

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF: \_\_\_\_\_ )

Crimson Oak Grove Resources, LLC )  
Concord Preparation Plant )  
Hueytown, Jefferson County, Alabama )

NPDES Permit No. AL0003620 \_\_\_\_\_ )

Consent Order No. XX-XXX-CWP

***PREAMBLE***

This Special Order by Consent (“Consent Order”) is made and entered into by the Alabama Department of Environmental Management (“the Department”) and Crimson Oak Grove Resources, LLC (“the Permittee”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, the Alabama Water Pollution Control Act (“AWPCA”), Ala. Code §§ 22-22-1 to 22-22-14, as amended, and the regulations promulgated pursuant thereto.

***STIPULATIONS***

1. The Permittee operates a coal preparation plant, lime slaker plant, and a sewage treatment facility known as Concord Preparation Plant (“the Facility”). The Facility is located at 1500 Concord Mine Road, Hueytown, Jefferson County, Alabama

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), as amended, the Department is the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1388. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.

4. The Department issued National Pollutant Discharge Elimination System

("NPDES") Permit Number AL0003620 ("the Permit") to Oak Grove Resources, LLC on September 2, 2015, effective October 1, 2015, establishing limitations on the discharge of pollutants from such point sources, designated therein as Outfall Numbers 001 and 006 through 051, from the Mine to Valley Creek, unnamed tributaries to Valley Creek, Lick Creek, unnamed tributaries to Lick Creek, and Little Lick Creek, all waters of the State.

5. The Permit was transferred to Crimson Oak Grove Resources, LLC ("the Permittee") on March 12, 2021, with an effective date of March 12, 2021.

#### ***DEPARTMENT'S CONTENTIONS***

6. Part I.A. of the Permit states that all discharges that occur from constructed and certified Outfalls shall be limited as specified by the Permit.

7. The Discharge Monitoring Reports ("DMRs") submitted by the Permittee to the Department between July 2022 and March 2024 show sixty-eight instances where the limitations specified in Part I.A. of the Permit were exceeded. There were twenty exceedances for Total Recoverable Selenium; thirty-three exceedances of Total Ammonia Nitrogen (as N); one exceedance for Carbonaceous Biochemical Oxygen Demand (CBOD) 5 Day; one exceedance for CBOD percent removal; four exceedances of E. coli; three exceedances of Percent Removal of Suspended Solids; four exceedances of Trivalent Dissolved Arsenic; and two exceedances for Iron. The exceedances listed in Attachments A through G evidence violations of Part I.A. of the Permit.

8. Part I.D.3. of the Permit requires the Permittee to submit ADEM Form 401 (Individual NPDES Permit Noncompliance Notification) or ADEM Form 421 (NPDES/SID Non-compliance Notification Form) (together "NCFs") to the Department if, for any reason, the Permittee's discharge does not comply with any limitation in the Permit. The NCF is required to be submitted with the next DMR due to the Department after becoming aware of the occurrence of such noncompliance. The Permittee failed to submit NCFs for noncompliance with Permit limitations eleven times between September 2022 and June 2024, in violation of Part I.D.3. of the Permit. The monitoring periods for the missing NCFs are listed in Attachment H.

9. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation, including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit that delayed compliance may have conferred upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violation upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day that such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. **SERIOUSNESS OF THE VIOLATIONS AND BASE PENALTY:** Violations of ADEM Admin. Code div. 335-6, the Permit, and the AWPCA were noted. In arriving at the civil penalty, the Department considered the general nature of each violation, the violations' effects, if any, on the receiving waters, and any available evidence of irreparable harm to the environment or threat to the public.

B. **THE STANDARD OF CARE:** The Permittee could have easily avoided some of the cited violations by submitting all required NCFs. In consideration of the standard of care manifested by the Permittee, the Department enhanced the penalty.

C. **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department has considered that delayed compliance may have conferred an economic benefit upon the Permittee but is unable to estimate the economic benefit associated with the violations cited above, as the costs for compliance are not available.

D. **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATIONS UPON THE ENVIRONMENT:** In response to a Notice of Violation ("NOV"), the Permittee submitted a compliance plan to the Department on January 20, 2023, which stated that compliance was to be achieved by September 1, 2023. On February 26, 2024, the Department issued another

NOV to the Permittee for continuing violations. The Permittee provided a response indicating the Facility had returned to compliance, however, subsequent DMRs showed continued noncompliance with the Permit.

