



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

VIA ELECTRONIC MAIL

Ryan Cunningham, President
Cunningham Energy, LLC
3230 Pennsylvania Avenue
Charleston, WV 25302
ryan.cunningham@cunninghamenergy.com

Re: Clean Air Act
Administrative Order on Consent
Docket No. CAA-03-2023-0038DA

Dear Mr. Cunningham:

Attached is an Administrative Order on Consent (“Consent Order”) concerning violations of the Clean Air Act (“CAA” or “Act”), 42 U.S.C. §§ 7401, *et seq.* The United States Environmental Protection Agency (“EPA”) is issuing this Consent Order under the authority of Section 113(a) of the Act, 42 U.S.C. § 7413(a), for alleged violations at the Cunningham Energy, LLC. Facility located at Shelton Road in Bomont, WV 25030.

The attached Consent Order is effective immediately upon your receipt and requires immediate compliance with all of the requirements listed in the Consent Order. Any violation of this Consent Order is subject to civil penalties under Section 113(b)(2) and (d)(1) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d)(1).

As noted above, the attached Consent Order takes effect immediately upon your receipt, whereupon it will remain in effect unless and until revoked, terminated, suspended, or modified, in writing, by EPA. For any questions relating to the Consent Order, please contact, or have your legal counsel contact, Hannah G. Leone, Assistant Regional Counsel, at (215) 814-2673 or leone.hannah@epa.gov. Questions relating to the Consent Order shall stay the effectiveness of the Consent Order.

Sincerely,

Karen Melvin, Director
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency
Region III

Attachment (Administrative Order on Consent)

cc: Joseph C. Unger, (junger@spilmanlaw.com)
Bruce Augustine, EPA (augustine.bruce@epa.gov)
Hannah Leone, EPA (leone.hannah@epa.gov)