

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

BLACK WARRIOR RIVER-	)	
KEEPER, INC.,	)	
	)	
	)	Case No. _____
Plaintiff,	)	
	)	
v.	)	
	)	
SHANNON, LLC	)	
	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

COMES NOW Plaintiff Black Warrior Riverkeeper (“Riverkeeper”), Inc., and files this Complaint against Defendant Shannon, LLC (“Shannon”) as follows:

*Nature of the Case*

1. This is an action under the Clean Water Act (“CWA”) § 505, 33 U.S.C. § 1365 to enforce effluent standards or limitations under the Clean Water Act, namely a permit or condition thereof issued under CWA § 402, 33 U.S.C. § 1342 (*i.e.*, NPDES Permit No. AL0076597). This is also an action under the Surface Mining Control and Reclamation Act (“SMCRA”) § 520, 30 U.S.C. § 1270, to compel compliance with a rule or regulation issued pursuant to SMCRA § 503, 30 U.S.C. § 1253 (*i.e.*, Ala. Admin. Code r. 880-X-10C-.13(5)). Finally, this is also

an action under the Alabama Surface Mining Control and Reclamation Act (“ASMCRA”), Ala. Code § 9-16-95, to compel compliance with a rule or regulation issued pursuant to Ala. Code § 9-16-90 (*i.e.*, Ala. Admin. Code r. 880-X-10C-.13(5)). This action seeks declaratory relief, injunctive relief, penalties and costs of litigation (including reasonable attorney and expert witness fees).

### ***Jurisdiction and Venue***

2. This action arises under CWA § 505(a), 33 U.S.C. § 1365(a), SMCRA § 520, 30 U.S.C. § 1270, ASMCRA Ala. Code § 9-16-95, and 28 U.S.C. §§ 2201 and 2202 (declaratory judgments). This Court has subject matter jurisdiction over the claims set forth in this Complaint under CWA § 505(a), 33 U.S.C. § 1365(a), SMCRA § 520(a), 30 U.S.C. § 1270(a), 28 U.S.C. §1331 (federal question), and 28 U.S.C. § 1367(a) (supplemental jurisdiction).

3. Riverkeeper served notice of the violations alleged herein and their intent to sue on Shannon by certified mail in accordance with CWA § 505(b)(1)(A), 33 U.S.C. § 1365(b)(1)(A), and 40 C.F.R. § 135.3; SMCRA § 520(b)(1)(A), 30 U.S.C. § 1270(b)(1)(A), and 30 C.F.R. §700.13; and ASMCRA § 9-16-95(b)(1)(a), and Ala. Admin. Code r. 880-X-2A-.09 on February 22, 2013, a copy of which is appended hereto as Exhibit A. Copies of such notice were also served on the Administrator of the U.S. Environmental Protection Agency, the Regional Administrator of the U.S. Environmental Protection Agency - Region 4,

the Director of the Alabama Department of Environmental Management, the Secretary of the Interior, the Director of the Office of Surface Mining, the Regional Director of the Office of Surface Mining, the Field Office Director of the Office of Surface Mining, and the Director of the Alabama Surface Mining Commission.

4. Neither the Administrator of the U.S. Environmental Protection Agency nor the State of Alabama has commenced and is diligently prosecuting a civil or criminal action in a court of the United States, or in a court of the State of Alabama, to require that Defendant comply with NPDES Permit No. AL0076597.

5. Neither the Administrator of the U.S. Environmental Protection Agency nor the State of Alabama has issued a final order not subject to further judicial review under CWA § 309(g), 33 U.S.C. § 1319(g), or comparable law of the State of Alabama, assessing a penalty for violations of NPDES Permit No. AL0076597. The Defendant has not paid any penalty assessed under CWA § 309(g), 33 U.S.C. § 1319(g), or comparable law of the State of Alabama, for any such violations.

6. Neither the Secretary of Interior nor the State of Alabama has commenced and is diligently prosecuting a civil or criminal action in a court of the United States, or in a court of the State of Alabama, to require that Defendant comply with Ala. Admin. Code r. 880-X-10C-.13(5).

7. Venue is appropriate in the Northern District of Alabama because the source of the violations alleged herein is located within the Northern District of Alabama. CWA § 505(c)(1), 33 U.S.C. §1365(c)(1); SMCRA § 520(c)(1), 30 U.S.C. § 1270(c)(1).

***Parties***

8. Plaintiff Riverkeeper is an Alabama nonprofit membership corporation with over 2,000 members that is dedicated to the protection and restoration of the Black Warrior River and its tributaries.

