



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Joel Strange	Time In	09:00 EST	Start Date	May 7, 2024		
		Time Out	15:00 EST	End Date	May 7, 2024		
Inspector's Organization	Enforcement and Compliance Assurance Division/Waterways and Wetlands Enforcement Section						
Organization Requesting Inspection (if different)							
Inspection Type	Case Development	Inspection Status	Original				
Site Name	Kelly Branch						
Site Address*	Highway 38						
City*	Evarts	County*	Harlan	State*	KY	Zip Code*	40828
Mailing Address*	Nally and Hamilton Enterprises, Inc, 109 South 4th Street Bardstown, Kentucky 40004						
City*	Bardstown	County*	Nelson	State*	KY	Zip Code*	40004
Latitude*	36.898404° N		Longitude*	-83.024329° W			
Estimated Size of Site (acres)	NA		Is there a home on the site?	☐ Yes		☒ No	
Inspector Signature	JOEL STRANGE			Digitally signed by JOEL STRANGE Date: 2024.06.27 15:14:10 -04'00'		Date	
Supervisor Signature	AHMAD DROMGOOLE			Digitally signed by AHMAD DROMGOOLE Date: 2024.07.18 10:29:00 -04'00'		Date	

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Site Name	Kelly Branch	Start Date	May 7, 2024
		End Date	May 7, 2024
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials Name and Title (Use N/A if owner/operator not available to join the inspection) Daniel Clark, N&H			
☒ Opening Conference Name of person authorizing access if applicable Daniel Clark, N&H			
Notes from Opening Conference All parties introduced themselves, then the EPA inspection team discussed the inspection's purpose and objective.			
☐ Access Issues if Any Describe N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information) Nally and Hamilton Enterprises, Inc			
Additional Persons Present at Inspection Brent Sewell, USACE - brent.j.sewell@usace.army.mil Alexis Sulfridge, KYDEP Enforcement - alexis.sulfridge@ky.gov Destiny Price, KYDEP Enforcement - destiny.price@ky.gov Samantha Vogeler, KYDEP DOW - samantha.vogeler@ky.gov Rob Miller, KYDEP DOW - robertl.miller@ky.gov Eddie Paige, KYDEP DOW - eddie.paige@ky.gov Dwayne Taylor, KYDEP DNR - dwayne.taylor@ky.gov Jerma Madon, KYDEP DNR - Jerma.madon@ky.gov Jason Taylor, OSM - dtaylor@osmre.gov Clayton Nantz, OSM - cnantz@osmre.gov Jesse Robinson, Waypoint - jesse@waypointllc.com Michael Boller, Waypoint - michael@waypointllc.com			
General Site Characteristics (layout of property, etc.) See Attachment A.			



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Site Name	Kelly Branch	Start Date	May 7, 2024
		End Date	May 7, 2024
Purpose and Need for Discharge of Dredged and/or Fill Material			
The facility is a contour surface coal mining site east of Evarts, Kentucky. Sediment ponds and stream crossings were needed for the operation.			
Site Overview (Past inspections, site description, permits, etc.)			
Multiple landslides occurred on the Site during the mining operation. One slide area impacted the left fork and mainstem of Kelly Branch. Kelly Branch is a tributary of Clover Fork. The Site is located approximately 2.5 miles due east of Closplint, Kentucky (see Attachment A).			
Scope of Inspection (Areas inspected or not inspected)			
See Attachment A.			

