




Safety lapses to blame for Kentucky coal miner's death, feds say | Lexington Herald Leader

 kentucky.com/news/state/article214751275.html

By Bill Estep bestep@herald-leader.com

Kentucky's lone coal-mining death this year happened because of safety lapses by the company and miners, according to a federal report.

Hubert Grubbs Jr., 29, died on March 28 in Harlan County when he got snagged in a moving conveyor belt, the U.S. Mine Safety and Health Administration said in its report on the accident.

The accident happened at the underground D-11 Panther mine near Cumberland, operated by Blackjewel L.L.C. Federal records list Jeffery A. Hoops as controller.

Grubbs and another miner, James Belt, had turned off the power switch to one of 12 conveyor belts — used to carry coal out of the mine — in order to make repairs.

As they worked, a mine examiner, Travis Saylor, came in contact with a power line to the conveyor belt system while driving a personnel carrier, pulling apart the wires.

When Saylor spliced the wires to fix the line, that inadvertently started the conveyor belt Grubbs was repairing, according to MSHA's report.

Saylor had not been trained to make that type of repair, the report said.

Another problem was that Grubbs and Belt had not disengaged, locked out and tagged a disconnect switch for the cable supplying power to the belt drive, the report said.

If the miners had done that, no one else could have returned power to the belt drive.

Belt told investigators that in most cases, workers at the mine locked out electrical power to the conveyor belt drive before starting repairs.

The miners didn't do that before the fatal accident because the repair crew, which usually included three workers, was one person short, the report said.

When the belt started moving, Grubbs got tangled in the loose end of a ratchet chain and was dragged over the rollers.

When Saylor realized something was wrong, he yanked apart the wires he had just spliced and the conveyor stopped, but it had moved about 585 feet with Grubbs on it, the report said.

Grubbs was still conscious and talking when other mines rushed to free him from the belt and try to stem his bleeding, but he stopped breathing about 50 minutes after the accident while

co-workers were taking him to the surface on a personnel carrier.

One miner performed cardiopulmonary resuscitation until the crew got Grubbs to a waiting ambulance about 10 minutes later, at 3:15 a.m., but Grubbs did not survive.

The accident happened because the mine operator allowed employees to take part in work on a conveyor belt without implementing proper lock-out and tag-out procedures to make sure the power was off, MSHA said in its report.

Then, the belt started because another improperly repaired an electrical circuit, according to the report.

MSHA cited the mine over the alleged violations.

The mine had 59 employees when the accident happened, with two shifts running coal and a third shift for maintenance.

It produced 219,193 tons of coal in 2017.

The mine's rate of work days lost because of non-fatal injuries last year was 4.09, compared to a national average of 3.66 for similar mines, MSHA said.

Grubbs' death is the only coal-related fatality in Kentucky this year, according to MSHA's records.

There have been five deaths total, three in West Virginia and one in Indiana. There were 15 coal-mining deaths nationwide in 2017, including two in Kentucky.

BUSINESS

Mine issued violation notices in bulldozer driver's death

The Associated Press

May 25, 2018 07:11 AM

Updated May 25, 2018 07:12 AM

BECKLEY, W.VA. — A mine in West Virginia has been issued three violation notices over the death of a man in a bulldozer that plunged 100 feet (30 meters) when the ground underneath gave way.

The Charleston Gazette-Mail reports that the state's Board of Coal Mine Health and Safety reviewed the death of 34-year-old Thurman Watts at a meeting Wednesday in Beckley. The state said Watts drove the bulldozer too close to a precipice on Dec. 29.

The state Office of Miners' Health, Safety and Training issued the violation notices to Revelation Energy LLC, the company that owns S7 Surface Mine. The federal Mine Safety and Health Administration said safe work practices weren't followed, that ground conditions were irregular and that operators must have control of mobile equipment.

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Violation Tracker Parent Company Summary

Parent Company Name: Revelation Energy

Ownership Structure: privately held

Headquartered in: West Virginia

Major Industry: mining and minerals

Specific Industry: coal mining

Penalty total since 2000: \$3,542,086

Number of records: 183

Top 10 Primary Offense Types	Penalty Total	Number of Records
workplace safety or health violation	\$2,686,086	163
environmental violation	\$856,000	20

Notes:

Parent-subsidiary linkages are based on relationships current as of the latest revision listed in the [Update Log](#), which may vary from what was the case when a violation occurred. The penalty dollar total above may be adjusted to account for the fact that the list of entries below may include both agency records and settlement announcements for the same case; or else a penalty covering multiple locations may be listed in the individual records for each of the facilities. Duplicate penalty amounts are marked with an asterisk in the list below.

