

Sample Citizen's Complaint Letter

Here is a sample letter to file a formal complaint against a mining operation that is causing problems or appears to be violating the law. Fill in where suggested with the appropriate information. You can supplement your letter with photos or other documentation (send copies, not originals). Start a file, and keep a copy of this letter.

Contact KFTC if we can be of assistance: 606-878-2161 or info@kftc.org

(Your Name)

(Your Address)

(Your Telephone Number)

(date)

Steve Hohmann, Commissioner
Department for Natural Resources
2 Hudson Hollow
Frankfort, KY 40601

Joseph Blackburn, Director
U.S. Office of Surface Mining, Lexington Field Office
2675 Regency Road
Lexington KY 40504

Re: Citizen Complaint from (your name)

Dear Commissioner Hohmann and Director Blackburn:

In accordance with Sections 517(h) and 521(a) of the Surface Mining Control and Reclamation Act, I hereby request that you conduct an inspection without prior notice to the operator of the _____ mine, permit number _____, located in _____ County. The mine is operated by _____.

I am requesting this inspection because of the conditions or practices described below which I believe have resulted in violations of the following requirements of law:

(For example, if you are having problems with blasting, describe what you believe the blasting has done to your well. How you believe that their blasting has cracked the impermeable layers surrounding your aquifer and that has resulted in the draining of your aquifer – in real person language, how they sunk your well.)

I request that the inspector issue a notice of violation [or cessation order, if appropriate] to the operator and that the notice require the operator to take appropriate remedial action including: *(briefly state what you believe may be necessary to fix the violation if possible, if you know)*

By this letter I am notifying both the state agency and OSM of this complaint. Should the State fail to issue a notice of violation to the operator within 10 days, I request that OSM conduct an inspection and take appropriate enforcement actions as described above.

I hereby waive my right to confidentiality and request the right to accompany the inspector on the inspection *(you may accompany the inspectors if you wish; if you do not wish to accompany them then leave this paragraph out)* of the mine site. You can reach me at the address and telephone number listed above. *(Alternatively, you may ask that the state and federal agencies maintain your confidentiality. If asked, they are required to do so.)*

In accordance with 30 CFR & 842.12(d), I request that OSM *(or the state)* report the results of any inspection within 10 days from the date of the inspection, or if OSM chooses not to inspect, to explain the reasons for that decision, within 15 days from the date that this letter is received.

Please notify me with a written response describing your course of action once you have finished your investigation.

Sincerely,

(your name)

Enclosures: *(list if sending any additional documentation)*

