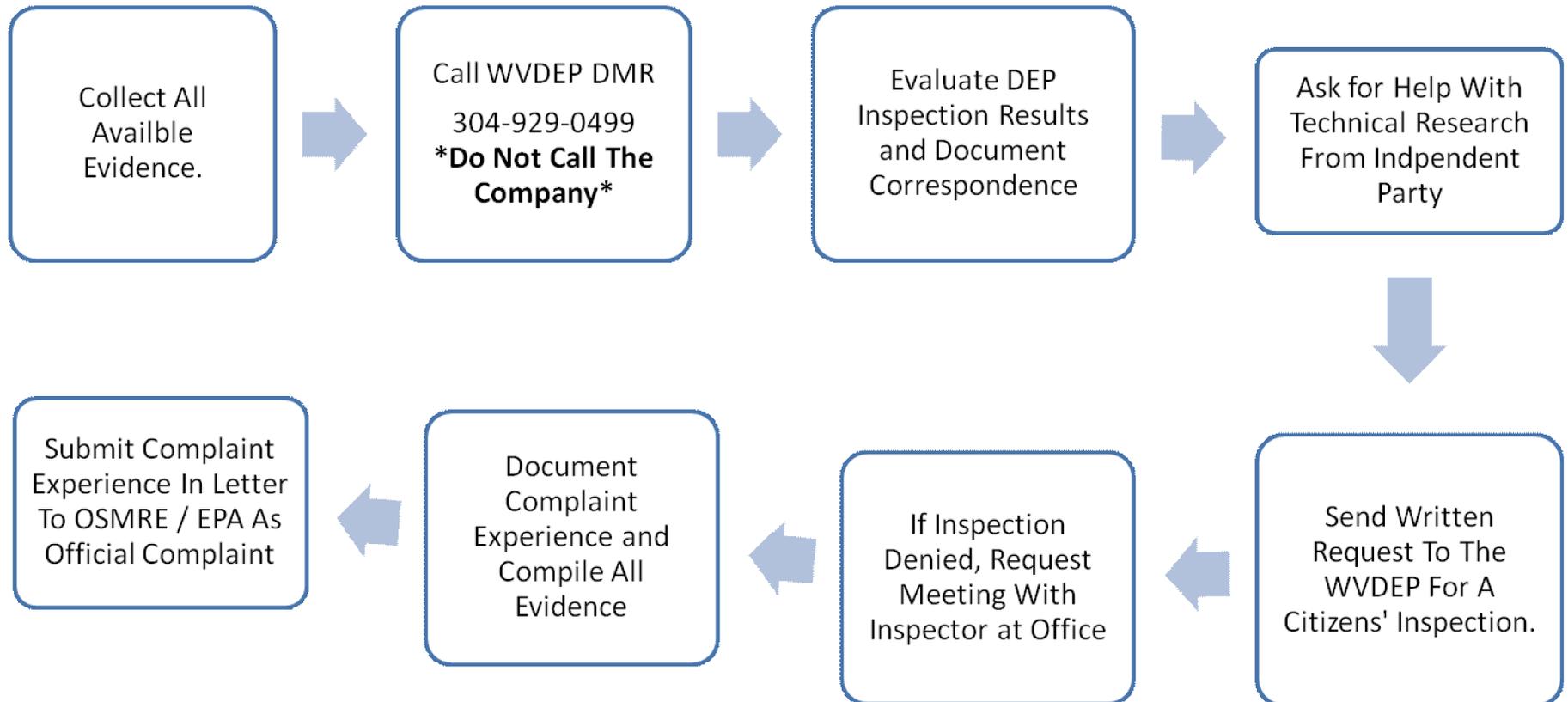


Citizens' Complaint Process



1. **Collect all available information:** Get as much information as possible about the suspected violation.

- a. What is the nature of the violation?
- b. Where is the violation located? (county, nearest town, nearest streams)
- c. Mining company and names or numbers of possible permits?

2. **Call a complaint into the West Virginia Department of Environmental Protection Division of Mining and Reclamation:** Call 304-926-0499 and state, "I would like to file a complaint with the Division of Mining and Reclamation."

- a. ***Do not call the Company*** Request that the inspector not notify the company of your complaint until after the inspection as it may jeopardize the results of the inspection.
- b. Request that the inspector responding to your complaint contact you before going on site to investigate.
- c. Ask for it to be documented in the complaint that you would like to exercise your right to accompany the inspector on his inspection even though a written letter might be required.
- d. Be available by phone for the entire day of the complaint so the inspector can reach you with questions.

