MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No. MO-0124061

Owner: Continental Coal Company, Inc.
Address: 10801 Masten, Suite 920, Overland Park, KS 66210

Continuing Authority: Same as above
Address: Same as above

Facility Name: Continental Coal, Panther Creek Mine
Address: Highway W, Pleasant Gap, MO 64730

Legal Description: See page 2

Receiving Stream: Tributary to Camp Branch (U)
First Classified Stream and ID: Camp Branch (C)(01296)
USGS Basin & Sub-watershed No.: (10290105-020001)

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

See page 2

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

August 6, 2004
Effective Date

August 5, 2009
Expiration Date

MO 780-0041 (10-93)

Stephen M. Mahfood, Director, Department of Natural Resources
Executive Secretary, Clean Water Commission

Jim R. Macy, Director, Kansas City Regional Office
All Outfalls - Surface Coal Mining - SIC #1221
Settling ponds designed to hold and treat rainfall runoff from tributary areas equal to a 10-year, 24-hour rainfall event. Ponds which are not operated in series, coal preparation plant discharges and discharges resulting from the pumping of pits or ponds shall be monitored separately as each is an individual treatment device which should meet the effluent limits without dilution from other sources. All discharges from the mine permit area are subject to this permit.

Design Flow of facility based on 10 year 24 hour storm event is less than 1 MGD.

**Outfall #001** - Settling pond
Flow is dependent upon storm water.
Legal Description: SW ¼, SW ¼, Sec. 9, T39N, R29W, Bates County.

**Outfall #002** - Settling pond, this area has been reclaimed.
Flow is dependent upon storm water.
Legal Description: SE ¼, SW ¼, Sec. 9, T39N, R29W, Bates County.

**Outfall #003** - Settling pond
Flow is dependent upon storm water.
Legal Description: SW ¼, SW ¼, Sec. 9, T39N, R29W, Bates County.

**Outfall #004** - Settling pond
Flow is dependent upon storm water.
Legal Description: SW ¼, NW ¼, Sec. 16, T39N, R29W, Bates County.

**Outfall #005** - Settling pond
Flow is dependent upon storm water.
Legal Description: NW ¼, NW ¼, Sec. 16, T39N, R29W, Bates County.

**Outfall #006** - This is a proposed outfall and has not been constructed.
This area currently discharges to Outfall #004.
Note: At any time a discharge occurs from Outfall #006 the facility shall sample and analyze the discharge in accordance with this permit.
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

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<tr>
<th>OUTFALL NUMBER AND EFFLUENT PARAMETER(S)</th>
<th>FINAL EFFLUENT LIMITATIONS</th>
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<tr>
<td></td>
<td>UNITS</td>
<td>DAILY MAXIMUM</td>
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<td>DAILY</td>
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<td></td>
</tr>
<tr>
<td>Flow</td>
<td>MGD</td>
<td>*</td>
</tr>
<tr>
<td>Precipitation***</td>
<td>inches</td>
<td>**</td>
</tr>
<tr>
<td>Iron, Total</td>
<td>mg/L</td>
<td>7.0</td>
</tr>
<tr>
<td>Manganese, Total</td>
<td>mg/L</td>
<td>4.0</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>mg/L</td>
<td>70</td>
</tr>
<tr>
<td>Conductivity</td>
<td>umhos/cm</td>
<td>*</td>
</tr>
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<td>mg/L</td>
<td>*</td>
</tr>
<tr>
<td>pH - Units</td>
<td>SU</td>
<td>****</td>
</tr>
</tbody>
</table>

Acid or Ferruginous Mine Drainage post mining area outfalls (See Notes 1 & 2)

Flow                                   | MGD   | *             |               |               | once/month           | grab        |
Settleable Solids                      | mL/L/hr | 0.5          |               |               | once/month           | grab        |
Conductivity                           | umhos/cm | *            |               |               | once/month           | grab        |
Sulfate                                | mg/L  | *             |               |               | *                      | grab        |

pH - Units                             | SU    | ***           | ***           |               | *                      | grab        |


Annual ash tonnage buried for entire area covered by this permit.

Ash Tonnage Buried                     | tons  |               |               |               | once/year             | one year estimate |

MONITORING REPORTS SHALL BE SUBMITTED ANNUALLY; THE FIRST REPORT IS DUE October 28, 2005. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

B. STANDARD CONDITIONS

IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED Part I STANDARD CONDITIONS DATED October 1, 1980, AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

* Monitoring requirement only.
** All rainfall events shall be reported on quarterly monitoring reports. Rainfall shall be measured at the mine office.
*** pH is measured in pH units and is to be averaged. The pH is limited to the range of 6.0-9.0.
**** During precipitation events, limits are modified as follows:

(a) All monitoring requirements remain in effect at all times, however any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period less than or equal to the 2-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of otherwise applicable limitations.

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<th>Pollutant or Pollutant Property</th>
<th>Maximum</th>
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<tbody>
<tr>
<td>Iron Total</td>
<td>7.0 mg/L (1 day)</td>
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<tr>
<td>Settleable Solids</td>
<td>0.5 mL/l (not to be exceeded)</td>
</tr>
<tr>
<td>pH</td>
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</tr>
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This exemption does not apply to pumping of pits or ponds.