Associated Names:

APPOLO FUEL; APPOLO FUELS; BELL COUNTY COAL; BLEDSOE COAL; LAUREL MOUNTAIN RESOURCES; LAUREL MOUNTAIN RESOURCES 836 5639; REVELATION ENERGY; REVELATION ENERGY 836 0435

Individual Penalty Records:

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Company	Primary Offense Type	Year*	Agency	Penalty Amount
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$15,700
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$15,745
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$5,008
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$6,531
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$6,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$5,785
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$14,170
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$62,300
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$51,600
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$13,400
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$5,426
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$14,500



<u>Company</u>	<u>Primary Offense Type</u>	<u>Year</u>	<u>Agency</u>	<u>Penalty Amount</u>
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$20,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$6,800
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$6,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$48,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$6,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$62,300
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$5,426
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$7,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$6,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$7,000
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$13,400
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$13,400
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$29,800
Revelation Energy, LLC	workplace safety or health violation	2017	MSHA	\$6,367
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$6,400
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$7,000
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$8,975
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$7,500
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$17,000
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$7,000
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$6,000
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$43,800
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$5,692
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$13,330
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$6,160
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$6,900
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$6,332
Revelation Energy, LLC	workplace safety or health violation	2016	MSHA	\$8,975
REVELATION ENERGY LLC (826-0697)	environmental violation	2015	EPA	\$6,000
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$16,900
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$15,500
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$20,900
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$20,000
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$5,600
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$5,398
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$6,200
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$5,000
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$15,000
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$24,600
Revelation Energy, LLC	workplace safety or health violation	2015	MSHA	\$6,300
Appolo Fuel	environmental violation	2014	EPA	\$135,000
APPOLO FUELS, INC.	environmental violation	2014	EPA	\$135,000

<u>Company</u>	<u>Primary Offense Type</u>	<u>Year</u>	<u>Agency</u>	<u>Penalty Amount</u>
REVELATION ENERGY LLC (866-5180)	environmental violation	2014	EPA	\$10,000
REVELATION ENERGY LLC (807-0446)	environmental violation	2014	EPA	\$6,000
REVELATION ENERGY LLC (813-0389)	environmental violation	2014	EPA	\$150,000
REVELATION ENERGY LLC (807-5252)	environmental violation	2014	EPA	\$80,000
REVELATION ENERGY LLC (807-0451)	environmental violation	2014	EPA	\$6,500
REVELATION ENERGY LLC (866-5180)	environmental violation	2014	EPA	\$30,000
LAUREL MOUNTAIN RESOURCES LLC	environmental violation	2014	EPA	\$150,000
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$36,230
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$14,000
Revelation Energy LLC	workplace safety or health violation	2014	MSHA	\$10,000
Revelation Energy LLC	workplace safety or health violation	2014	MSHA	\$94,000
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$12,000
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$20,300
Bledsoe Coal Corporation	workplace safety or health violation	2014	MSHA	\$6,600
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$40,000
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$6,600
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$15,000
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$6,100
Bledsoe Coal Corporation	workplace safety or health violation	2014	MSHA	\$5,600
Bledsoe Coal Corp	workplace safety or health violation	2014	MSHA	\$16,400
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$108,800
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$6,100
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$6,420
Revelation Energy LLC	workplace safety or health violation	2014	MSHA	\$6,860
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$6,515
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$107,400
Revelation Energy, LLC	workplace safety or health violation	2014	MSHA	\$28,000
REVELATION ENERGY LLC (866-8015)	environmental violation	2013	EPA	\$55,000
REVELATION ENERGY LLC (807-8079)	environmental violation	2013	EPA	\$6,000
Revelation Energy, LLC	workplace safety or health violation	2013	MSHA	\$9,100
Bledsoe Coal Corp	workplace safety or health violation	2013	MSHA	\$11,000
Bledsoe Coal Corp	workplace safety or health violation	2013	MSHA	\$14,700
Revelation Energy, LLC	workplace safety or health violation	2013	MSHA	\$6,020
Bell County Coal Corporation	workplace safety or health violation	2013	MSHA	\$20,000
Bledsoe Coal Corp	workplace safety or health violation	2013	MSHA	\$40,000
LAUREL MOUNTAIN RESOURCES LLC (MULTIPLE)	environmental violation	2012	EPA	\$11,000
REVELATION ENERGY LLC (836-0435)	environmental violation	2012	EPA	\$8,000
Bledsoe Coal Corp	workplace safety or health violation	2012	MSHA	\$8,600
Bledsoe Coal Corp	workplace safety or health violation	2012	MSHA	\$7,000
Bledsoe Coal Corporation	workplace safety or health violation	2012	MSHA	\$5,211
Bledsoe Coal Corporation	workplace safety or health violation	2012	MSHA	\$8,421
Bledsoe Coal Corp	workplace safety or health violation	2012	MSHA	\$6,600