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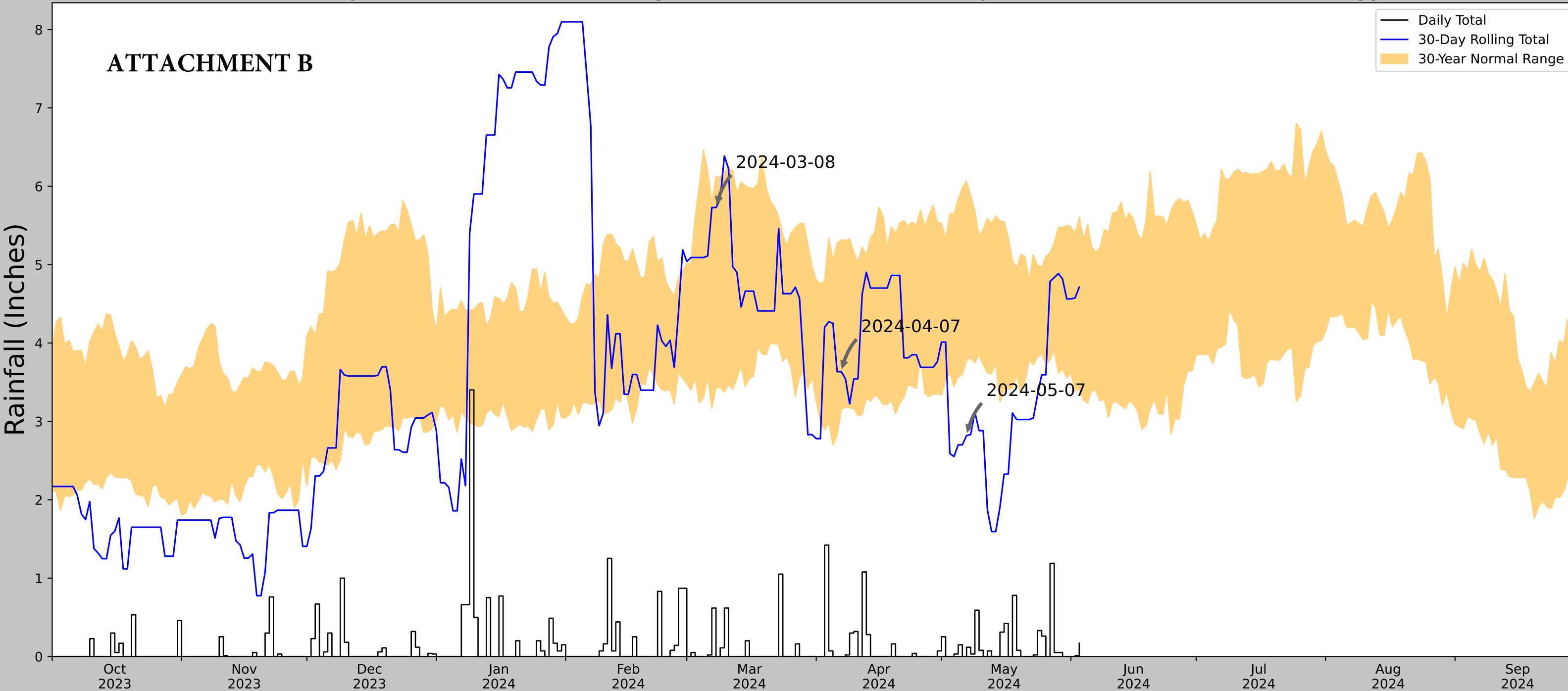
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Site Name	Kelly Branch	Start Date	May 7, 2024
		End Date	May 7, 2024
Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)			
Weather Conditions During the Site Inspection: scattered clouds, upper 70s to low 80s, little to no wind. Antecedent precipitation was drier than normal on the date of the inspection (see Attachment B).			
Field Work Conducted			
Observations were conducted at Kelly Branch downstream of the slide and from the bench above the slide. Observations were also made of pond 8 (Attachment A). Photographs were taken using a GPS-enabled Nikon AW120 camera. Locations of observations are included in the attached site overview map and photographic log (see Attachments A and C).			
Closing Conference			
Documents Received and/or Requested During the Inspection			
NA			
Compliance Assistance Provided (If any)			
NA			
Observations Relayed to Site Owner/Operator			
The EPA informed the Respondent's representatives that we would discuss observations with EPA management. In addition, the group was informed that the EPA inspection report would be completed within 60 days of the closing conference.			
Actions Taken by Owner/Operator During the Inspection (If any)			
None.			
Potential Issues of Concern Including Regulatory Citations			
Unauthorized discharges of dredged and/or fill material into water of the United States (Sections 301 and 404 of the CWA, 33 U.S.C. §§ 1311 and 1344).			
Attachments*			
☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☒ Other (SSIP, Wetlands Delineation Forms, etc.)			
Attachment A - Site Overview Map Attachment B - Antecedent Precipitation Data Attachment C - Photographic Log			
Additional Notes			
None.			