9. Subject to certain limitations and conditions, NPDES Permit No. AL0076597 authorizes the discharge of treated wastewater from Shannon Mine to Blue Creek, Lick Branch, Little Blue Creek, Mud Creek, Unnamed Tributaries to Blue Creek, Unnamed Tributaries to Buffalo Creek, Unnamed Tributaries to Little Blue Creek, Unnamed Tributaries to Mud Creek, Unnamed Tributaries to Rockcastle Creek, and Unnamed Tributaries to Valley Creek, classified as Fish and Wildlife, and also Valley Creek, classified as Limited Warmwater Fishery, which are all waters of the United States located within the Upper Black Warrior subwatershed within the Black Warrior River basin. Riverkeeper actively supports effective implementation and enforcement of environmental laws, including the CWA, SMCRA and ASMCRA, on behalf and for the benefit of its members.

10. Members of Riverkeeper use and value Blue Creek and Valley Creek for recreation, including but not limited to canoeing, kayaking, fishing, swimming, wildlife observation, nature and landscape observation and photography, and for aesthetic enjoyment. The violations alleged herein have lessened their recreational and aesthetic enjoyment of Blue Creek and Valley Creek. They would use and enjoy these waters more if the violations alleged herein are abated.

11. Defendant Shannon, LLC is incorporated in the State of Alabama. Based upon information and belief, Shannon owns and operates the Shannon Mine in Jefferson and Tuscaloosa Counties, Alabama.

***Count I***  
***Clean Water Act:***  
***NPDES Permit Violations***

12. Riverkeeper incorporates herein paragraphs 1 through 11 by reference.

13. On October 19, 1979, the Administrator of the U.S. Environmental Protection Agency approved the State of Alabama's National Pollutant Discharge Elimination System (NPDES) permit program pursuant to CWA § 402(b), 33 U.S.C. § 1342(b). 44 Fed. Reg. 61452 (1979).

14. On January 3, 2012, the Alabama Department of Environmental Management issued NPDES Permit No. AL0076597 to Shannon authorizing the discharge of pollutants from the Shannon Mine to waters of the State subject to

certain conditions. The permit became originally became effective on April 1, 2009 and expires on March 31, 2014, but was modified effective January 3, 2012. The permit was issued under CWA § 402(b), 33 U.S.C. § 1342(b), and State law. Section § 301(a) of the CWA provides that “[e]xcept in compliance with this section and section[] . . . 1342 . . . of this title, the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a).

15. Effective January 3, 2012, NPDES Permit No. AL0076597 provided the following discharge limitations during active mining, absent specifically claimed exemptions.

16. At Outfall 001-1, for Iron (Fe), the permit specifies a Monthly Average of 3.0 mg/L, a Daily Maximum of 6.0 mg/L. For Manganese (Mn), the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium (Se), the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L. For Zinc, the permit specifies a Monthly Average of 1305 µg/L and a Daily Maximum of 1305 µg/L.

17. At Outfalls 002-1 through 006-1; 021-1 through 026-1; 030-1 through 035-1; 037 through 043-1; 045-1; 046-1; 051-1; 054-1 through 056-1; 058-1

through 062-1; 064-1; 065-1; 067-1; 072-1 through 074-1; and 076-1; for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L.

18. At Outfalls 007-1 through 020-1; 052-1; and 053-1; for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L.

19. At Outfalls 027-1; 028-1; 050-1; 057-1; 063-1; and 070-1; for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a

Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u.

20. At Outfall 029-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 34.2 µg/L.

21. At Outfall 036-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 10.6 µg/L and a Daily Maximum of 37.0 µg/L.

22. At Outfall 044-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a

Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 18.3 µg/L.

23. At Outfalls 047-1 and 048-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L.

24. At Outfall 049-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.7 µg/L and a Daily Maximum of 22.1 µg/L.

25. At Outfall 066-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies

a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 28.3 µg/L.

26. At Outfall 068-1 and 069-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 45.5 µg/L.

27. At Outfall 071-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 51.0 µg/L.

28. At Outfall 075-1, for Iron the permit specifies a Monthly Average of

3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 38.9 µg/L.

29. Prior to the January 3, 2012 modification, NPDES Permit No. AL0076597 contained more general limitations applicable to all outfalls at Shannon Mine during active mining, absent specifically claimed exemptions. For Iron, the permit specified a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specified a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specified a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specified a Monthly Average of 11.88 µg/L and a Daily Maximum of 40.64 µg/L. For Silver, the permit specifies a Monthly Average of 3.26 µg/L and a Daily Maximum of 6.53 µg/L. For Zinc, the permit specifies a Monthly Average of 721.58 µg/L and a Daily Maximum of 721.58 µg/L.