<u>Company</u>	<u>Primary Offense Type</u>	<u>Year</u>	<u>Agency</u>	<u>Penalty Amount</u>
Bell County Coal Corporation	workplace safety or health violation	2012	MSHA	\$5,250
Bell County Coal Corporation	workplace safety or health violation	2012	MSHA	\$5,503
Bell County Coal Corporation	workplace safety or health violation	2012	MSHA	\$5,400
Bledsoe Coal Corporation	workplace safety or health violation	2012	MSHA	\$6,115
Bledsoe Coal Corp	workplace safety or health violation	2012	MSHA	\$12,248

1 2 [next >](#) [last >>](#)



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Note: our penalty amounts include not only fines and monetary settlements but also costs such as supplementary environmental projects or consumer relief that companies are often compelled to undertake as part of settlements. If the settlement includes fines paid to state governments, those are included as well.

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PUBLIC NOTICE
U. S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4
WATER PROTECTION DIVISION
GRANTS AND DRINKING WATER PROTECTION BRANCH
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, S.W.
ATLANTA, GEORGIA 30303-8960

DATE: August 16, 2018

PUBLIC NOTICE No. SDWA-04-2018-1250

**Notice of Proposed Issuance of
Administrative Compliance Order on Consent**

The U.S. Environmental Protection Agency (EPA), Region 4 proposes to issue an Administrative Compliance Order on Consent (Order), Docket No. SDWA-04-2018-1250, to Revelation Energy, LLC (Respondent), with a business address of 13993 Kentucky Highway 550 East, Lackey, Kentucky 41643, under the authority of Section 1423(c) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300h-2(c) and 40 C.F.R. § 144.1.

The EPA alleges that Respondent violated statutory and regulatory requirements as provided in the SDWA, 42 U.S.C. § 300f, et seq., and found at 40 C.F.R. §§ 144.11, 144.51(a), (b), and (p), 146.8, 146.23(b)(1), 146.23(b)(2), and 146.23(c)(1), by failing to comply with requirements to provide annual monitoring reports, failing to comply with requirements to provide annual and quarterly fluid analysis reports, failing to properly plug and abandon an injection well after cessation of injection of two years or more, failing to maintain and demonstrate the mechanical integrity of the following underground injection wells, and for unauthorized underground injection, located in Harlan County, Kentucky.

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well Name</u>	<u>Well No</u>	<u>Status</u>	<u>County</u>
KYV0036	KYV0950217	#37 Underground Mine	#IW240	Active	Harlan
KYV0036	KYV0950218	#37 Underground Mine	#IW241	Active	Harlan
KYV0036	KYV0950219	#37 Underground Mine	#IW242	Active	Harlan
KYV0036	KYV0950220	#37 Underground Mine	#IW243	Active	Harlan
KYV0036	KYS0950257	#37 Underground Mine	#IW246	Active	Harlan
KYV0036	KYV0950258	#37 Underground Mine	#IW248	Active	Harlan
KYV0056	KYV1590103	Pond Creek Mine	#1	Inactive	Harlan
KYV0056	KYV1590104	Pond Creek Mine	#2	Inactive	Harlan

Any person wishing to comment on any aspect of the proposed Order may submit such comments in writing to Anthony Shelton at U.S. EPA, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia, 30303 or via email at shelton.tony@epa.gov. Comments must be submitted within thirty (30) days of the date of this notice. Please include the Public Notice Number and the Docket Number with any submitted comments.

FOR FURTHER INFORMATION: Persons wishing to comment upon the proposed Order should contact Anthony Shelton at shelton.anthony@epa.gov. Unless otherwise noted, the public record for this action is located at the EPA Regional Office at 61 Forsyth Street, S.W., Atlanta, Georgia, and the file will be open for public inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF

Revelation Energy, LLC
13993 Kentucky Highway 550 East
Lackey, Kentucky 41643

Respondent.

Administrative Compliance Order
On Consent

Docket No. SDWA-04-2018-1250

I. STATUTORY AUTHORITY

1. The following Findings of Fact are made and this Administrative Compliance Order on Consent ("AOC") is issued pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1423(c) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(c). This authority has been delegated to the Regional Administrator of the EPA, Region 4, and further delegated by the Regional Administrator to the Director of the Water Protection Division of the EPA, Region 4.
2. Section 1423(a)(2) of the SDWA, 42 U.S.C. § 300h-2(a)(2), provides that, whenever the Administrator of the EPA finds that any person is in violation of any requirement of any applicable underground injection control ("UIC") program, the Administrator may issue an order requiring the person to comply with such requirement.
3. Section 1450 of the SDWA, 42 U.S.C. § 300j-9, authorizes the Administrator to prescribe such regulations as are necessary or appropriate to carry out his functions under the SDWA. These regulations are found at 40 C.F.R. Parts 124, 144, 146, 147, and 148, and set forth requirements for the UIC program promulgated under Part C of the SDWA, 42 U.S.C. § 300h, *et seq.*
4. Injection well owners and operators are required to comply with the UIC program requirements. The UIC program for Class V wells in the Commonwealth of Kentucky, including all Indian lands, is administered by the EPA. *See* 40 C.F.R. § 147.901(a).

