coding for NOVs are specified in the CMIS Coding Manual. The abatement time for AML violations regarding non-payment or non-respondency is 30 days. Any extension to that time frame must be approved by the AML Collection Branch (DDM). Abatement periods for citations issued for not providing access to books and records to Division of Compliance Management personnel will be established and provided by that Division on a case-by-case basis.

Included on the NOV issued for failure to file or pay AML fees will be a phone number provided by the AML Collection Branch (DDM) for the operators' use to discuss the validity of the violation or to make arrangements for abatement. The phone number to be used is: (202) 343-3603. Should the operator contact the Field Office personnel with questions regarding these violations, the calls should be directed to the AML Collection Branch (DDM). NOVs issued for failure to provide access to books and records will reference the phone number of the applicable auditor within the Division of Compliance Management.

(2) Failure to Abate Cessation Order (FTACO): If an operator is served an NOV for AML non-payment or non-respondency, the AML Collection Branch will notify the Field Office personnel immediately if one of the following occurs:

(a) Full and proper abatement of the violation;

(b) The 30-day abatement period lapses without proper corrective action.

If the operator has failed to abate the violation within the 30-day abatement period, an FTACO will be issued and copies served in accordance with applicable Directives including INE-4, Notice of Potential Liability for an Individual Civil Penalty, and INE-8, Service of Notices of Violation and Cessation Orders. [See Appendix A for sample FTACOs.]

(3) The language for the NOVs and FTACOs is provided in Appendix A. Any deviation from this language must be approved by the Chief, Division of Debt Management. The NOV's and FTACO's will also include the appropriate lockbox address for payment/filing of the AML fees. The address for AML payments is: Office of Surface Mining, P.O. Box 360095M, Pittsburgh, PA 15251. The address for payment of Audit debts is: Office of Surface Mining, P.O. Box 371794M, Pittsburgh, PA 15251. (Audit and AML debt will be differentiated by the AML Collection Branch on the list provided to the Field Offices.)

(4) The Field Office personnel forward a copy of NOVs and FTACOs to either DDM, the AML Collection Branch, or DCM, depending upon the type of violation, and the appropriate Assessment Office -- Knoxville or Denver.

f. Mechanics of Assessment. Assessment Office personnel are responsible for assessment following the procedures as described in the 30 CFR 843 and the Civil Penalty Assessment Manual.

g. Mine Inspection. If the NOV remains unabated and an FTACO is issued, Field Office inspection personnel are then responsible for conducting the appropriate mine inspection and insuring that the identified coal mine(s) has ceased operations. Field offices are responsible for initiating alternative enforcement actions where appropriate in accordance with applicable Directives.

6. REPORTING REQUIREMENTS. No new reporting requirements are established by this directive. All citations issued for AML violations are subject to the same reporting requirements as other citations as described in the Civil Penalty Assessment Manual.

7. REFERENCES.

a. The Surface Mining Control and Reclamation Act of 1977.

b. Title 30, CFR, Mineral Resources, Chapter VII, Part 700 to end.

c. Civil Penalty Assessment Manual, January 6, 1988.

d. OSM Directive INE-18 and change INE-18-1, "Authorized Representatives."

e. OSM Directive INE-4, "Notice of Potential Liability for an Individual Civil Penalty."

f. OSM Directive INE-8, "Service of Notices of Violation and Cessation Orders."

g. OSM Directive INE-35, "Ten-Day Notices."

h. Collection Management Information System (CMIS) Coding Manual.

8. EFFECT ON OTHER DOCUMENTS. Supersedes Directive AML-15, dated Dec. 22, 1988.

9. EFFECTIVE DATE. Upon issuance.

10. CONTACT. Division of Debt Management, AML Collection Branch, (202) 343-3603.

APPENDIX A

EXHIBIT 1
Failure to Pay Reclamation Fee

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement

TEN-DAY NOTICE

Number: X - ____ - ____ - ____ - ____ TV ____

Originating Office:

Telephone Number:

Ten-Day Notice to the State of ____

You are notified that, as a result of failure to pay reclamation fee(s) (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: ____ (Or Operator if No Permit)

County:

☐ Surface

Mailing Address: ____

☐ Underground

Permit Number: ____ Mine Name: ____

☐ Other ____

NATURE OF VIOLATION AND LOCATION: Above named company is delinquent in the payment of reclamation fees, and therefore in violation of Sections 402 (a) and (b) of Public Law 95-87, Surface Mining Control and Reclamation Act of 1977.