(b) All monitoring requirements remain in effect at all times, however, any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation event (or snowmelt of equivalent volume, more than the 2-year, 24-hour precipitation event but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume), shall comply with the following limitations instead of otherwise applicable limitations.

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This exemption does not apply to pumping of pits or ponds.

(c) All monitoring requirements remain in effect at all times, however any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of otherwise applicable limitations.

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This exemption does not apply to pumping of pits or ponds.

(d) Rainfall events are described by the U.S. Weather Bureau in Technical Bulletin 40.
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Note 1

a. The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/L.

b. The term "alkaline, mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L.

c. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.

d. Permittee shall monitor each NPDES pond or outfall location twice per year (second and fourth calendar quarters) for acidity and alkalinity. Where chemical treatment is being used, the sampling shall take place prior to the chemical treatment. Sampling results shall be reported on the regular Discharge Monitoring Reports (DMR's).

e. Within 30 days of permit issuance, the permittee shall prepare and submit for Department concurrence a list of outfalls which contain acid (or ferruginous) mine drainage, those which contain alkaline mine drainage, and those which contain coal preparation plant discharges. The list shall be updated as necessary when submitting revised maps of the mining area.

Note 2 – Quantity of discharge area(s) may vary with mining activities. The permittee shall advise the Department of Natural Resources 60 days prior to the proposed addition of other discharge areas. The new discharge points will be added to this permit, by reference to the mining company's request. The new points of discharge shall be subject to all monitoring and reporting requirements effective on the date of the company's notification of their existence to the Missouri Department of Natural Resources. Maps of the mined area, showing active mining area discharges and post mining area discharges shall be furnished by January 28 of each year.
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

### OUTFALL NUMBER AND EFFLUENT PARAMETER(S) | UNITS | FINAL EFFLUENT LIMITATIONS | MONITORING REQUIREMENTS
--- | --- | --- | ---
Acid or Ferruginous Drainage from coal preparation plants, coal preparation plant associated areas and coal refuse disposal piles outfalls (See Notes 1 & 2) |  |  |  |
Flow | MGD | * | once/week | 24 hr. estimate
Precipitation**** | inches | ** | ** |  |
Iron, Total | mg/L | 7.0 | 3.5 | once/week | grab
Total Suspended Solids | mg/L | 70 | 35 | once/week | grab
Conductivity | umhos/cm | * | * | once/month | grab
Acidity | mg/L | Note 1 | Note 1 | Note 1 | grab
Alkalinity | mg/L | Note 1 | Note 1 | Note 1 | grab
Sulfate | mg/L | * | * | once/month | grab
pH - Units | SU | *** | *** | once/week | grab
Chemical Oxygen Demand | mg/L | * | * | once/month | grab
Oil & Grease | mg/L | 15.0 | 10.0 | once/month | grab

MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE October 28, 2004. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

B. STANDARD CONDITIONS

IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED Part I STANDARD CONDITIONS DATED October 1, 1980, AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.

MO 780-0010 (8/91)

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

* Monitoring requirement only.
** All rainfall events shall be reported on quarterly monitoring reports. Rainfall shall be measured at the mine office.
*** pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0.
**** During precipitation events effluent limits are modified as follows:

(a) All monitoring requirements remain in effect at all times, however any overflow, increase in volume of a discharge caused by precipitation within any 24-hour period greater than the 1-year, 24-hour precipitation event, but less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of otherwise applicable limitations.
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Effluent Limitations During Precipitation

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(c) Rainfall events are described by the U.S. Weather Bureau in Technical Bulletin 40.

Note 1

a. The term "acid or ferruginous mine drainage" means mine drainage which, before any treatment, either has a pH of less than 6.0 or a total iron concentration equal to or greater than 10 mg/L.
b. The term "alkaline mine drainage" means mine drainage which, before any treatment, has a pH equal to or greater than 6.0 and total iron concentration of less than 10 mg/L.
c. The term "coal refuse disposal pile" means any coal refuse deposited on the earth and intended as permanent disposal or long-term storage (greater than 180 days) of such material, but does not include coal refuse deposited within the active mining area or coal refuse never removed from the active mining area.
d. Permittee shall monitor each NPDES pond or outfall location twice per year (second and fourth calendar quarters) for acidity and alkalinity. Where chemical treatment is being used, the sampling shall take place prior to the chemical treatment. Sampling results shall be reported on the regular Discharge Monitoring Reports (DMR’s).
e. Within 30 days of permit issuance, the permittee shall prepare and submit for Department concurrence a list of outfalls which contain acid (or ferruginous) mine drainage, those which contain alkaline mine drainage, and those which contain coal preparation plant discharges. The list shall be updated as necessary when submitting revised maps of the mining area.