ATTACHMENT A



Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	36.898404, -83.024329
Observation Date	2024-05-07
Elevation (ft)	2458.955
Drought Index (PDSI)	Mild drought (2024-04)
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2024-05-07	3.776378	6.064173	2.818898	Dry	1	3	3
2024-04-07	3.149213	5.316929	3.633858	Normal	2	2	4
2024-03-08	3.429921	6.122047	5.728347	Normal	2	1	2
Result							Drier than Normal - 9



**US Army Corps
of Engineers®**

Figures and tables made by the
Antecedent Precipitation Tool
Version 2.0

Developed by:
U.S. Army Corps of Engineers and
U.S. Army Engineer Research and
Development Center



ERDC
ENGINEER RESEARCH & DEVELOPMENT CENTER

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
WISE 1SE	36.9725, -82.5578	2563.976	26.269	105.021	14.58	11287	83
CUMBERLAND 2N	36.9933, -82.9867	2720.144	23.716	156.168	14.376	3	0
N FK LAKE	37.1244, -82.6339	1674.869	11.303	889.107	15.136	31	4
GATE CITY 6.2 NNE	36.7217, -82.5367	1965.879	17.368	598.097	18.203	6	3
BIG STONE GAP	36.8567, -82.7997	1465.879	15.575	1098.097	24.112	25	0

ATTACHMENT C
Nally & Hamilton, Kelly Branch

Inspection Photographic Log
Evarts, Kentucky
May 7, 2024

Overview Map





Title	Photo 1
Comment	Taken by Joel Strange
Description	Photograph of rock check dam in Kelly Branch.



Title	Photo 2
Comment	Taken by Joel Strange
Description	Photograph of rock check dam and Kelly Branch, facing upstream.



Title	Photo 3
Comment	Taken by Joel Strange
Description	Photograph facing downstream of rock check dam in Kelly Branch.



Title	Photo 4
Comment	Taken by Joel Strange
Description	Kelly Branch facing upstream above the rock check dam.



Title	Photo 5
Comment	Taken by Joel Strange
Description	Photograph of Kelly Branch facing upstream approximately 75lf above rock check dam.



Title	Photo 6
Comment	Taken by Joel Strange
Description	Kelly Branch facing downstream, same location as previous photograph.



Title	Photo 7
Comment	Taken by Joel Strange
Description	Kelly Branch facing upstream. Left Fork straight ahead and mainstem of Kelly Branch coming in from the right.



Title	Photo 8
Comment	Taken by Joel Strange
Description	Left Fork of Kelly Branch facing upstream. Photograph is at the confluence of the left fork and the mainstem of Kelly Branch.



Title	Photo 9
Comment	Taken by Joel Strange
Description	Mainstem of Kelly Branch facing upstream.



