



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
KNOXVILLE ENVIRONMENTAL FIELD OFFICE
DIVISION OF MINERAL & GEOLOGIC RESOURCES – MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TENNESSEE 37921-6538
PHONE (865) 594-6035 STATEWIDE 1-888-891-8332 FAX (865) 594-6105

April 10, 2023

Mr. Paul Lojek, President
Alden Resources, LLC
332 W. Cumberland Gap Parkway Suite 100
Corbin, KY 40701

SENT VIA ELECTRONIC MAIL TO KETCHENDEVELOPMENT@YAHOO.COM,
GADAMS@FERROGLOBE.COM, MICHAEL.B.ERP@GMAIL.COM

RE: Notice of Violation

Alden Resources, LLC
Area 6
NPDES Permit TN0070408
SMCRA Permit 3340
Campbell County

Dear Mr. Lojek,

On March 27, 2023 the Division of Mineral and Geologic Resources (the Division) conducted an inspection of Area 6 in response to a notification of a landslide occurrence by OSMRE. During the inspection the Division documented a landslide occurring on the outslope of the road at pond 103 and extending into a jurisdictional waters feature. A delta of soil and rock material from the toe of the landslide has entered the feature, extending approximately 100 ft along the bank and 30 ft into feature. Sediment from the material and storm water draining down the face of the slide into the feature is causing a color contrast of the water.

At the time of inspection pond 103 was receiving storm water inflow but not discharging. Coupled with water observed seeping out of the pond outslope at the pond floor elevation, the leaking pond was likely a primary factor contributing to the saturation of the outslope and its landslide.

Alden Resources, LLC is in violation of the following:

State of Tennessee Water Quality Standards as established in the Rules of TDEC 0400-40-03-.03(3)(d):

(d) Turbidity, Total Suspended Solids, or Color – There shall be no turbidity, total suspended solids, or color in such amounts or of such character that will materially affect fish and aquatic life. In wadable streams, suspended solid levels over time should not be substantially different than conditions found in reference streams.

Tenn. Code Ann. §§ 69-3-114(a):

- (a) It is unlawful for any person to discharge any substance into the waters of the state or to place or cause any substance to be placed in any location where such substances, either by themselves or in combination with others, cause any of the damages as defined in § 69-3-103, unless such discharge shall be due to an unavoidable accident or unless such action has been properly authorized. Any such action is declared to be a public nuisance.

Permit terms and conditions:

- 1) Part II A. 4 (a): The permittee shall at all times properly operate and maintain all facilities and systems (and related appurtenances) for collection and treatment installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- 2) Part II A. 8: The permittee shall utilize Best Management Practices to prevent or minimize erosion and the contribution of suspended solids and sediment to surface waters and/or adjacent properties. Such practice(s) shall be implemented to reduce the impacts caused by disturbances created by the installation of culverts, the construction of haulroads, access roads, spoil storage, and stockpile areas, and other related activities.

To address these violations, please submit a Corrective Action Plan (CAP) to the Division by **May 10, 2023**. The CAP should include details on how Alden Resources, LLC proposes to stabilize/remove pond 103 and manage storm water originating from the site, stabilize the landslide, route storm water off the slide, and address the slide material in the jurisdictional feature.

Failure to comply with this Notice of Violation may result in escalation of enforcement, including potential civil or monetary penalties. Due to the water quality impact of this violation, this matter has been referred to the TDEC Compliance and Enforcement Section.

Mr. Paul Lojek, President
Alden Resources, LLC
Page 3 of 3

If you have any questions, please contact Bonnie Craighead at (865) 223-4083 or Bonnie.Craighead@tn.gov. You may also contact me at (865) 803-1206 or Daniel.Lawrence@tn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan Lawrence", written in a cursive style.

Daniel Lawrence – Mining Section Program Manager
Division of Mineral and Geologic Resources

cc:

Via e-mail Ms. Whitney Nash, OSMRE
Via e-mail USACE Nashville Regulatory District