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: ____

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: ____

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations: Issue notice of noncompliance which requires the company to satisfactorily resolve the delinquent fees within 10 days. Failure to meet remedial measures will result in cessation of coal removal operations on all permits held by the company.

Date of Notice: ____

Signature of Authorized Rep.: ____

Print Name and ID: ____

Distribution: Original-State's Copy, Blue-Field Office, Yellow-Inspector's Copy

IE-160 (3/81)

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

CESSATION ORDER

1. Cessation Order Number — — —
TV

2. Name ☐ Permittee ☐ No Permit

3. Mailing Address

4. Name of Mine ☐ Surface ☐ Other *(Specify)* ☐ Underground

5. Telephone Number | 6. County | State

7. Operator's Name *(If other than permittee)*

8. Mailing Address

Originating Office Address

Telephone Number

9. Date of Inspection

10. Time of Inspection From ____ a.m. p.m. To ____ a.m. p.m.

11. State Permit Number	12. NPDES Number	13. MSHA ID Number	14. OSM Mine Number

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found that a Cessation Order must be issued for each violation(s) of the Act, the regulations, or required permit conditions listed in the attachment(s). This Order constitutes a separate Cessation Order for each condition, practice, or violation listed.

In accordance with Section 521(a) of the Surface Mining Control and Reclamation Act of 1977, YOU ARE ORDERED TO CEASE IMMEDIATELY the operations described in the attachment(s) and to perform the corrective actions described in the attachment(s) within the designated abatement time. Reclamation operations not directly the subject of this Order shall continue while this Order is in effect.

You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS ORDER ☐ DOES NOT ☐ DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you ☐ are ☐ are not entitled to an informal public hearing on request, within 30 days after service of this Order (30 CFR 722.15).

This Order shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary.

IMPORTANT—Please Read Information on the Back of this Page

15. Print Name of Person Served	18. Date of Service	
16. Print Title of Person Served	19. Print Name of Authorized Representative	
17. Signature of Person Served	20. Signature of Authorized Representative	ID Number

Copy Distribution: White-District Office File, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-157 (12/80)

IMPORTANT — PLEASE READ CAREFULLY

1. *Formal Review and Temporary Relief.* You may apply for review of this Order by submitting an application for review, within 30 days of receipt of this Order by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203
(703) 557-9200

If you apply for a formal review, you may request temporary relief from complying with this Order. Your request must be filed with the Hearings Division at the above address prior to a decision in the hearing. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. *Informal Public Hearing.* A Cessation Order which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the reverse of this page, the authorized representative has made a finding as to whether or not this Cessation Order requires cessation of mining. If you desire an informal public hearing, please notify the OSM office indicated on the reverse of this page.

No hearing will be held where the condition, practice, or violation in question has been abated, or the hearing has been waived. Your right to an informal public hearing will be deemed waived unless you request an informal public hearing within 30 days after service of this Order.

OSM may conduct the hearing later than the 30 day requirement with the consent of the person to whom this Order was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Order.

3. *Penalties.* You may submit information in writing pertaining to the condition(s), practice(s) or violation(s) covered by this Order within 10 days of the date that the Order is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 723 in determining the civil penalty for the violations cited in this Order. Your request must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that a waiver will further abatement of violations of the Act. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Order, a penalty of up to $5,000 may be assessed for each day during which that violation continues.

If this Order is being issued for failure to abate a violation(s) which was the subject of a prior Notice of Violation a minimum penalty of $750 or more must be assessed for each day, during which the violation(s) continues beyond the abatement period set forth in that Notice.

If you willfully and knowingly fail or refuse to comply with this Order, you will be subject to criminal prosecution and will, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than one year or both.

4. *Effect on Permit.* In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or required permit conditions exists, and that the violations were caused by unwarranted failure to comply or were willful, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4, Title 30 Code of Federal Regulations Chapter VII, and Title V of the Act, or CONTACT the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

Cessation Order Number
— — —

Violation Number
_____ of _____

CESSATION ORDER *(CONTINUATION)*

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

The Office of Surface Mining records indicate that your company failed to file the necessary Coal Production and Reclamation Fee Report Form(s) for Quarter(s) ending .

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

Section 402(c) of Public Law 95-87

Mark "X" in the appropriate box

☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.

☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

☒ The permittee or operator has failed to abate Violation No. ___of___ included in Notice of Violation No. ___-___-___-___ within the time for abatement originally fixed or subsequently extended pursuant to Section 521(a)(3) of the Act.