E. HISTORY OF PREVIOUS VIOLATIONS: Permittee has a history of previous violations. In consideration of such history of previous violations, the Department enhanced the penalty.

F. THE ABILITY TO PAY: The Permittee has not alleged an inability to pay the civil penalty.

G. The civil penalty is summarized in Attachment H.

H. This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicably, without incurring unwarranted expense of litigation.

17. The Department neither admits nor denies the Permittee's contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the violations cited herein without unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

#### **PERMITTEE'S CONTENTIONS**

18. The Permittee neither admits nor denies the Departments contentions. The Permittee consents to abide by the terms of this Consent Order.

#### **ORDER**

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the penalty factors enumerated in Ala. Code §§ 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement, and the Department believes that the following conditions are appropriate to address the violations alleged herein. Therefore,

the Department and the Permittee (collectively "Parties") agree to enter into this CONSENT ORDER with the following terms and conditions.

A. The Permittee shall pay to the Department a civil penalty in the amount of \$50,000.00 in settlement of the violations alleged herein within **forty-five days** from issuance of this Consent Order. Failure to pay the civil penalty within forty-five days after issuance may result in the Department's filing a civil action in the Circuit Court of Montgomery to recover the civil penalty.

B. All penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

C. The Permittee shall prepare and submit to the Department an Engineering Report that: (1) identifies the potential and known causes of noncompliance, and (2) summarizes an investigation of the changes and actions necessary to achieve compliance with the Permit, state and federal regulations and to mitigate any existing effects the violations have had on the environment. At a minimum, the Permittee's Engineering Report shall address the need for changes in maintenance and operating procedures, the need for modification of existing operations, and the need for new or additional treatment facilities and BMPs. The Engineering Report shall include a Compliance Plan with a schedule for implementation of corrective actions. The Engineering Report shall be prepared by a professional engineer licensed to practice in the State of Alabama. The Engineering Report shall be submitted so that it is received by the Department no later than **forty-five days** after issuance of this Consent Order. If the Department determines through its review of the submitted Engineering Report that the submittal is not sufficient to accomplish compliance with the Permit and/or state regulations, or is not sufficient to feasibly mitigate the effects of the violations on the environment, then the Permittee shall

modify the Engineering Report accordingly. The Permittee agrees to submit modifications to the Engineering Report, if required, so that they are received by the Department no later than **thirty days** after receipt of the Department's comments.

D. The Permittee shall complete the corrective actions provided in the Engineering Report no later than 270 days after the issuance of this Consent Order.

E. The Permittee shall prepare and submit to the Department a detailed Progress Report describing the Permittee's progress towards achieving compliance with items presented in the Engineering Report within **thirty days** of any request(s) for a progress report by the Department.

F. The Permittee shall fully comply with the Permit within 270 days from issuance of this Consent Order.

G. The Permittee shall comply with all other terms, conditions, and limitations of the Permit immediately upon issuance of this Consent Order.

H. The Permittee shall submit a certification to the Department, signed by a professional engineer licensed to practice in the State of Alabama, indicating whether the Permittee is in compliance with all requirements of this Consent Order. The Permittee shall submit such certification so that it is received by the Department no later than **three hundred days** after the issuance of this order.

I. Should violations continue to occur after **270 days** after the issuance of this Consent Order, then the Department may issue an additional order or file suit against the Permittee in the Circuit Court of Montgomery County or other court of competent jurisdiction to enforce compliance of this Consent Order.

J. This Consent Order shall apply to and be binding upon both Parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the Party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the Party represented, and to legally bind such Party.

K. Subject to the terms of these presents and subject to the provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

L. The Permittee is not relieved from any liability if the Permittee fails to comply with any provision of this Consent Order.

