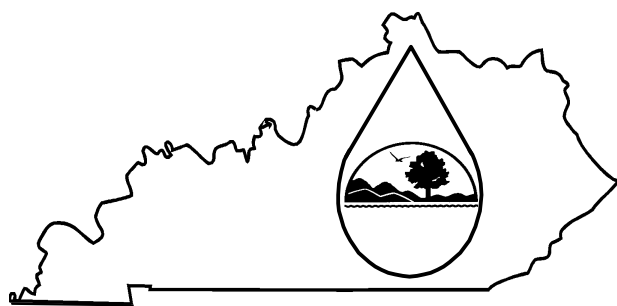


US EPA ARCHIVE DOCUMENT

KPDES FORM 1



KENTUCKY POLLUTANT DISCHARGE ELIMINATION SYSTEM

PERMIT APPLICATION

This is an application to: (check one)

- ☐ Apply for a new permit.
☐ Apply for reissuance of expiring permit.
☐ Apply for a construction permit.
☒ Modify an existing permit.

Give reason for modification under Item II.A.

A complete application consists of this form and one of the following:

Form A, Form B, Form C, Form F, or Short Form C

For additional information contact:
KPDES Branch (502) 564-3410

I. FACILITY LOCATION AND CONTACT INFORMATION		AGENCY USE							
A. Name of business, municipality, company, etc. requesting permit XINERGY CORP.									
B. Facility Name and Location					C. Facility Owner/Mailing Address				
Facility Location Name: Ben Howard Branch Surface Mine					Owner Name: Xinergy Corp.				
Facility Location Address (i.e. street, road, etc.): 2.8 Miles Northeast From 2011 JCT. with 221					Mailing Street: 8351 East Walker Springs Road				
Facility Location City, State, Zip Code: Near Beverly, KY					Mailing City, State, Zip Code: Knoxville, TN 37923				
					Telephone Number: (606) 337 - 1671				
II. FACILITY DESCRIPTION									
A. Provide a brief description of activities, products, etc: Surface, Contour, and Auger coal mining. Reason for modification: Addition of new discharge outfalls									
B. Standard Industrial Classification (SIC) Code and Description									
Principal SIC Code & Description:		1221 - Bituminous Coal & Lignite Mining							
Other SIC Codes:									
III. FACILITY LOCATION									
A. Attach a U.S. Geological Survey 7 1/2 minute quadrangle map for the site. (See instructions)									
B. County where facility is located: Bell					City where facility is located (if applicable):				
C. Body of water receiving discharge: Ben Howard Branch Rough Branch UT of Straight Creek Cox Branch									
D. Facility Site Latitude (degrees, minutes, seconds): 36° 51' 55" N					Facility Site Longitude (degrees, minutes, seconds): 83° 30' 57" W				
E. Method used to obtain latitude & longitude (see instructions): Topographic map coordinates									

F. Facility Dun and Bradstreet Number (DUNS #) (if applicable):

IV. OWNER/OPERATOR INFORMATION

A. Type of Ownership:

☐ Publicly Owned ☐ Privately Owned ☐ State Owned ☐ Both Public and Private Owned ☐ Federally owned

B. Operator Contact Information (See instructions)

Name of Treatment Plant Operator:

Telephone Number:

(

Operator Mailing Address (Street):

Operator Mailing Address (City, State, Zip Code):

Is the operator also the owner?

Yes ☐ No ☐

Is the operator certified? If yes, list certification class and number below.

Yes ☐ No ☐

Certification Class:

Certification Number:

V. EXISTING ENVIRONMENTAL PERMITS

Current NPDES Number:

KYG026247

Issue Date of Current Permit:

Expiration Date of Current Permit:

Number of Times Permit Reissued:

Date of Original Permit Issuance:

Sludge Disposal Permit Number:

Kentucky DOW Operational Permit #:

Kentucky DSMRE Permit Number(s):

807-0363 A2

C. Which of the following additional environmental permit/registration categories will also apply to this facility?

CATEGORY	EXISTING PERMIT WITH NO.	PERMIT NEEDED WITH PLANNED APPLICATION DATE
Air Emission Source		
Solid or Special Waste		
Hazardous Waste - Registration or Permit		

VI. DISCHARGE MONITORING REPORTS (DMRs)

KPDES permit holders are required to submit DMRs to the Division of Water on a regular schedule (as defined by the KPDES permit). The information in this section serves to specifically identify the department, office or individual you designate as responsible for submitting DMR forms to the Division of Water.