30. Shannon operates and continues to operate the Shannon Mine in violation of NPDES Permit No. AL0076597 by discharging pollutants in excess of permit limits from point sources into an Unnamed Tributary to Little Blue Creek, and Little Blue Creek (tributaries of Valley Creek), Lick Branch (a tributary of Blue Creek), and Blue Creek (a tributary of Valley Creek), classified as Fish and Wildlife, which are all waters of the United States located within the Upper Black Warrior subwatershed within the Black Warrior River basin, as shown in the attached *Table of NPDES Permit No. AL0076597 Violations* (Exhibit B).

31. Valley Creek is a tributary of the Black Warrior River classified as Limited Warmwater Fishery upstream of Blue Creek, and Fish and Wildlife downstream. The quality of the water in the Unnamed Tributary to Little Blue Creek, Little Blue Creek, Lick Branch and Blue Creek affects the chemical, physical, and biological integrity of Valley Creek and the Black Warrior River. All such waters are “navigable waters” within the meaning of CWA § 502(7), 33 U.S.C. § 1362(7).

32. The violations alleged herein will continue unless this Court enjoins Shannon. These violations have caused and will continue to cause Riverkeeper irreparable injury. Riverkeeper has no adequate remedy at law for the injuries caused by Shannon’s continuing violations.

***Count II***  
***Surface Mining Control and Reclamation Act:***  
***Federal Water Quality Effluent Limitation Guideline Violations***

33. Riverkeeper incorporates herein paragraphs 1 through 32 by reference.

34. Pursuant to SMCRA § 503, 30 U.S.C. § 1253, and State law, the State of Alabama issued rules and regulations to provide for the regulation of surface coal mining and reclamation operations consistent with regulations issued by the Secretary of the Interior under SMCRA and, on January 11, 1982, submitted a surface coal mining and reclamation regulatory program to the Secretary of the Interior for review.

35. Included in Alabama's surface coal mining and reclamation regulatory program is Ala. Admin. Code r. 880-X-10C-.13(5) which provides that "[d]ischarges of water from areas disturbed by mining activities shall be made in compliance with all applicable . . . Federal water quality effluent limitation guidelines for coal mining."

36. On May 20, 1982, and at other times thereafter, the Secretary of the Interior approved the State of Alabama's surface coal mining and reclamation regulatory program under SMCRA § 503, 30 U.S.C. § 1253. 30 C.F.R. Part 901; 47 Fed. Reg. 22057 (1982).

37. Federal water quality effluent limitation guidelines for coal mining include those effluent limitations in 40 C.F.R. Part 434, Subpart C – Acid or Ferruginous Mine Drainage. New source coal mines like Shannon Mine are subject to the following effluent limitations:

<b>Pollutant</b>	<b>Daily Minimum</b>	<b>Daily Maximum</b>	<b>Daily Average</b> (aka Monthly Average)
Iron (Fe)	-	6.0 mg/L	3.0 mg/L
Manganese (Mn)	-	4.0 mg/L	2.0 mg/L
Total Suspended Solids (TSS)	-	70 mg/L	35 mg/L
pH	6.0 s.u.	9.0 s.u.	-

40 C.F.R. § 434.35.

38. The effluent limitations in 40 C.F.R. § 434.35 are applicable to Shannon Mine.

39. BWM violated Ala. Admin. Code r. 880-X-10C-.13(5) by discharging water from areas disturbed by mining activities in noncompliance with the effluent limitation guidelines for Iron and TSS that are contained in 40 C.F.R. § 434. *Shannon Mine Table of Effluent Violations (Exhibit C)*.

40. The violations alleged herein will continue unless this Court enjoins Shannon. These violations have caused and will continue to cause Riverkeeper irreparable injury. Riverkeeper has no adequate remedy at law for the injuries caused by Shannon’s continuing violations.

***Count III***  
***Surface Mining Control and Reclamation Act:***  
***State Water Quality Effluent Limitation Guideline Violations***

41. Riverkeeper incorporates herein paragraphs 1 through 40 by reference.

42. Pursuant to SMCRA § 503, 30 U.S.C. § 1253, and State law, the State of Alabama issued rules and regulations to provide for the regulation of surface coal mining and reclamation operations consistent with regulations issued by the Secretary of the Interior under SMCRA and, on January 11, 1982, submitted a surface coal mining and reclamation regulatory program to the Secretary of the Interior for review.

43. Included in Alabama's surface coal mining and reclamation regulatory program is Ala. Admin. Code r. 880-X-10C-.13(5) which provides that "[d]ischarges of water from areas disturbed by mining activities shall be made in compliance with all applicable State . . . water quality effluent limitation guidelines for coal mining."