II. FINDINGS OF FACT AND LAW

The EPA finds, and the parties hereby stipulate, as follows:

5. Revelation Energy, LLC ("Respondent") is a limited liability company doing business in the Commonwealth with a principal address of 13993 Kentucky Highway 550 East, Lackey, Kentucky 41643.
6. Respondent is a "person" as defined in Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12), and 40 C.F.R. § 144.3.

7. Respondent is the owner or operator, as defined in 40 C.F.R. § 144.3, of the following Class V coal slurry injection wells that are subject to this AOC (each a "Subject Well" and collectively the "Subject Wells"):

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well Name</u>	<u>Well No</u>	<u>Status</u>	<u>County</u>
KYV0036	KYV0950217	#37 Underground Mine	#IW240	Active	Harlan
KYV0036	KYV0950218	#37 Underground Mine	#IW241	Active	Harlan
KYV0036	KYV0950219	#37 Underground Mine	#IW242	Active	Harlan
KYV0036	KYV0950220	#37 Underground Mine	#IW243	Active	Harlan
KYV0036	KYV0950257	#37 Underground Mine	#IW246	Active	Harlan
KYV0036	KYV0950258	#37 Underground Mine	#IW248	Active	Harlan
KYV0056	KYV1590103	Pond Creek Mine	#1	Inactive	Martin
KYV0056	KYV1590104	Pond Creek Mine	#2	Inactive	Martin

8. Each of the Subject Wells is a "facility" as defined in 40 C.F.R. § 144.3.
9. On January 8, 2012, the EPA issued the UIC Permit No. KYV0036 for the Subject Wells to Resources Land Company, LLC.
10. On May 3, 2016, the EPA modified the UIC Permit No. KYV0036, to reflect the transfer from Resources Land Company, LLC to Respondent, with an effective date of May 3, 2016.
11. On December 6, 2012, the EPA issued the UIC Permit No. KYV0056 for the Subject Wells to Pontiki Coal, LLC.
12. On November 6, 2014, the EPA modified the UIC Permit No. KYV0056 to reflect the transfer from Pontiki Coal, LLC, to Respondent, with an effective date of November 6, 2014.
13. The Subject Wells were permitted in accordance with 40 C.F.R. § 144.31 and are subject to the requirements of the SDWA and the UIC regulations.
14. During the month of October 2017, the EPA Region 4 UIC Program staff conducted field inspections and file reviews of the Subject Wells.
15. Following the October 2017 UIC inspections and file reviews, the EPA Region 4 UIC Program staff has been corresponding with Respondent regarding the compliance status of the Subject Wells.
16. On June 21, 2018, the Respondent participated in a show cause meeting with the EPA.
17. The SDWA 42 U.S.C. § 300f, *et seq.*, and 40 C.F.R. § 144.51(a) require the permittee, of a permitted UIC well, to comply with all conditions of the permit.
18. In accordance with Part II, Section E, Paragraph 3(a), of the UIC permits, and 40 C.F.R. § 144.51(b), if the permittee wishes to continue an activity regulated by this permit after the expiration

date of this permit, the permittee must apply for and obtain a new permit.

19. Part II, Section E, Paragraph 3(b)(1) of the UIC permits, and 40 C.F.R. § 144.37(a)(1), require the permittee to timely submit a complete application for continuation of the expiring permits. The conditions of an expired permit may continue in force under 5 U.S.C. § 558(c), until the effective date of a new permit, if the permittee has timely submitted a complete application for the new permit.

20. The UIC Permit Nos. KYV0036 and KYV0056, expired on January 8, 2017 and December 6, 2017, respectively. Respondent submitted to the EPA renewal applications for the UIC Permit Nos. KYV0036 and KYV0056 on December 8, 2017 and December 5, 2017, respectively. As stated in the January 24, 2018 and February 1, 2018 letters to Revelation Energy's permit application preparers, the UIC permit writer identified the two renewal applications to be administratively incomplete. Specifically, the Respondent failed to provide a map that shows a minimum Area of Review (AoR) around the subsurface injection area; a list of property owners located within the AoR; an inventory of oil and gas wells, drinking water wells (public or private), and any other potential break in confinement; and failed to conduct Endangered Species Act and National Historic Preservation Act evaluations for the well locations in the AoR. Thus, the renewal application for UIC Permit No. KYV0036 was neither complete nor timely and the renewal application for UIC Permit No. KYV0056 was incomplete. Therefore, Respondent is in violation of the UIC permits, 40 C.F.R. § 144.51(a) and (b), and the SDWA for failure to submit complete permit applications in a timely manner to obtain new permits.