M. For purposes of this Consent Order only, the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. In any action brought by the Department to compel compliance with the terms of the Agreement, the Permittee shall be limited to the defenses of *Force Majeure*, compliance with this Agreement and physical impossibility. A Force Majeure is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e. causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline shall be accompanied by the reasons (including documentation) for each extension and the proposed extension time. The Permittee shall submit this information so that it is received by the Department a minimum of ten working days prior to the original anticipated completion date. If the Department, after review of the extension request, finds that work was delayed because of the conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

N. The sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should

additional facts and circumstances be discovered in the future concerning the Facility which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed on other orders as may be issued by the Director, by litigation initiated by the Department, or by such other enforcement action as may be appropriate. The Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if such future orders, or other enforcement action addresses new matters not raised in this Consent Order.

O. This Consent Order shall be considered final and effective immediately upon signature of all Parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

P. This Consent Order shall not affect the Permittee's obligation to comply with any Federal, State, or local laws or regulations.

Q. Final approval and entry into this Consent Order are subject to the requirements that the Department provide notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the proposed Consent Order.

R. Should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

S. Any modification of this Consent Order shall be signed to in writing and signed by both Parties.

T. Except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State or local law, and shall not be construed to waive or relieve the Permittee of its obligations to comply in the future with any permit.



Executed in duplicate, with each part being an original

CRIMSON OAK GROVE RESOURCES, LLC

  
(Signature of Authorized Representative)

RYAN M. MURRAY  
(Printed Title)

Date Signed 4/17/25

ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT

\_\_\_\_\_  
Lance R. LeFleur  
Director

Date Executed & Issued \_\_\_\_\_

Attachment A  
 Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
 Hueytown, Jefferson County  
 AL0003620

Monthly Average and Maximum Daily Permit Limitation Exceedance  
 of Total Recoverable Selenium Violations<sup>1</sup>

No.	Monitoring Period	Outfall Number	Monthly Average or Maximum Daily	Limit	Reported Concentration	Concentration Units
1	June 2024	007	Monthly Average	5.0	6.59	µg/L
2	May 2024	007	Monthly Average	5.0	7.62	µg/L
3	April 2024	007	Monthly Average	5.0	5.93	µg/L
4	March 2024	007	Monthly Average	5.0	7.57	µg/L
5	February 2024	007	Monthly Average	5.0	7.07	µg/L
6	February 2024	011	Maximum Daily	20.0	26.26	µg/L
7	February 2024	011	Monthly Average	5.0	25.94	µg/L
8	January 2024	011	Monthly Average	5.0	27.50	µg/L
9	January 2024	011	Maximum Daily	20.0	27.50	µg/L
10	November 2023	007	Monthly Average	5.0	7.97	µg/L
11	August 2023	007	Monthly Average	5.0	6.94	µg/L
12	July 2023	011	Monthly Average	5.0	18.71	µg/L
13	June 2023	011	Monthly Average	5.0	24.97	µg/L
14	June 2023	011	Maximum Average	20.0	48.80	µg/L
15	April 2023	011	Monthly Average	5.0	5.185	µg/L
16	December 2022	011	Monthly Average	5.0	24.46	µg/L
17	December 2022	011	Maximum Daily	20.0	30.30	µg/L
18	November 2022	011	Monthly Average	5.0	5.41	µg/L
19	October 2022	011	Monthly Average	5.0	11.38	µg/L
20	September 2022	011	Monthly Average	5.0	12.75	µg/L

<sup>1</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.

Attachment B  
 Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
 Hueytown, Jefferson County  
 AL0003620

Monthly Average and Maximum Daily Permit Limitation Exceedance  
 of Nitrogen, Ammonia Total (as N) Violations <sup>2</sup>

No.	Monitoring Period	Outfall Number	Monthly Average or Weekly Average	Limit	Reported Concentration	Concentration Units
1	May 2024	006	Monthly Average	0.029	0.034	lbs/day
2	May 2024	006	Monthly Average	2.5	4.10	mg/L
3	May 2024	006	Weekly Average	0.043	0.046	lbs/day
4	May 2024	006	Weekly Average	3.7	5.47	mg/L
5	April 2024	006	Weekly Average	3.7	4.40	mg/L
6	February 2024	006	Monthly Average	2.5	6.35	mg/L
7	February 2024	006	Weekly Average	3.7	8.28	mg/L
8	December 2023	006	Monthly Average	2.5	4.93	mg/L
9	December 2023	006	Monthly Average	0.029	0.041	lbs/day
10	December 2023	006	Weekly Average	0.043	0.078	lbs/day
11	December 2023	006	Weekly Average	3.7	9.31	mg/L
12	October 2023	006	Monthly Average	2.5	3.71	mg/L
13	October 2023	006	Weekly Average	3.7	5.75	mg/L
14	September 2023	006	Weekly Average	3.7	4.46	mg/L
15	August 2023	006	Monthly Average	0.029	0.04	lbs/day
16	August 2023	006	Monthly Average	2.5	4.26	mg/L
17	August 2023	006	Weekly Average	3.7	5.05	mg/L
18	June 2023	006	Monthly Average	0.029	0.067	lbs/day
19	June 2023	006	Monthly Average	2.5	8.05	mg/L
20	June 2023	006	Weekly Average	3.7	10.0	mg/L
21	June 2023	006	Weekly Average	0.043	0.083	lbs/day