44. On May 20, 1982, and at other times thereafter, the Secretary of the Interior approved the State of Alabama's surface coal mining and reclamation regulatory program under SMCRA § 503, 30 U.S.C. § 1253. 30 C.F.R. Part 901; 47 Fed. Reg. 22057 (1982).

45. On October 21, 2008, the Alabama Department of Environmental Management issued NPDES Permit No. AL0076597 to Shannon authorizing the discharge of pollutants from the Shannon Mine to waters of the State subject to conditions. The permit became effective on April 1, 2009; was modified January 3, 2012 and expires on March 31, 2014. The permit was issued under the Alabama Water Pollution Control Act.

46. State water quality effluent limitation guidelines for coal mining applicable to the Shannon Mine include the following discharge limitations in NPDES Permit No. AL0076597:

<b>Pollutant</b>	<b>Daily Minimum</b>	<b>Daily Maximum</b>	<b>Daily Average</b> (aka Monthly Average)
Iron (Fe)	-	6.0 mg/L	3.0 mg/L
Manganese (Mn)	-	4.0 mg/L	2.0 mg/L
Total Suspended Solids (TSS)	-	70 mg/L	35 mg/L
pH	6.0 s.u.	9.0 s.u.	-

47. Shannon violated Ala. Admin. Code r. 880-X-10C-.13(5) by discharging water from areas disturbed by mining activities in noncompliance with the effluent limitation guidelines for Iron and TSS in NPDES Permit No. AL0071358 as shown in the attached *Table of NPDES Permit No. AL0071358 Violations (Exhibit B)*.

48. The violations alleged herein will continue unless this Court enjoins Shannon. These violations have caused and will continue to cause Riverkeeper irreparable injury. Riverkeeper has no adequate remedy at law for the injuries caused by Shannon's continuing violations.

***Count IV***  
***Alabama Surface Mining Control and Reclamation Act:  
Federal Water Quality Effluent Limitation Guideline Violations***

49. Riverkeeper incorporates herein paragraphs 1 through 48 by reference.

50. Pursuant to the Alabama Surface Mining Control and Reclamation Act of 1981 (Ala. Code §§ 9-16-70 to 9-16-107), the Alabama Surface Mining Commission adopted Ala. Admin. Code r. 880-X-10C-.13(5) which provides that “[d]ischarges of water from areas disturbed by mining activities shall be made in compliance with all applicable . . . Federal water quality effluent limitation guidelines for coal mining.”

51. Federal water quality effluent limitation guidelines for coal mining include those effluent limitations in 40 C.F.R. Part 434, Subpart C – Acid or Ferruginous Mine Drainage. New source coal mines like Shannon Mine are subject to the following effluent limitations:

<b>Pollutant</b>	<b>Daily Minimum</b>	<b>Daily Maximum</b>	<b>Daily Average</b> (aka Monthly Average)
Iron (Fe)	-	6.0 mg/L	3.0 mg/L
Manganese (Mn)	-	4.0 mg/L	2.0 mg/L
Total Suspended Solids (TSS)	-	70 mg/L	35 mg/L
pH	6.0 s.u.	9.0 s.u.	-

40 C.F.R. § 434.35.

52. The effluent limitations in 40 C.F.R. § 434.35 are applicable to Shannon Mine.

53. Shannon violated Ala. Admin. Code r. 880-X-10C-.13(5) by discharging water from areas disturbed by mining activities in noncompliance with the effluent limitation guidelines for Iron and TSS in 40 C.F.R. § 434.35 as shown in the attached Shannon Mine Table of Effluent Violations (Exhibit C).

54. The violations alleged herein will continue unless this Court enjoins Shannon. These violations have caused and will continue to cause Riverkeeper irreparable injury. Riverkeeper has no adequate remedy at law for the injuries caused by Shannon's continuing violations.

**Count V**  
**Alabama Surface Mining Control and Reclamation Act:**  
**State Water Quality Effluent Limitation Guideline Violations**

55. Riverkeeper incorporates herein paragraphs 1 through 54 by reference.

56. Pursuant to the Alabama Surface Mining Control and Reclamation Act of 1981 (Ala. Code §§ 9-16-70 to 9-16-107), the Alabama Surface Mining Commission adopted Ala. Admin. Code r. 880-X-10C-.13(5) which provides that “[d]ischarges of water from areas disturbed by mining activities shall be made in compliance with all applicable State . . . water quality effluent limitation guidelines for coal mining.”