Note 2 - Quantity of discharge area(s) may vary with mining activities. The permittee shall advise the Department of Natural Resources 60 days prior to the proposed addition of other discharge areas. The new discharge points will be added to this permit, by reference to the mining company's request. The new points of discharge shall be subject to all monitoring and reporting requirements effective on the date of the company's notification of their existence to the Missouri Department of Natural Resources. Maps of the mined area, showing active mining area discharges and post mining area discharges shall be furnished by January 28 of each year.
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<td>DAILY MAXIMUM</td>
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<td>Alkaline Mine Drainage, Active mining area outfalls (See Notes 1 &amp; 2)</td>
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<tr>
<td>Flow</td>
<td>MGD</td>
<td>*</td>
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<td>Precipitation****</td>
<td>inches</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Iron, Total</td>
<td>mg/L</td>
<td>7.0</td>
<td>3.5</td>
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<tr>
<td>Total Suspended Solids</td>
<td>mg/L</td>
<td>70</td>
<td>35</td>
</tr>
<tr>
<td>Conductivity</td>
<td>umhos/cm</td>
<td>*</td>
<td>*</td>
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<tr>
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<td>Sulfate</td>
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<td>*</td>
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<tr>
<td>pH - Units</td>
<td>SU</td>
<td>***</td>
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<td>Alkaline Mine Drainage, “post mining area” outfalls (See Notes 1 and 2)</td>
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<td>mL/L/hr</td>
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MO 780-0070 (8/91)

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A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Note 2 - Quantity of discharge area(s) may vary with mining activities. The permittee shall advise the Department of Natural Resources 60 days prior to the proposed addition of other discharge areas. The new discharge points will be added to this permit, by reference to the mining company's request. The new points of discharge shall be subject to all monitoring and reporting requirements effective on the date of the company's notification of their existence to the Missouri Department of Natural Resources. Maps of the mined areas, showing active mining area discharges and post mining area discharges shall be furnished by January 28 of each year.

C. SPECIAL CONDITIONS

1. Special Definitions

   (a) The term "active mining area" means the areas, on and beneath land, used or disturbed in activity related to the extraction, removal, or recovery of coal from its natural deposits.

   (b) The term "post mining area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.

2. Amendment to Standard Conditions:

   Section A.1-B. is amended to read as follows: Monitoring results shall be recorded and reported on forms provided by the Department, postmarked no later than the 28th day of the month following the completed reporting period. Signed copies of these and all other reports required herein, shall be submitted to the following address:

   Department of Natural Resources
   Land Reclamation Program
   PO Box 176
   Jefferson City, MO 65102

   Department of Natural Resources
   Kansas City Regional Office
   500 NE Colbern Road
   Lee's Summit, MO 64086

   The monitoring reports shall be submitted to the Kansas City Regional Office and the Land Reclamation Program no later than the 28th day of the month following the completion of the reporting period.

3. This permit may be reopened and modified, or alternatively revoked and reissued, to:

   (a) Comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a) (2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:
       (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
       (2) controls any pollutant not limited in the permit.

   (b) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri’s Water Quality Standards.

   (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri’s list of waters of the state not fully achieving the state’s water quality standards, also called the 303(d) list.

   The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.
C. SPECIAL CONDITIONS (continued)

4. Samples shall be representative of monitoring period discharges and if any discharge occurs during the monitoring period at least one sample per outfall must be collected and analyzed. ("No Discharge" shall be used only to indicate no releases during the entire reporting period).

5. If fly ash is allowed to be buried, permittee shall conduct special sampling during and after acceptance of fly ash or other power plant wastes. An annual sample from each impoundment or pit potentially impacted by such waste disposal activities will be collected and analyzed for the following:

- Arsenic, total recoverable
- Antimony, total recoverable
- Barium, total recoverable
- Zinc, total recoverable
- Boron, total recoverable
- Aluminum, total recoverable
- Cadmium, total recoverable
- Mercury, total recoverable
- Chromium, total recoverable
- Selenium, total recoverable
- Conductivity
- Sulfate, as SO4
- Iron, total recoverable
- Thallium
- Lead, total recoverable
- Manganese, total recoverable
- pH
- Silver, total recoverable
- Total Suspended Solids

This special condition does not waive MDNR - Solid Waste Management Program Regulations, nor does it waive notification to the WPCP that ash is being accepted.

6. General Criteria. The following water quality criteria shall be applicable to all waters of the state at all times including mixing zones. No water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:

(a) Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
(b) Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
(c) Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
(d) Waters shall be free from substances or conditions in sufficient amounts to result in toxicity to human, animal or aquatic life;
(e) There shall be no significant human health hazard from incidental contact with the water;
(f) There shall be no acute toxicity to livestock or wildlife watering;
(g) Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
(h) Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles or equipment and solid waste as defined in Missouri's Solid Waste Law, section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to section 260.200-260.247.

7. Report as no-discharge when a discharge does not occur during the report period.

8. All outfalls shall be clearly marked and numbered in the field.
C. SPECIAL CONDITIONS (continued)

9. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:
(a) That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels:"
   (1) One hundred micrograms per liter (100 µg/L);
   (2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile;
       five hundred micrograms per liter (500 µg/L) for 2,5 dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
   (3) Five (5) times the maximum concentration value reported for the pollutant in the permit application;
   (4) The level established in Part A of the permit by the Director.
(b) That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant, which was not reported in the permit application.