<sup>2</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.

Attachment B Continued  
 Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
 Hueytown, Jefferson County  
 AL0003620

Monthly Average and Maximum Daily Permit Limitation Exceedance  
 of Nitrogen, Ammonia Total (as N) Violations <sup>3</sup>

<b>No.</b>	<b>Monitoring Period</b>	<b>Outfall Number</b>	<b>Monthly Average or Weekly Average</b>	<b>Limit</b>	<b>Reported Concentration</b>	<b>Concentration Units</b>
22	May 2023	006	Monthly Average	2.5	9.71	mg/L
23	May 2023	006	Monthly Average	0.029	0.053	lbs/day
24	May 2023	006	Weekly Average	3.7	11.2	mg/L
25	May 2023	006	Weekly Average	0.043	0.069	lbs/day
26	April 2023	006	Monthly Average	2.5	5.25	mg/L
27	April 2023	006	Monthly Average	0.029	0.044	lbs/day
28	April 2023	006	Weekly Average	3.7	5.57	mg/L
29	April 2023	006	Weekly Average	0.043	0.046	lbs/day
30	March 2023	006	Monthly Average	0.029	0.037	lbs/day
31	March 2023	006	Monthly Average	2.5	4.49	mg/L
32	March 2023	006	Weekly Average	3.7	6.17	mg/L
33	March 2023	006	Weekly Average	0.043	0.051	lbs/day

<sup>3</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.

Attachment C  
Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
Hueytown, Jefferson County  
AL0003620

Weekly Average and Monthly Minimum Permit Limitation Exceedance  
of Five-day and Percent Removal CBOD Violations<sup>4</sup>

<b>No.</b>	<b>Monitoring Period</b>	<b>Outfall Number</b>	<b>Monthly Average or Weekly Average</b>	<b>Limit</b>	<b>Reported Concentration</b>	<b>Concentration Units</b>
1	May 2023	006	Weekly Average	18.0	20.6	mg/L
2	May 2023	006	Monthly Minimum	85.0	60.7	% Removal

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<sup>4</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.

Attachment D  
Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
Hueytown, Jefferson County  
AL0003620

Monthly Average and Maximum Daily Permit Limitation Exceedance  
of E. coli Violations<sup>5</sup>

No.	Monitoring Period	Outfall Number	Monthly Average or Weekly Average	Limit	Reported Concentration	Concentration Units
1	February 2024	006	Monthly Average	548	707	col/100mL
2	May 2023	006	Monthly Average	548	1211	col/100mL
3	July 2022	006	Maximum Daily	487	1120	col/100mL
4	July 2022	006	Monthly Average	126	374	col/100mL

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<sup>5</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.

Attachment E  
Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
Hueytown, Jefferson County  
AL0003620

Monthly Average and Maximum Daily Permit Limitation Exceedance  
of Percent Removal of Suspended Solids Violations<sup>6</sup>

<b>No.</b>	<b>Monitoring Period</b>	<b>Outfall Number</b>	<b>Monthly Average or Weekly Average</b>	<b>Limit</b>	<b>Reported Concentration</b>	<b>Concentration Units</b>
1	October 2023	006	Monthly Minimum	85	75	% Removal
2	August 2023	006	Monthly Minimum	85	83	% Removal
3	May 2023	006	Monthly Minimum	85	52.5	% Removal

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<sup>6</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.