21. Since the permit extension requirements found at Part II, Section E, Paragraph 3(b)(1) of the UIC permits and 40 C.F.R. § 144.37(a)(1) were not completed prior to the expiration dates of UIC Permit Nos. KYV0036 and KYV0056, the conditions of the expired permits no longer continue in force under 5 U.S.C. § 558(c).

22. 40 C.F.R. § 144.11 prohibits any underground injection or construction of an underground injection well that is not authorized by rule or by an issued permit. Therefore, Respondent is in violation of 40 C.F.R. § 144.11 and the SDWA for unauthorized underground injection into the Subject Wells, following the expiration dates of UIC Permit Nos. KYV0036 and KYV0056.

23. Part II, Section G, Paragraph 3, of the UIC permits, requires that a demonstration of mechanical integrity in accordance with 40 C.F.R. § 146.8 be made no later than five (5) years from the last approved demonstration for the Subject Wells.

24. Respondent failed to demonstrate mechanical integrity of active permitted wells, as shown below:

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well</u>	<u>Status</u>	<u>Last MIT</u>	<u>MIT Due</u>
KYV0036	KYV0950257	#37 Underground Mine #IW246	Active	6/21/12	6/21/17
KYV0036	KYV0950258	#37 Underground Mine #IW248	Active	6/20/12	6/20/17

25. Therefore, Respondent is in violation of 40 C.F.R. § 146.8, the UIC Permit No. KYV0036, and the SDWA for failure to timely demonstrate the mechanical integrity of active permitted wells, as shown above.

26. Part II, Section F, of the UIC Permits requires the permittee after a cessation of injection for two (2) years, to close, plug, and abandon the Subject Wells, consistent with 40 C.F.R. § 146.10, and plugging plans incorporated as part of the UIC permit. The applicable permit condition at 40 C.F.R. § 144.51(p), requires the permittee to submit to the EPA Plugging and Abandonment (P&A) reports for the Subject Wells, within sixty (60) days after plugging a well or at the time of the next quarterly report (whichever is less).

27. The EPA's file reviews and statements made by Respondent during the October 2017 UIC inspections indicated that a cessation of injection for two (2) years took place at the wells shown below. Based on the EPA's file reviews and conversations with Respondent during the October 2017 UIC inspection, it was confirmed that Respondent failed to properly close, plug, or abandon those wells following that cessation of injection activities at the wells shown below:

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well</u>	<u>Last MIT Date</u>	<u>P&A Report</u>
KYV0036	KYV0950217	#37 Underground Mine #IW240	3/12/08	Not Submitted
KYV0036	KYV0950218	#37 Underground Mine #IW241	3/14/08	Not Submitted
KYV0036	KYV0950219	#37 Underground Mine #IW242	3/14/08	Not Submitted
KYV0036	KYV0950220	#37 Underground Mine #IW243	3/14/08	Not Submitted
KYV0056	KYV1590104	Pond Creek Mine #2	None	Not Submitted

28. Therefore, Respondent is in violation of 40 C.F.R. § 144.51(a) and (p), the UIC Permit Nos. KYV0036 and KYV0056, and the SDWA, for failure to properly close, plug, and abandon the inactive Subject Wells in accordance with permit conditions, as shown above.

29. SDWA, 42 U.S.C. § 300f, *et seq.*, 40 C.F.R. §§ 146.23(b)(2), 146.23(c)(1) and 144.51(a), and Part I, Section D, Paragraph 2, of the UIC Permits, requires the permittee to monitor weekly the operation of the injection wells, including injection pressure at the wellhead, flow rate and cumulative volume of the injected fluid. Part I, Section E, Paragraph 2 of the UIC permits requires the permittee to submit the monitoring results to the EPA, using EPA Form 7520-11, by January 28th of the subsequent year.

30. The EPA's records indicate Respondent failed to submit annual monitoring reports for the Subject Wells, as shown below:

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well</u>	<u>Status</u>	<u>Last Monitoring Report</u>
KYV0036	KYV0950217	#37 Underground Mine #IW240	Active	Year 2015
KYV0036	KYV0950218	#37 Underground Mine #IW241	Active	Year 2015
KYV0036	KYV0950219	#37 Underground Mine #IW242	Active	Year 2015
KYV0036	KYV0950220	#37 Underground Mine #IW243	Active	Year 2015
KYV0036	KYV0950257	#37 Underground Mine #IW246	Active	Year 2016
KYV0036	KYV0950258	#37 Underground Mine #IW248	Active	Year 2015
KYV0056	KYV1590103	Pond Creek Mine #1	Inactive	None
KYV0056	KYV1590104	Pond Creek Mine #2	Inactive	None

31. Therefore, Respondent is in violation of 40 C.F.R. §§ 146.23(b)(2), 146.23(c)(1) and 144.51(a),

the UIC Permit Nos. KYV0036 and KYV0056, and the SDWA for failing to submit annual monitoring reports for the Subject Wells, as shown above.