OPERATIONS TO BE CEASED IMMEDIATELY

Entire coal production operation under MSHA ID:

CORRECTIVE ACTION AND TIME FOR ABATEMENT *(If Applicable — Not Required if F.T.A)*

In order to correct this situation and to rectify the cessation order, you must file the appropriate OSM-1 form(s) and pay any associated reclamation fees. Mail the forms and fees to: Office of Surface Mining, P.O. Box 360095M, Pittsburgh, PA 15251.

ANY QUESTIONS REGARDING THIS VIOLATION SHOULD BE DIRECTED TO THE AML COLLECTION BRANCH AT (202) 343-3603.

EXHIBIT 3
FAILURE TO PROVIDE ACCESS TO BOOKS

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE
(Continuation Sheet)

Number X-____-____-____-____TV_____

Originating Office:

Telephone Number:

Ten-Day Notice to the State of _____

NATURE OF VIOLATION AND LOCATION: Above named company has failed to provide OSM Fee Compliance Officers with access to books and/or records necessary to substantiate the accuracy of reclamation fee reports/payments in violation of 30 CFR Sections 870.16 (b) and (c).

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: _____

Section of State Law, Regulation or Permit Condition believed to have been violated:

Remarks or Recommendations: Issue notice of noncompliance which requires the company to provide access to books and/or records within 10 days. Failure to meet remedial measures will result in cessation of coal removal operations on all permits held by the company.

Date of Notice: _____

Signature of Authorized Rep: _____

Print Name and ID: _____

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

NOTICE OF VIOLATION

Permanent Regulatory Procedures

1. Notice of Violation Number — — — TV

2. Name ☐ Permittee ☐ No Permit

3. Mailing Address

Originating Office Address

4. Name of Mine ☐ Surface ☐ Underground ☐ Other *(Specify)* _____

5. Telephone Number | 6. County | State

Telephone Number

7. Operator's Name *(If other than permittee)*

9. Date of Inspection

8. Mailing Address

10. Time of Inspection From _____ a.m. p.m. To _____ a.m. p.m.

11. State Permit Number	12. NPDES Number	13. MSHA ID Number	14. OSM Mine Number

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violation(s) within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS NOTICE ☐ DOES NOT ☐ DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you ☐ are ☐ are not entitled to an informal public hearing on request, within 30 days after service of this notice (30 CFR 843.15).

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary. The time for correction may be extended by an authorized representative for good cause. If you need additional time to correct the violation(s), please contact the field office named above.

IMPORTANT—Please Read Information on the Back of this Page

15. Print Name of Person Served	18. Date of Service	
16. Print Title of Person Served	19. Print Name of Authorized Representative	
17. Signature of Person Served	20. Signature of Authorized Representative	ID Number

Copy Distribution: White-District Office File, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-161 (3/81)

IMPORTANT—PLEASE READ CAREFULLY

Permanent Regulatory Procedures

1. ***Formal Review and Temporary Relief.*** You may apply for review of this Notice by submitting an application for review, within 30 days of receipt of this Notice by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203
(703) 557-9200

If you apply for a formal review, you may request temporary relief from complying with this Notice. Your request must be filed with the Hearings Division at the above address prior to a decision in the formal review. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. *Informal Public Hearing.* A Notice of Violation which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the reverse of this page, the authorized representative has made a finding as to whether or not this Notice of Violation requires cessation of mining. If you are entitled to an informal review please notify the OSM office indicated on the reverse of this page.

No hearing will be held where the violation in question has been abated, or the hearing has been waived. Your right to an informal review will be deemed waived unless you request an informal review within 30 days after service of this Notice.

OSM may conduct the hearing later than the 30 day period with the consent of the person to whom this Notice was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Notice.

3. *Penalties.* You may submit information in writing pertaining to the violation(s) covered by this Notice within 10 days of the date that it is served on you or your agent. This information will be considered in determining the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 845 in determining the civil penalty for the violations cited in this Notice. Your request must be submitted to the Director within 10 days of service of the Notice and must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that a waiver will further abatement of violations of the Act. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Notice, a penalty of up to $5,000 may be assessed for each day during which that violation continues.

Pursuant to 30 CFR 845.13(b) the amount of the penalty may be reduced significantly if you abate the violations in the shortest possible time using extraordinary measures. If you believe you have abated one or more of the violations in the shortest possible time using extraordinary measures, contact the inspector that issued this Notice and ask for an abatement inspection.