Attachment F  
Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
Hueytown, Jefferson County  
AL0003620

Monthly Average and Maximum Daily Permit Limitation Exceedance  
of Trivalent Dissolved Arsenic Violations<sup>7</sup>

No.	Monitoring Period	Outfall Number	Monthly Average or Weekly Average	Limit	Reported Concentration	Concentration Units
1	June 2024	007	Monthly Average	0.678	0.78	µg/L
2	May 2024	007	Monthly Average	0.678	0.93	µg/L
3	November 2023	007	Monthly Average	0.678	1.57	µg/L
4	June 2023	007	Monthly Average	0.678	0.74	µg/L

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<sup>7</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.



Attachment G  
Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
Hueytown, Jefferson County  
AL0003620

Monthly Average Permit Limitation Exceedance  
of Total Iron (as Fe) Violations<sup>8</sup>

<b>No.</b>	<b>Monitoring Period</b>	<b>Outfall Number</b>	<b>Monthly Average or Weekly Average</b>	<b>Limit</b>	<b>Reported Concentration</b>	<b>Concentration Units</b>
1	June 2024	009	Monthly Average	3.0	3.165	mg/L
2	May 2024	009	Monthly Average	3.0	3.42	mg/L

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<sup>8</sup> Discussion of the Permit Limitation Exceedance Violations is found in Paragraph 7 of the “Department’s Contentions” of the Consent Order.

Attachment H  
 Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
 Hueytown, Jefferson County  
 AL0003620

Failure to Submit Noncompliance Forms (NCFs) Violations<sup>9</sup>

No.	Reporting Period	Outfall Number	Parameter	Concentration Units	Monthly Average or Weekly Average
1	June 2024	007	Arsenic, Trivalent Dissolved	µg/L	Monthly Average
2	May 2024	007	Arsenic, Trivalent Dissolved	µg/L	Monthly Average
3	April 2024	007	Selenium, Total Recoverable	µg/L	Monthly Average
4	March 2024	007	Selenium, Total Recoverable	µg/L	Monthly Average
5	August 2023	007	Selenium, Total Recoverable	µg/L	Monthly Average
6	March 2023	006	Nitrogen, Ammonia Total (as N)	lbs/day	Monthly Average
7	March 2023	006	Nitrogen, Ammonia Total (as N)	mg/L	Monthly Average
8	March 2023	006	Nitrogen, Ammonia Total (as N)	mg/L	Weekly Average
9	March 2023	006	Nitrogen, Ammonia Total (as N)	lbs/day	Weekly Average
10	October 2022	011	Selenium, Total Recoverable	µg/L	Monthly Average
11	September 2022	011	Selenium, Total Recoverable	µg/L	Monthly Average

<sup>9</sup> Discussion of the Violations from Failure to Submit Noncompliance Forms (NCFs) is found in Paragraph 8 of the “Department’s Contentions” of the Consent Order.

Attachment I  
 Crimson Oak Grove Resources, LLC – Concord Preparation Plant  
 Hueytown, Jefferson County  
 AL0003620

Penalty Calculation<sup>10</sup>

Violation*	Number of Violations*	(A)	(B)	(C)
		Seriousness of Violation*	Standard of Care*	History of Previous Violations*
Failure to Limit Discharges as Specified by the Permit	68	\$45,000	\$6,000	\$6,000
Failure to Submit Noncompliance Forms	11	\$2,500	\$500	\$0

Additional Adjustments due to negotiations, receipt of additional information, or public comment	
Mitigating Factors (-)	
Economic Benefit (+)	
Ability to Pay (-)	0
Other Factors (+/-)	\$10,000
<b>Total Adjustments (+/-)</b>	<b>\$10,000</b>

\$47,500	\$6,500	\$6,000
Total (A)	Total (B)	Total (C)
<b>Base Penalty Total [Total(A) + Total(B) + Total(C)]</b>		\$60,000
<b>Mitigating Factors (-)</b>		\$0
<b>Economic Benefit (+)</b>		\$0
<b>Ability to Pay (-)</b>		-\$0
<b>Other Factors (+/-)</b>		-\$10,000
<b>INITIAL PENALTY</b>		<b>\$50,000</b>
<b>Total Adjustments (+/-)</b>		-\$10,000
<b>FINAL PENALTY</b>		<b>\$50,000</b>

<sup>10</sup> See the "Department's Contentions" of the Consent Order for a detailed description of each violation and the penalty factors.