32. SDWA, 42 U.S.C. § 300f, *et seq.*, 40 C.F.R. §§ 146.23(b)(1), 146.23(c)(1) and 144.51(a), and Part I, Section D, Paragraph 3, of UIC Permit No. KYV0036, requires the permittee to conduct injection fluid analyses prior to injection, annually thereafter, and whenever changes are made to the injection fluid. Part I, Section E, Paragraph 2 of the UIC permit requires the permittee to submit the injection fluid analysis results to the EPA, prior to injection and annually thereafter.

33. The EPA's records show that Respondent has failed to timely submit annual injection fluid analysis results for permitted wells, as shown below:

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well</u>	<u>Status</u>	<u>Injection Fluid Analyses</u>
KYV0036	KYV0950217	#37 Underground Mine #IW240	Active	Not submitted
KYV0036	KYV0950218	#37 Underground Mine #IW241	Active	Not submitted
KYV0036	KYV0950219	#37 Underground Mine #IW242	Active	Not submitted
KYV0036	KYV0950220	#37 Underground Mine #IW243	Active	Not submitted
KYV0036	KYV0950257	#37 Underground Mine #IW246	Active	Not submitted
KYV0036	KYV0950258	#37 Underground Mine #IW248	Active	Not submitted

34. Therefore, Respondent is in violation of 40 C.F.R. §§ 146.23(b)(1), 146.23(c)(1) and 144.51(a), the UIC Permit No. KYV0036, and the SDWA for failure to submit to the EPA annual fluid analysis results for the Subject Wells, as shown above.

35. SDWA, 42 U.S.C. § 300f, *et seq.*, 40 C.F.R. §§ 146.23(b)(1), 146.23(c)(1) and 144.51(a), and Part I, Section D, Paragraph 3, of the UIC Permit No. KYV0056, requires the permittee to conduct injection fluid analyses, prior to injection and each calendar quarter thereafter, and whenever changes are made to the injection fluid. Part I, Section E, Paragraph 2 of the UIC permit requires the results of injection fluid analyses, to be submitted every three (3) months, postmarked by the 15th day of the following month (January 15th, April 15th, July 15th, October 15th).

36. The EPA's records show that Respondent has failed to timely submit annual injection fluid analysis results for permitted wells, as shown below:

<u>Permit No.</u>	<u>EPA ID No.</u>	<u>Well</u>	<u>Status</u>	<u>Injection Fluid Analyses</u>
KYV0056	KYV1590103	Pond Creek Mine #1	Inactive	Not submitted
KYV0056	KYV1590104	Pond Creek Mine #2	Inactive	Not submitted

37. Therefore, Respondent is in violation of 40 C.F.R. §§ 146.23(b)(1), 146.23(c)(1) and 144.51(a), the UIC Permit No. KYV0056, and the SDWA for failure to timely submit to the EPA annual fluid analysis results for the Subject Wells, as shown above.

38. SDWA, 42 U.S.C. § 300f, *et seq.*, 40 C.F.R. §§ 146.23(b)(1), 146.23(c)(1) and 144.51(a), and Part I, Section D, Paragraph 4, of UIC Permit Nos. KYV0036 and KYV0056, requires the permittee to conduct analysis of fluid samples, from the monitoring stations, every three months after the effective

date of the permit and every three months thereafter. Part I, Section E, Paragraph 2, of the UIC permits requires for the results of these fluid analyses to be submitted to the EPA, every three (3) months, postmarked by the 15th day to follow each calendar quarter (January 15th, April 15th, July 15th October 15th).

39. Respondent failed to submit the results of fluid analyses from the specified monitoring stations, as shown below:

<u>Permit No.</u>	<u>Monitoring Station</u>	<u>Missing Quarterly Fluid Analysis Reports</u>
KYV0036	WMP-2	7/15/16; 4/15/17; 1/15/18
KYV0036	WMP-3A	4/15/17; 1/15/18
KYV0036	WMP-4A	10/15/16; 4/15/17; 1/15/18
KYV0036	WMP-5	7/15/16; 4/15/17; 1/15/18
KYV0036	WMP-7	7/15/16; 10/15/16; 1/15/1; 4/15/17; 1/15/18
KYV0036	WMP-8	7/15/16; 1/15/17; 1/15/18
KYV0056	PON-UIM-001	1/15/15; 4/15/15; 7/15/15; 10/15/15; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/17; 4/15/17; 7/15/17; 10/15/17; 1/15/18
KYV0056	PON-UIM-002	1/15/15; 4/15/15; 7/15/15; 10/15/15; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/17; 4/15/17; 7/15/17; 10/15/17; 1/15/18
KYV0056	PON-UIM-003	1/15/15; 4/15/15; 7/15/15; 10/15/15; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/17; 4/15/17; 7/15/17; 10/15/17; 1/15/18
KYV0056	PON-UIM-004	1/15/15; 4/15/15; 7/15/15; 10/15/15; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/17; 4/15/17; 7/15/17; 10/15/17; 1/15/18
KYV0056	PON-UIM-005	1/15/15; 4/15/15; 7/15/15; 10/15/15; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/16; 4/15/16; 7/15/16; 10/15/16; 1/15/17; 4/15/17; 7/15/17; 10/15/17; 1/15/18