57. State water quality effluent limitation guidelines for coal mining applicable to the Shannon Mine include the following discharge limitations in NPDES Permit No. AL0076597:

<b>Pollutant</b>	<b>Daily Minimum</b>	<b>Daily Maximum</b>	<b>Daily Average</b> (aka Monthly Average)
Iron (Fe)	-	6.0 mg/L	3.0 mg/L
Manganese (Mn)	-	4.0 mg/L	2.0 mg/L
Total Suspended Solids (TSS)	-	70 mg/L	35 mg/L
pH	6.0 s.u.	9.0 s.u.	-

58. Shannon violated Ala. Admin. Code r. 880-X-10C-.13(5) by discharging water from areas disturbed by mining activities in noncompliance with the effluent limitation guidelines for Iron and TSS in NPDES Permit No. AL0076597 as shown in the attached *Table of NPDES Permit No. AL0071358 Violations (Exhibit B)*.

59. The violations alleged herein will continue unless this Court enjoins Shannon. These violations have caused and will continue to cause Riverkeeper irreparable injury. Riverkeeper has no adequate remedy at law for the injuries caused by Shannon's continuing violations.

***Demand for Relief***

Riverkeeper respectfully requests that this Court grant the following relief:

A. That the Court render a judgment finding and declaring that Shannon, LLC has operated the Shannon Mine in violation of the discharge limitations in NPDES Permit No. AL0076597; in violation of the New Source Performance Standard effluent limitations in 40 C.F.R. § 434.35; and in violation of the requirements of Ala. Admin. Code r. 880-X-10C-.13(5).

B. That the Court enjoin Shannon from continuing to operate the Shannon Mine in violation of the discharge limitations in NPDES Permit No. AL000076597; in violation of the New Source Performance Standard effluent limitations in 40 C.F.R. § 434.35; and in violation of the requirements of Ala. Admin. Code r. 880-X-10C-.13(5);

C. That the Court assess a civil penalty of \$37,500.00 for each violation of the discharge limitations in NPDES Permit No. AL0076597 alleged herein which occurred after January 12, 2009 in accordance with CWA § 505(a), 33

U.S.C. § 1365(a) (*see* 40 C.F.R. Part 19) and/or for each violation of the New Source Performance Standards in 40 C.F.R. § 434.35;

D. That the Court award costs of litigation (including reasonable attorney and expert witness fees) to Riverkeeper in accordance with CWA § 505(d), 33 U.S.C. § 1365(d); SMCRA § 520(d), 30 U.S.C. § 1270(d); and ASMRCA, Ala. Code § 9-16-95(d); and

E. That the Court award Riverkeeper such other relief to which it may be entitled.

Respectfully submitted,



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ASB-4118-A59E  
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Copy provided to:

Hon. Eric Holder, Attorney General  
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c/o Citizen Suit Coordinator

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Hon. Gwendolyn Keyes-Fleming, Regional Administrator  
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February 22, 2013

**EXHIBIT A**

Marigold Land Company, Registered Agent  
Shannon, LLC  
1000 Urban Center Drive, Suite 300  
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CERTIFIED MAIL No. 7012 2210 0001 3260 6296

David Muncher,  
Management Committee Member  
Shannon, LLC  
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Vestavia Hills, Alabama 35242  
CERTIFIED MAIL No. 7012 0470 0000 7051 2259

**Re: Notice of Intent to File Citizen Suit Under Clean Water Act, Surface Mining Control and Reclamation Act, and Alabama Surface Mining Control and Reclamation Act for Violations at Shannon Mine**

To Whom It May Concern:

Black Warrior Riverkeeper (“Riverkeeper”) intends to file a lawsuit under § 505 of the Clean Water Act (“CWA”), 33 U.S.C. §1365, against Shannon, LLC (“Shannon”) for violations of the CWA, 40 C.F.R. § 434.35, and NPDES Permit No. AL0076597 as more fully set out below. Riverkeeper further notifies you that that it intends to file a lawsuit against Shannon under § 520 of the Surface Mining Control and Reclamation Act (“SMCRA”), 30 U.S.C. § 1270, for violations of Ala. Admin. Code r. 880-X- 10C-.13(5) as more fully set out below. Finally, Riverkeeper notifies you that it intends to file a lawsuit against Shannon under the Alabama Surface Mining Control and Reclamation Act (“ASMCRA”), Ala. Code § 9-16-95, for violations of ASMCRA and Ala. Admin. Code r. 880-X-10C-.13(5).