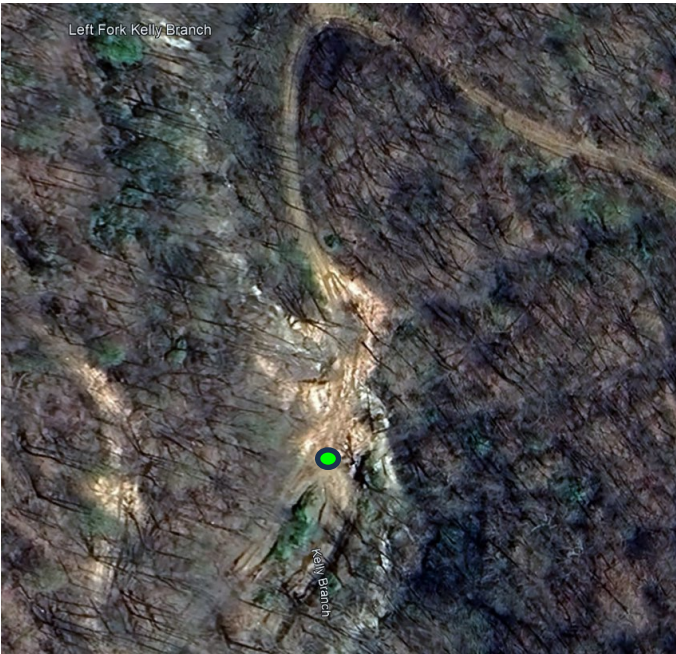
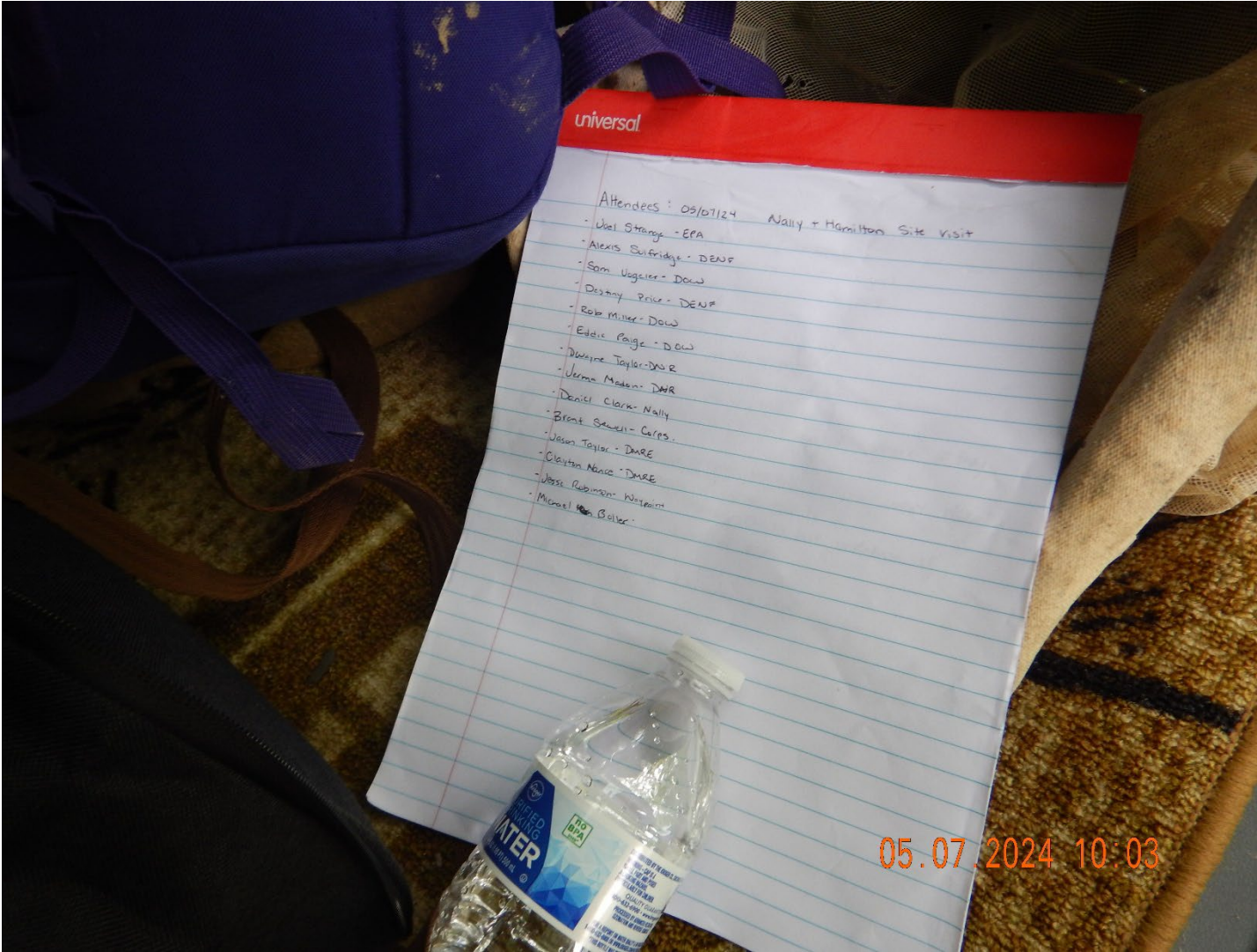
Title	Photo 9
Comment	Taken by Joel Strange
Description	Left Fork of Kelly Branch, facing upstream. Photo taken at the location of the upper check dam.



Title	Photo 9
Comment	Taken by Joel Strange
Description	Same location as previous photo facing downstream.



Title	Photo 9
Comment	Taken by Joel Strange
Description	Duplicate of previous photo.



Title	Photo 9
Comment	Taken by Joel Strange
Description	Photo of the Site visit attendance sheet.



Title	Photo 9
Comment	Taken by Joel Strange
Description	Photograph of slide area that went into the left fork of Kelly Branch. Photo taken from Pond 8 access road.



Title	Photo 9
Comment	Taken by Joel Strange
Description	Photo of slide are from mine bench, facing toward the left fork of Kelly Branch.



Title	Photo 9
Comment	Taken by Joel Strange
Description	Looking down second slide that impacted the mainstem of Kelly Branch.

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