40. Therefore, Respondent is in violation of 40 C.F.R. §§ 146.23(b)(1), 146.23(c)(1) and 144.51(a), the UIC Permit Nos. KYV0036 and KYV0056, and the SDWA for failure to timely submit to the EPA annual fluid analysis results for the monitoring stations, as shown above.

41. Respondent admits to the jurisdictional allegations and Finding of Facts alleged above.

III. INJUNCTIVE RELIEF

Based upon the foregoing Findings of Fact and Law and under the authority of Section 1423(a)(2) of the SDWA, 42 U.S.C. § 300h-2(a)(2), THE DIRECTOR HEREBY ORDERS AND THE RESPONDENT HEREBY AGREES AND CONSENTS TO THE PROVISIONS OF THE PARAGRAPHS BELOW:

42. Within ninety (90) days of the Effective Date of the AOC, Respondent is ordered to submit

complete permit applications for permits KYV0036 and KYV0056 to the EPA in order to be considered for authorization for future underground injection. Alternatively, within ninety (90) days of the Effective Date of the AOC, Respondent must submit to the EPA sufficient documentation indicating that Respondent has ceased injection activities at all Subject Wells that would require further permit authorization.

43. Within ninety (90) days of the Effective Date of this AOC, Respondent is ordered to close, plug, and abandon or successfully demonstrate the mechanical integrity of the following wells listed below. Mechanical integrity testing or plugging and abandonment must be witnessed in-person by an EPA-authorized inspector.

<u>UIC Permit No</u>	<u>EPA ID No.</u>	<u>Well Name</u>
KYV0036	KYV0950257	#37 Underground Mine #IW246
KYV0036	KYV0950258	#37 Underground Mine #IW248
KYV0036	KYV0950217	#37 Underground Mine #IW240
KYV0036	KYV0950218	#37 Underground Mine #IW241
KYV0036	KYV0950219	#37 Underground Mine #IW242
KYV0036	KYV0950220	#37 Underground Mine #IW243
KYV0056	KYV1590103	Pond Creek Mine #1
KYV0056	KYV1590104	Pond Creek Mine #2

44. Within ninety (90) days of the Effective Date of the AOC, Respondent is ordered to provide current fluid analysis reports to the EPA, for the following Subject Wells:

<u>UIC Permit No.</u>	<u>EPA ID No.</u>	<u>Well Name</u>
KYV0036	KYV0950217	#37 Underground Mine #IW240
KYV0036	KYV0950218	#37 Underground Mine #IW241
KYV0036	KYV0950219	#37 Underground Mine #IW242
KYV0036	KYV0950220	#37 Underground Mine #IW243
KYV0036	KYV0950257	#37 Underground Mine #IW246
KYV0036	KYV0950258	#37 Underground Mine #IW248

45. Within ninety (90) days of the Effective Date of the AOC, Respondent is ordered to provide current fluid analysis reports to the EPA, for the following monitoring stations:

<u>UIC Permit No.</u>	<u>Monitoring Station</u>	<u>Upcoming Quarters</u>
KYV0036	WMP-2	Q4
KYV0036	WMP-3A	Q4
KYV0036	WMP-4A	Q4
KYV0036	WMP-5	Q4
KYV0036	WMP-7	Q4
KYV0036	WMP-8	Q4
KYV0056	PON-UIM-001	Q4
KYV0056	PON-UIM-002	Q4
KYV0056	PON-UIM-003	Q4

KYV0056	PON-UIM-004	Q4
KYV0056	PON-UIM-005	Q4

46. All reporting required by this AOC shall be submitted to the following address:

Anthony Shelton, Enforcement Officer
Ground Water and Underground Injection Control Section
Grants and Drinking Water Protection Branch
U.S. EPA – Region 4
61 Forsyth Street SW, Atlanta, GA 30303-8960

47. Respondent agrees to pay stipulated civil penalties for each violation of a condition set forth in Paragraphs 42, 43, 44, and 45 above, as follows:

- (a) \$300 for any portion of the first week (seven days) any failure continues; and
- (b) \$200 per day for each day after the first week (seven days) that the failure continues.