These violations are occurring at the Shannon Mine, located in southwestern Jefferson County and northeastern Tuscaloosa County approximately 1.3 miles northeast of the community of Abernant, Alabama. More specifically the mine is located in parts of Sections 1, 2, 3, 4, 9, 10, and 11, Township 20 South, Range 6 West and Sections 34, 35, and 36, Township 19 South, Range 6 West, Jefferson and Tuscaloosa Counties, Alabama. Shannon Mine is authorized to discharge to Blue Creek, Lick Branch,

Little Blue Creek, Mud Creek, Unnamed Tributaries to Blue Creek, Unnamed Tributaries to Buffalo Creek, Unnamed Tributaries to Little Blue Creek, Unnamed Tributaries to Mud Creek, Unnamed Tributaries to Rockcastle Creek, and Unnamed Tributaries to Valley Creek, classified as Fish and Wildlife, and to Valley Creek, classified as Limited Warmwater Fishery, all waters of the United States located within the Upper Black Warrior subwatershed within the Black Warrior River basin. Based upon information and belief, Shannon owns and operates the Shannon Mine where these violations are occurring. Riverkeeper provide this notice pursuant to 40 C.F.R Part 135, Subpart A, 30 C.F.R. § 700.13, and Ala. Admin. Code r. 880-X-2A-.09.

### *I. Clean Water Act Violations*

Shannon is in violation of §§ 301, 306 and 402 of the CWA (33 U.S.C. §§ 1311, 1316 and 1342). These laws mandate that the Shannon Mine shall not discharge pollutants to waters of the United States except in compliance with any permit issued pursuant to the National Pollutant Discharge Elimination System (“NPDES”).

Shannon was issued NPDES Permit No. AL0076597 by the Alabama Department of Environmental Management (“ADEM”) for the Shannon Mine. Absent specifically claimed exemptions, that permit provides the following discharge limitations.

At Outfall 001-1, for Iron (Fe), the permit specifies a Monthly Average of 3.0 mg/L, a Daily Maximum of 6.0 mg/L. For Manganese (Mn), the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium (Se), the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L. For Zinc, the permit specifies a Monthly Average of 1305 µg/L and a Daily Maximum of 1305 µg/L.

At Outfalls 002-1 through 006-1; 021-1 through 026-1; 030-1 through 035-1; 037 through 043-1; 045-1; 046-1; 051-1; 054-1 through 056-1; 058-1 through 062-1; 064-1; 065-1; 067-1; 072-1 through 074-1; and 076-1; for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L.

At Outfalls 007-1 through 020-1; 052-1; and 053-1; for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the

permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L.

At Outfalls 027-1; 028-1; 050-1; 057-1; 063-1; and 070-1; for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u.

At Outfall 029-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 34.2 µg/L.

At Outfall 036-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 10.6 µg/L and a Daily Maximum of 37.0 µg/L.

At Outfall 044-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 18.3 µg/L.

At Outfall 047-1 and 048-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.0 µg/L and a Daily Maximum of 20.0 µg/L.

At Outfall 049-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a

Daily Maximum of 4.0 mg/L. For Total Suspended Solids, the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 5.7 µg/L and a Daily Maximum of 22.1 µg/L.

For Outfall 066-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 28.3 µg/L.

For Outfall 068-1 and 069-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 45.5 µg/L.

For Outfall 071-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 51.0 µg/L.

For Outfall 075-1, for Iron the permit specifies a Monthly Average of 3.0 mg/L and a Daily Maximum of 6.0 mg/L. For Manganese, the permit specifies a Monthly Average of 2.0 mg/L and a Daily Maximum of 4.0 mg/L. For Total Suspended Solids (TSS), the permit specifies a Monthly Average of 35.0 mg/L and a Daily Maximum of 70.0 mg/L. For pH, the permit specifies a Daily Minimum of 6.0 s.u. and a Daily Maximum of 9.0 s.u. For Selenium, the permit specifies a Monthly Average of 38.9 µg/L.

Shannon has violated the discharge limitations of NPDES Permit No. 0076597 at Shannon Mine on the dates provided in Exhibit A attached. The violations listed were taken from Discharge Monitoring Reports which Shannon files with ADEM each quarter as a condition of NPDES Permit No. AL0076597.

The violations referenced above demonstrate a continuing pattern of pollution at Shannon Mine which is likely to continue in the future and which degrades and threatens waters of the United States in

violation of the CWA. Riverkeeper intends to pursue these and similar or related violations, including all violations which occur or continue after service of this notice and all violations revealed in the course of the litigation discovery process.

## ***II. Surface Mining Control and Reclamation Act Violations***

Riverkeeper further notifies you, in accordance with § 520 of the federal Surface Mining Control and Reclamation Act (“SMCRA”), 30 U.S.C. § 1270, and 30 C.F.R. § 700.13, that Shannon is in violation of Ala. Admin. Code r. 880-X- 10C-.13(5) which provides that “[d]ischarges of water from areas disturbed by mining activities shall be made in compliance with all applicable State and Federal water quality effluent limitation guidelines for coal mining.” Ala. Admin. Code r. 880-X- 10C-.13(5) is included in the regulatory program approved by the Secretary of the Interior pursuant to § 503 of SMCRA, 30 U.S.C. § 1253. *See* 30 C.F.R. Part 901; 47 Fed. Reg. 22057 (1982).