3. **Evaluate DEP Inspection results and document all correspondence:** Keep a folder or note book with notes from phone calls and inspection results from DEP.
 - a. Document times of conversations with inspectors
 - b. Note the name and phone number of the inspectors you spoke with.
4. **Ask for help with technical research from an independent party:** At this point in the process, once the DEP has already done its inspection and has likely come up with unsatisfactory results it is important to check their work and investigate the potential violation or violation independently. Coal River Mountain Watch and the Sludge Safety Project have that capability of providing or assisting with technical research to check the DEP's work. Call 304-854-2182 if you need this sort of help.
5. **Send a written request to the WVDEP for a Citizen's Inspection:** If your request was not granted from your phone request, send a letter to the inspector that responded to your request asking to exercise your right to have a citizen's inspection regarding your complaint. If you wish to have anyone accompany you, include their names in the letter.

Attn: (Inspector)
WVDEP Oak Hill Regional Office
116 Industrial Drive
Oak Hill, WV 2590
304-465-1911

Attn: (Inspector)
WVDEP Logan Regional Office
1101 George Kostas Drive
Logan, WV 25601
304-792-7250

6. **If a Citizen's Inspection request is denied, request a meeting with the inspector at the district office:** This is essential to gathering all the facts associated with the complaint. At the district office it is often helpful to you for the inspector to describe the situation while looking over permit maps and photographs. This will allow you to ask tough relevant questions challenging the inspector's findings.
7. **Document complaint experience and compile evidence:** It is important at this point to document the experience you had filing a complaint with the WVDEP. At this time it is appropriate to write a brief summary of your complaint including any troubles you may have had with the agency and decided whether you are satisfied with the results of your complaint investigation.
8. **Submit an official complaint to the federal Office of Surface Mining Reclamation & Enforcement (OSMRE) and / or the federal Environmental Protection Agency (EPA):** It is important to notify the federal agencies of regulatory problems. These agencies are responsible for ensuring proper enforcement of federal statutes. Nearly all mining and water quality rules are federal statutes enforced by the state. The federal agencies have the power to intervene on state regulation when they feel it is not being enforced properly. If you had any dissatisfaction with the performance of the DEP you should write them a letter with the words official complaint in the subject line.

Roger Calhoun
Field Office Director
Office of Surface Mining
Reclamation and Enforcement
1027 Virginia Street East
Charleston, WV 25301
rcalhoun@osmre.gov
304-347-7158

Samantha Beers
Office of Enforcement,
Compliance and Environmental Justice
U.S. EPA Region 3 - Mail Code 3EC00
1650 Arch Street, Room 16-416
Philadelphia, PA 19103-2029
beers.samantha@epa.gov
(215) 814-2627.

What is there to complain about?

Frequent or significant violations should be reported to the EPA and / or OSMRE in addition to the DEP

Black Water – Primarily occurs during rain storms. File a complaint any time you notice a stream has turned a darker color than usual. This is best observed at the confluence of two streams. This type of event warrants an emergency type response as most spills only have a few hours long window to document.

Acid Mine Drainage (AMD) - This frequently comes from deep mines. Generally speaking this type of event occurs over a longer period of time. Coal Companies will routinely try and pin any sort of acid mine drainage on abandoned pre-1977 deep mines that the Federal Abandoned mine Lands fund is responsible for. Report Acid mine drainage when you see it unless you are sure it is already being addressed. Look out for new occurrences of AMD as a coal company is more likely to be responsible for this type of discharge.

Offsite Disturbance – Any time you see water running off of a mine site that is not going through an approved drainage structure it is likely due to unsatisfactory sediment control. Mudslides and severe erosion in the vicinity of a mine site should always be reported.

Fly Rock – Any time you find a rock that originated from a mine site report it immediately to the DEP. Do not notify the company, do not let the company or the DEP move the rock until the inspection is complete.

Blasting Damage – Document the precise time whenever you hear or feel a blast. Regularly inspect your home for damage that may have been caused by blasting. Call in a complaint any time you hear or feel a large blast or notice any damage on your home. If you have a well, monitor it closely and file a complaint if you have any problems whatsoever.

Mud on Pavement – Coal trucks are prohibited from tracking mud onto a public road. Any time you see mud on a public road in a place where coal trucks are call in a complaint and document what you see.

Bad Tap Water – If you have a well near a mine site your water source is at risk from being destroyed or polluted. File a complaint if you see any changes in your tap water.

Fugitive Dust Control – Any time you see dust blowing off a mine site or large plumes of dust on the mine site, call in a complaint and document your findings. Even if the DEP does not respond to your complaint, it is important to file a complaint as documentation of a problem.