Stipulated penalties shall become due and payable no later than thirty (30) days after receipt of demand from the EPA. Payment shall be in the form of a certified or cashier's check made payable to the Treasurer of the United States of America, and sent to the following address:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

A copy of the check shall be sent to the Ground Water and Underground Injection Control Section, Grants and Drinking Water Protection Branch, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303-8960. Respondent shall state the docket number of this AOC on the face of any such check. The stipulated civil penalties set forth above shall be in addition to any other remedies or sanctions which are or may be available to the EPA.

IV. GENERAL PROVISIONS

48. The provisions of this AOC shall apply to and be binding upon Respondent and its officers, directors, agents, servants, employees, successors, and assigns. Notice of this AOC shall be given to any successors in interest prior to transfer of the ownership or operational control of the facility.

49. This AOC does not constitute a waiver, suspension, or modification of the requirements of Part C of the SDWA, 42 U.S.C. § 1421, et seq., or any regulations promulgated thereunder. This AOC is not, and shall not be interpreted to be, a permit for the injection of fluids under the SDWA.

50. The Respondent's compliance with this AOC does not necessarily constitute compliance with the provisions of the SDWA or its implementing regulations, nor shall it in any way relieve Respondent of any obligation imposed by any permit issued thereunder, or of Respondent's obligation to comply with any provision of the SDWA, its implementing regulations, or any other local, state, or federal law. Nothing contained herein shall be construed to prevent or limit the EPA's rights to obtain penalties or injunctive relief under Section 1423 of the SDWA or other federal statutes and regulations.

51. For the purposes of state and federal income taxation, Respondent shall not be entitled and agrees not to attempt to claim a deduction for any penalty payment made pursuant to this Order.

52. If any event beyond the control of Respondent, its successors or assigns, occurs which causes or may cause a delay in the achievement of any requirement of this AOC, Respondent shall notify the EPA orally within four (4) days of the time it has knowledge of the occurrence of such event. A written report of said event shall be submitted by certified mail to the EPA within ten (10) days of the date Respondent received knowledge of the event. This report shall describe the violation or failure, its cause and all attendant circumstances, and the measures taken or to be taken to prevent or minimize any such violation or failure and to comply with the pertinent requirements of this AOC as soon as possible, and the timetable by which those measures are proposed to be implemented.

53. The burden of proving that any violation or failure is caused by circumstances beyond the control of and without fault of Respondent and the length of the delay attributable to such circumstances shall rest with Respondent. Financial, economic, or business conditions or changes in same, unanticipated or increased costs or expenses, or problems relating to reasonably foreseeable technological infeasibility associated with the implementation of actions called for by this AOC, shall not relieve Respondent of any obligation imposed under the terms of this AOC, nor from payment of any penalty set forth in this AOC. The EPA will notify Respondent of its determination that certain circumstances are considered to be beyond Respondent's control and the extension of time, if any, for completion of the affected requirements. Respondent shall waive this right to any extension for failure to provide the EPA with verbal or written notice as provided herein or for failure to provide adequate proof of the cause of the delay.

54. If the EPA determines that all of the requirements of this AOC have been completed and implemented in accordance with this AOC, the EPA will provide notice to Respondent and this AOC shall be deemed terminated.

55. Each party shall bear its own costs and attorney's fees in connection with this action.

56. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue of fact or law set forth in this AOC, including, but not limited to, any right of judicial review of this AOC under the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent also waives any right to a hearing or to

appeal this AOC, including under Section 1423(c)(3)(A) and (D) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(A) and (D), and consents to the issuance of this AOC without further adjudication.

57. Pursuant to Section 1423(c)(3)(B) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(B), the EPA is providing public notice and an opportunity to comment on this AOC. This AOC will be issued after a thirty (30) day comment period and execution by an authorized representative of the EPA (the "Effective Date"). It will then become final and effective.


58. The undersigned representative of Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this AOC and to execute and legally bind the Party he or she represents to this AOC.

Docket No. SDWA-04-2018-1250

IT IS SO AGREED,

BY REVELATION ENERGY, LLC:

Date: 8/15/2018



Todd Tackett
Sr. Vice President of Engineering

BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 4:

Date: _____

Jeaneanne M. Gettle
Director
Water Protection Division

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a true and correct copy of the foregoing Administrative Compliance Order on Consent, in the Matter of Revelation Energy, LLC, Docket No. SDWA-04-2018-1250, on the parties listed below in the manner indicated:

Tony Shelton

Via EPA Internal Mail

Patrick Johnson

Via EPA Internal Mail

c/o Todd Tackett
Revelation Energy, LLC
13993 Kentucky Highway 550 East
Lackey, Kentucky 41643

Via Certified Mail/ Return Receipt Requested

Date: _____

Sylvia Sewell, Secretary
Grants and Drinking Water Protection Branch
United States Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960
(404) 562-9438