State water quality regulations require that all discharges of pollutants to state waters shall be permitted and shall comply with all permit conditions. Ala. Admin. Code rs. 335-6-6-.03(1) and 335-6-6-.12(a). Such permit conditions are required to include effluent limitations and standards promulgated under §§ 301 and 306 of the CWA, 33 U.S.C. §§ 1311 and 1316, and any more stringent limitations necessary to protect water quality consistent with the requirements of any applicable Total Maximum Daily Load allocation established under § 303(d) of the CWA, 33 U.S.C. § 1313(d). Ala. Admin. Code rs. 335-6-6-.14(3)(a) and 335-6-6-.14(3)(e)8. By discharging selenium, iron, and total suspended solids in excess of the effluent limitations and guidelines included in NPDES Permit No. 0076597, Shannon is in violation of Ala. Admin. Code r. 880-X- 10C-.13(5). Accordingly, the NPDES permit violations set out in Exhibit A are also violations of Ala. Admin. Code r. 880-X- 10C-.13(5) and the Alabama regulatory program approved under SMCRA.

## ***III. Alabama Surface Mining Control and Reclamation Act Violations***

Riverkeeper further notifies you, in accordance with the Alabama Surface Mining Control and Reclamation Act (“ASMCRA”), Ala. Code § 9-16-95, and Ala. Admin. Code r. 880-X-2A-.09, that Shannon is in violation of State regulations promulgated under ASMCRA as a result of Shannon Mine’s discharges of selenium, iron and total suspended solids in excess of permitted limits.

ASMCRA, Ala. Code § 9-16-90, directs the Alabama Surface Mining Commission to promulgate environmental protection performance standards applicable to surface coal mines. The Commission promulgated Ala. Admin. Code r. 880-X- 10C-.13(5) which provides that “[d]ischarges of water from areas disturbed by mining activities shall be made in compliance with all applicable State and Federal water quality effluent limitation guidelines for coal mining.”

In addition, State water quality regulations require that all discharges of pollutants to state waters shall be permitted and shall comply with all permit conditions. Ala. Admin. Code rs. 335-6-6-.03(1) and 335-6-6-.12(a). Such permit conditions are required to include effluent limitations and standards promulgated under §§ 301 and 306 of the CWA, 33 U.S.C. §§ 1311 and 1316, and any more stringent limitations necessary to protect water quality consistent with the requirements of any applicable a Total Maximum Daily Load allocation established under § 303(d) of the CWA, 33 U.S.C. § 1313(d). Ala. Admin. Code rs. 335-6-6-.14(3)(a) and 335-6-6-.14(3)(e)8. By discharging selenium, iron and total suspended solids in excess of the effluent limitations and guidelines included in NPDES Permit No. 0076597, Shannon is in violation of Ala. Admin. Code r. 880-X- 10C-.13(5) and ASMCRA. Accordingly, the NPDES permit violations set out in Exhibit A are also violations of Ala. Admin. Code r. 880-X- 10C-.13(5) and ASMCRA.

Riverkeeper will request, among other remedies, a judgment declaring the discharges or violations described or listed herein to be unlawful. Riverkeeper will also seek an injunction prohibiting Shannon from discharging pollutants in violation of the CWA, 40 C.F.R. § 434.35, NPDES Permit No. 0076597, SMCRA, 30 C.F.R. § 816.42, ASMCRA, and Ala. Admin. Code r. 880-X-10C-.13(5). Additionally, Riverkeeper will seek the imposition of civil penalties. The maximum penalty that could be imposed against BWM is \$37,500.00 per violation for violations which occurred after January 12, 2009. *See* 40 C.F.R. Part 19.

The person giving this notice is Black Warrior Riverkeeper, 712 37<sup>th</sup> Street South, Birmingham, Alabama 35222-3206. The attorney for Black Warrior Riverkeeper is Eva Dillard, Staff Attorney, Black Warrior Riverkeeper, Inc., 712 37<sup>th</sup> Street South, Birmingham, Alabama 35222-3206, telephone number (205) 458-0095. Please direct all correspondence to my attention.

If you have any questions concerning this Notice Letter or the described violations, please contact the undersigned. During the notice period, we are available to discuss this matter with you, but suggest that if you desire to initiate negotiations in lieu of a civil action you do so as soon as possible, as we do not intend to delay filing suit once the notice period has expired. Our preference always is to work with you to address the environmental compliance concerns we have identified at your facility. If you think it might be productive, we would be glad to meet with you and your counsel to discuss possible solutions and remedies.

Thank you for your attention to this matter and we look forward to hearing from you.

