



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Citizen Suit Enforcement/Clean Water Act: Environmental Groups and Coal Company Enter Into Settlement Agreement Addressing Alleged Violations by Kentucky Mining Operation

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The environmental organization Waterkeeper Alliance reports that a coalition of environmental organizations (collectively, “Waterkeeper”) entered into an Agreed Order with Frasure Creek Mining, LLC (“FCM”) to address alleged Clean Water Act violations.

The Kentucky Energy and Environment Cabinet is also a party to the Agreed Order.

The Agreed Order addresses the prior activities of a coal mining operation in Kentucky, which was issued a Kentucky Pollution Discharge Elimination System (“KPDES”) permit. The alleged violations addressed in the Agreed Order include duplicated water monitoring reports, failure to report permit exceedances and KPDES permit exceedances.

A civil penalty of \$6 million is assessed. Further, the Agreed Order indicates that FCM has transferred all of its Kentucky mine permits to a third party.

A link to a Waterkeeper Alliance news release and the settlement can be found here <http://waterkeeper.org/2015/12/09/citizens-groups-state-reach-historic-settlement-with-coal-company-over-water-pollution/>.