A. Name of department, office or official submitting DMRs:	John Ledington
B. Address where DMR forms are to be sent. (Complete only if address is different from mailing address in Section I.)	
DMR Mailing Name:	
DMR Mailing Street:	
DMR Mailing City, State, Zip Code:	
DMR Official Telephone Number:	

VII. APPLICATION FILING FEE

KPDDES regulations require that a permit applicant pay an application filing fee equal to twenty percent of the permit base fee. Please examine the base and filing fees listed below and in the Form 1 instructions and enclose a check payable to "Kentucky State Treasurer" for the appropriate amount. Descriptions of the base fee amounts are given in the "General Instructions."

Facility Fee Category:

Surface Mining Operation

Filing Fee Enclosed:

\$240.00

VIII. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME AND OFFICIAL TITLE (type or print):

John Ledington Attorney-In-Fact

SIGNATURE

John Ledington

TELEPHONE NUMBER (area code and number):

606-337-5393

DATE:

7/9/09

POWER OF ATTORNEY

STATE OF TENNESSEE)
COUNTY OF KNOX)

KNOW ALL MEN BY THESE PRESENTS, that Xinerger, Corp., a Tennessee corporation (the "Corporation"), pursuant to the authorization of its Board of Directors, by and through its President & CEO, Jon E. Nix, hereby makes, constitutes and appoints John Ledington of the Commonwealth of Kentucky in his capacity as an employee and Chief Mining Engineer of the Corporation, its true and lawful attorney in fact, for it, and in its name, place and stead, to execute any and all documents, including but not limited to, reports, applications, and permits, which are necessary and in the ordinary course of business in the Corporation's dealings with the United States Department of Labor, Mining Safety and Health Administration; the Commonwealth of Kentucky, Environmental and Public Protection Cabinet, Department for Natural Resources; and any and all other regulatory offices, federal and state, that the Corporation may conduct business with in the course of its coal mining activities in the Commonwealth of Kentucky.

Xinerger, Corp., by and through its President & CEO, Jon E. Nix, hereby grants to said attorney in fact the full power and authority to perform all acts to be done in and about the premises as herein described, as the President & CEO could do personally on behalf of the Corporation, if personally present.

All rights, powers and authority of said attorney in fact to exercise any and all the rights and powers herein granted shall commence and be in full force and effect as of the date of execution hereof and such rights, powers, and authority shall remain in full force and effect thereafter until such time as Xinerger, Corp. revokes such appointment.

Giving and granting unto John Ledington, full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done to carry out the intents and purposes as the President & CEO might do on behalf of the Corporation, if personally present. Xinerger, Corp., by and through its President & CEO, Jon E. Nix, hereby ratifies and confirms all that Xinerger, Corp. shall lawfully do or cause to be done by virtue of these presents.

PROVIDED, however, that all business transacted hereunder for Xinerger, Corp. or for its account shall be transacted in its name, and that all endorsements and instruments executed by its said attorney in fact for the purpose of carrying out the foregoing powers shall contain Xinerger, Corp.'s name, followed by that of its said attorney in fact and the designation "attorney in fact"

IN WITNESS WHEREOF, I have hereinto set my hand, this 10th day of July, 2008.

Xinerger, Corp.

By 
Jon E. Nix, President & CEO

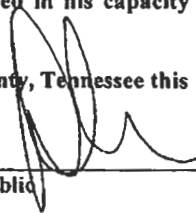
STATE OF TENNESSEE)
COUNTY OF KNOX)

Personally appeared before me, the undersigned authority, Notary Public in and for said County and State, Jon E. Nix, President & CEO of the within named bargainor, with whom I am personally acquainted, who acknowledged himself to be the President & CEO of Xinerger, Corp., a Tennessee corporation, the within named bargainor, and who, upon oath, acknowledged that he executed the within Power of Attorney, with full authority from the Corporation, for the purposes therein contained in his capacity as President & CEO on behalf of the Corporation.

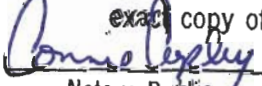
WITNESS my hand and official seal at office in Knox County, Tennessee this 10th day of July, 2008.

My Commission Expires




Notary Public

I, hereby certify that this is a true and exact copy of the original.

 7/13/09
Notary Public Date
State in Which Commissioned: KY
My Commission Expires: 5/9/13