Sincerely,



Eva Dillard  
Attorney for  
Black Warrior Riverkeeper, Inc.

cc: Bob Perciasepe, Acting Administrator  
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VIA CERTIFIED MAIL 7012 0470 0000 7051 2150

**Exhibit B**

**Shannon Mine (AL0076597) NPDES Violations Since February 2008**

<b>Date</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Discharge</b>	<b># of Violations</b>
Nov-12	DSN033	Selenium, Monthly Average	5.0 µg/L	8.13 µg/L	30
Nov-12	DSN075	Iron, Monthly Average	3.0 mg/L	3.75 mg/L	30
Oct. 23, 2012	DSN032	Selenium, Daily Maximum	20.0 µg/L	58.00 µg/L	-
Oct-12	DSN032	Selenium, Monthly Average	5.0 µg/L	58.00 µg/L	31
Oct-12	DSN033	Selenium, Monthly Average	5.0 µg/L	17.42 µg/L	31
Oct-12	DSN047	Selenium, Monthly Average	5.0 µg/L	9.51 µg/L	31
Sep-12	DSN033	Selenium, Monthly Average	5.0 µg/L	11.98 µg/L	30
Sep-12	DSN047	Selenium, Monthly Average	5.0 µg/L	9.94 µg/L	30
Sep-12	DSN075	Iron, Monthly Average	3.0 mg/L	4.60 mg/L	30
May-12	DSN045	Iron, Monthly Average	3.0 mg/L	3.05 mg/L	31
Mar-12	DSN049	Iron, Monthly Average	3.0 mg/L	3.62 mg/L	31
Mar. 8, 2012	DSN032	Selenium, Daily Maximum	20.0 µg/L	48.63 µg/L	-
Mar-12	DSN032	Selenium, Monthly Average	5.0 µg/L	48.63 µg/L	31
Mar-12	DSN033	Selenium, Monthly Average	5.0 µg/L	5.70 µg/L	31
Feb. 3, 2012	DSN032	Selenium, Daily Maximum	20.0 µg/L	37.23 µg/L	-
Feb-12	DSN032	Selenium, Monthly Average	5.0 µg/L	37.23 µg/L	29
Feb-12	DSN033	Selenium, Monthly Average	5.0 µg/L	9.18 µg/L	29
Feb-12	DSN047	TSS, Monthly Average	35.0 mg/L	55.80 mg/L	29
Jan-12	DSN049	Iron, Monthly Average	3.0 mg	4.11 mg/L	31
Jan. 6, 2012	DSN033	Selenium, Daily Maximum	20.0 µg/L	22.70 µg/L	-

Jan-12	DSN033	Selenium, Monthly Average	5.0 µg/L	13.44 µg/L	31
Jan-12	DSN027	Selenium, Monthly Average	5.0 µg/L	5.08 µg/L	31
Jan-11	DSN033	Selenium, Monthly Average	11.88 µg/L	16.3 µg/L	31
Dec-10	DSN033	Selenium, Monthly Average	11.88 µg/L	15.8 µg/L	31
Aug-10	DSN033	Selenium, Monthly Average	11.88 µg/L	12.6 µg/L	31
Mar-10	DSN033	Selenium, Monthly Average	11.88 µg/L	13 µg/L	31
Mar-10	DSN041	Iron, Monthly Average	3.0 mg/L	3.11 mg/L	31
Feb-10	DSN033	Selenium, Monthly Average	11.88 µg/L	18 µg/L	28
Feb-10	DSN051	Iron, Monthly Average	3.0 mg/L	5.40 mg/L	28
<b>TOTAL VIOLATIONS</b>					<b>758</b>

**Exhibit C**

**Shannon Mine Effluent Violations Since February 2008**

<b>Date</b>	<b>Outfall</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>Discharge</b>	<b># of Violations</b>
Nov-12	DSN075	Iron, Monthly Average	3.0 mg/L	3.75 mg/L	30
Sep-12	DSN075	Iron, Monthly Average	3.0 mg/L	4.60 mg/L	30
May-12	DSN045	Iron, Monthly Average	3.0 mg/L	3.05 mg/L	31
Mar-12	DSN049	Iron, Monthly Average	3.0 mg/L	3.62 mg/L	31
Feb-12	DSN047	TSS, Monthly Average	35.0 mg/L	55.80 mg/L	29
Jan-12	DSN049	Iron, Monthly Average	3.0 mg	4.11 mg/L	31
Mar-10	DSN041	Iron, Monthly Average	3.0 mg/L	3.11 mg/L	31
Feb-10	DSN051	Iron, Monthly Average	3.0 mg/L	5.40 mg/L	28
<b>TOTAL VIOLATIONS</b>					<b>241</b>