If you fail to correct any of the violations within the time set for abatement (unless extended by the inspector) or for meeting any interim step a failure to abate cessation order will be issued by the inspector. This order will require you to cease surface coal mining operations or the portion relevant to the violations and you must be assessed a penalty of at least $750 per day each day that the violation continues up to a maximum of thirty days.

4. *Effect on Permit.* In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or permit conditions exists, and that the violations were caused by unwarranted failure of the permittee or were willful violations, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4, Title 30 Code of Federal Regulations Chapter VII, and Title V of the Act, or CONTACT the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

NOV Number — — —

Violation Number _____ of _____

NOTICE OF VIOLATION *(CONTINUATION)*

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

The Office of Surface Mining records indicate that your company has failed to provide OSM Fee Compliance Officers with access to books and/or records necessary to substantiate the accuracy of reclamation fee reports and payments.

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

Sections 870.16 (b) and (c) of 30 CFR

PORTION OF THE OPERATION TO WHICH NOTICE APPLIES

Entire coal production operation under MSHA ID:

CORRECTIVE ACTION REQUIRED *(Including Interim Steps, if Any)*

In order to correct this violation, you must provide the authorized OSM representative access to necessary books and/or records to substantiate the accuracy of your company's reclamation reports and payments.

ANY QUESTIONS REGARDING THIS VIOLATION SHOULD BE DIRECTED TO (Auditor Name/ Local Office and Phone number)

TIME FOR ABATEMENT *(Including Time for Interim Steps, if Any)*

Access to records and/or books must be provided no later than (insert reasonable time period) from the date of service of this notice. Failure to provide access to the records and/or books will subject your company to appropriate enforcement action by the Office of Surface Mining Reclamation and Enforcement. Such enforcement action could require cessation of your mining operation(s) until access is provided.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

CESSATION ORDER

1. Cessation Order Number — — —
TV

2. Name ☐ Permittee ☐ No Permit

Originating Office Address

3. Mailing Address

4. Name of Mine ☐ Surface ☐ Underground ☐ Other *(Specify)* _____

5. Telephone Number | 6. County | State

Telephone Number

7. Operator's Name *(If other than permittee)*

9. Date of Inspection

8. Mailing Address

10. Time of Inspection From _____ a.m. p.m. To _____ a.m. p.m.

11. State Permit Number	12. NPDES Number	13. MSHA ID Number	14. OSM Mine Number

UNDER THE AUTHORITY OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (P.L. 95-87; 30 U.S.C. 1201), THE UNDERSIGNED AUTHORIZED REPRESENTATIVE OF THE SECRETARY OF THE INTERIOR has conducted an inspection of the above mine on the above date and has found that a Cessation Order must be issued for each violation(s) of the Act, the regulations, or required permit conditions listed in the attachment(s). This Order constitutes a separate Cessation Order for each condition, practice, or violation listed.

In accordance with Section 521(a) of the Surface Mining Control and Reclamation Act of 1977, YOU ARE ORDERED TO CEASE IMMEDIATELY the operations described in the attachment(s) and to perform the corrective actions described in the attachment(s) within the designated abatement time. Reclamation operations not directly the subject of this Order shall continue while this Order is in effect.

You are responsible for doing all work in a safe and workmanlike manner.

THE UNDERSIGNED AUTHORIZED REPRESENTATIVE HEREBY FINDS THAT THIS ORDER ☐ DOES NOT ☐ DOES REQUIRE CESSATION OF MINING EXPRESSLY OR IN PRACTICAL EFFECT. Therefore, you ☐ are ☐ are not entitled to an informal public hearing on request, within 30 days after service of this Order (30 CFR 722.15).

This Order shall remain in effect until it expires as provided on the reverse or is modified, terminated, or vacated by written notice of an authorized representative of the Secretary.

IMPORTANT—Please Read Information on the Back of this Page

15. Print Name of Person Served	18. Date of Service	
16. Print Title of Person Served	19. Print Name of Authorized Representative	
17. Signature of Person Served	20. Signature of Authorized Representative	ID Number

Copy Distribution: White-District Office File, Blue-Permittee, Yellow-Assessment Office, Pink-Field Office, Green-Inspector

IE-157 (12/80)

IMPORTANT — PLEASE READ CAREFULLY

1. *Formal Review and Temporary Relief.* You may apply for review of this Order by submitting an application for review, within 30 days of receipt of this Order by you or your agent to:

Hearings Division
Office of Hearings and Appeals
U.S. Department of the Interior
4015 Wilson Boulevard
Arlington, Virginia 22203
(703) 557-9200

If you apply for a formal review, you may request temporary relief from complying with this Order. Your request must be filed with the Hearings Division at the above address prior to a decision in the hearing. The procedures for obtaining a formal review or temporary relief are contained in Title 43 Code of Federal Regulations Section 4.

2. *Informal Public Hearing.* A Cessation Order which requires cessation of mining, expressly or by necessary implication, shall expire within 30 days after it is served unless an informal public hearing has been held within that time. On the reverse of this page, the authorized representative has made a finding as to whether or not this Cessation Order requires cessation of mining. If you desire an informal public hearing, please notify the OSM office indicated on the reverse of this page.

No hearing will be held where the condition, practice, or violation in question has been abated, or the hearing has been waived. Your right to an informal public hearing will be deemed waived unless you request an informal public hearing within 30 days after service of this Order.

OSM may conduct the hearing later than the 30 day requirement with the consent of the person to whom this Order was issued. You will be deemed to have consented to an extension of the time for holding the hearing if your request is received on or after the 21st day after the service of this Order.

3. *Penalties.* You may submit information in writing pertaining to the condition(s), practice(s) or violation(s) covered by this Order within 10 days of the date that the Order is served on you or your agent. This information will be considered in determining the facts surrounding the violation and the amount of penalty. You may also submit a request that the Director waive the use of the formula contained in 30 CFR Part 723 in determining the civil penalty for the violations cited in this Order. Your request must include your reasons for requesting the waiver. A waiver will be granted only if the Director determines that a waiver will further abatement of violations of the Act. If you wish to submit this information, you should send it to U.S. Department of the Interior, Office of Surface Mining, Assessment Office, Washington, D.C. 20240.

For each violation covered by this Order, a penalty of up to $5,000 may be assessed for each day during which that violation continues.

If this Order is being issued for failure to abate a violation(s) which was the subject of a prior Notice of Violation a minimum penalty of $750 or more must be assessed for each day, during which the violation(s) continues beyond the abatement period set forth in that Notice.

If you willfully and knowingly fail or refuse to comply with this Order, you will be subject to criminal prosecution and will, upon conviction, be punished by a fine of not more than $10,000 or by imprisonment for not more than one year or both.

4. *Effect on Permit.* In addition, if it is determined that a pattern of violations of any requirement(s) of the Act, the regulations, or required permit conditions exists, and that the violations were caused by unwarranted failure to comply or were willful, the permit may be suspended or revoked.

FOR FURTHER INFORMATION, PLEASE CONSULT Title 43 Code of Federal Regulations Section 4, Title 30 Code of Federal Regulations Chapter VII, and Title V of the Act, or CONTACT the nearest OSM Office for a copy of the "Rights of Operators and Permittees" manual.

U.S. DEPARTMENT OF THE INTERIOR
Office of Surface Mining Reclamation and Enforcement

Cessation Order Number
— — —

Violation Number
_____ of _____

CESSATION ORDER *(CONTINUATION)*

NATURE OF PERMIT CONDITION VIOLATED, PRACTICE OR VIOLATION

The Office of Surface Mining records indicate that your company failed to provide OSM Fee Compliance Officers with access to books and records necessary to substantiate the accuracy of reclamation fee reports/payments.

PROVISION(S) OF THE REGULATIONS, ACT OR PERMIT VIOLATED

30 CFR Sections 870.16(b) and (c)

Mark "X" in the appropriate box

☐ The condition, practice, or violation is creating an imminent danger to the health or safety of the public.

☐ The condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air or water resources.

☐ The permittee or operator has failed to abate Violation No. ____of____ included in Notice of Violation No. ___-___-___-___ within the time for abatement originally fixed or subsequently extended pursuant to Section 521(a)(3) of the Act.

OPERATIONS TO BE CEASED IMMEDIATELY

Entire coal production operation under MSHA ID:

CORRECTIVE ACTION AND TIME FOR ABATEMENT *(If Applicable — Not Required if F.T.A)*

In order to correct this situation and to rectify the cessation order, you must provide the authorized OSM representative access to necessary books and/or records to substantiate the accuracy of your company's reclamation reports and payments. ANY QUESTIONS REGARDING THIS VIOLATION SHOULD BE DIRECTED TO (Insert Auditor's Name and phone number).