

INFORMAL PUBLIC CONFERENCE
HAROLD KEENE COAL COMPANY, INC
RENEWAL APPLICATION 1010195
PERMIT NUMBER 1302005

June 20, 2018

Harve Mooney:

Good afternoon, everyone. My name is Harve Mooney. I'm the Legal Services Officer with the Virginia Department of Mines, Minerals and Energy and I welcome you all to this proceeding. This particular conference is being conducted in accordance with 4 VAC 25-130.773.13 of the Virginia Coal Surface Mining Reclamation Regulations.

This is a fact finding forum to receive written and oral comments and any relevant information from anyone who has an interest or who may be adversely affected by the Division's review and decision on the permit renewal application. The permit is Harold Keene Coal Company, Inc Permit Number 1302005. This is not an adversarial proceeding. It is not a forum for public debate. But we are interested in your information and your comments. The agency looks at and we value your comments and we will use those in the evaluation of the decision concerning these two particular applications.

Under 774.15 of the Regulations, "A valid permit shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration". This application requirements and procedures for renewal are set forth under Part B of this regulation and Part C establishes the approval criteria for our agency. We have copies of the permit renewal maps placed here, and we also have displayed the actual electronic application that deals with this particular permit. You will be able to see both applications.

Currently staff members we have here in reference to the application are the two Review Specialists Josh Bolling and Conner Stanley. Also present is Reclamation Program Manager over Permitting Greg Baker. We have the field inspector who oversees the permit, Ralph Stacy and the Area Supervisor Tom Mackey.

For those who have signed up to present comments and objections, we'll record those in the record. A written transcript of this proceeding will be provided to you. The final decision on the Permit Renewal Application to approve, disapprove or require additional information for consideration must be made within 60 days of this particular proceeding. The Permit Renewal –

any person who is adversely affected by that decision will then be informed on the decision and the process to require further administrative review for final determination.

The entire proceeding will be recorded so that I have notes. Believe me, I don't remember like I used to, so this comes in quite handy. As you come forward, just state your name and your address and then present any comments that you would like. Ms. Owens, would you like to come first?

Ms. Owens:

My name is Farry Owens. My address is 586 Simmons Town Road, Raven. I live directly in front, towards the Russell County side, of the coal dock. I have many concerns and comments regarding Revelation Coal's renewal of their permit at the Raven Dock location in Raven. I have lived at this location for many years and was also living there when the dock was operating as Harold Keene Coal.

My first concern is the tremendous amount of dust that this operation produces and spreads all over our neighborhood. My home is located directly in front of the area where the coal is loaded into the railcars; so naturally, I get the most amount of dust from this operation. Last summer, due to Revelation ignoring my many calls and pleas, my house inside and out became nothing more than a coal tipple. I am submitting two photographs of rags that I wiped one time over my kitchen and bathroom floors and the filth and dust are quite evident. I'll go ahead and present them. That's one time. I had to do this on a daily basis in order to try to keep my head above water with this process as this was in progress on a daily basis for many, many hours each day and sometimes even on Saturday. My property was involved on the outside, including all of my out-buildings and garages and very much so on the inside. It was impossible to sit on my porch because my outdoor furniture was covered in coal.

The DMLR did pay a visit to this operation and warned them of this violation and they instituted measures to somewhat keep the dust down. But again, it was not completely abated. My home was professionally pressure washed and cleaned which took three days of eight hours per day and I am still finding remnants of coal dirt, even today. My home was almost totally destroyed by the coal company not listening to my many pleas regarding the situation. This is a residential area and it was not only I, but several of my other neighbors who were affected by this coal company ignoring calls, pleas, and texts to please stop because our homes were becoming like a coal tipple. This situation went on many months before the DMLR had them institute a dust suppression system, which does not totally control the situation. When in operation of hauling, my carport, porches, as well as window sills, are still full of coal dust. The situation should not happen in a residential area. There are many folks who live in this area and their houses and properties are being disrespected and ignored, all because of profits that the company is making for their benefits, certainly not ours. When no coal is being loaded, the coal piles are so high that you can sit and see the dust come across our neighborhood in the air which

looks like a storm. There is nothing to keep the dust down when the tippie is shut down. Thus, we again become a coal camp. The piles of coal at one juncture were much higher than my home ... actually, huge. This coal should not be allowed to be piled this high for safety, as well as dust, just blowing it around everywhere.

At this location of Revelation, there has been drainage ditches for as long as any company has ever been there, which used to be cleaned and maintained very frequently. Now, the ditches are clogged up, nearly completely, and many, many beavers have moved into this area and it has now become their habitat. This is causing the water to back up on my property, and each year, I am losing more and more of my property because the drain is clogged and ditches are clogged over at the coal dock. We have a septic system on our property and I live in fear of my fill lines not having any room to drain and the water filling inside my home. Fill lines should not drain, but stay full, but it has absolutely nowhere to go. I might add that there is no sewage service available to our neighborhood. I would estimate that I have lost 6 – 8 feet of my property at the back of our lot because it is slowly becoming filled with water. My property has absolutely nowhere to drain; thus, my reason for complaining about the water situation. This is also not a healthy situation for folks to be in. Standing water and lots of beavers and other wildlife, as well as thousands of frogs and mosquitos, should not be that close to someone's house unless the property owner chooses for this to happen. When it rains really hard on my carport, I have counted as high as 2 or 300 frogs. They have nowhere to go, so they come on the porch.

The road to our neighborhood is two-lanes, but a very tight and narrow two-lane. It is unmarked as well. When the 18-wheeler coal contract operators begin hauling coal, it becomes a nightmare. It is a dread for us to try to get in and out when we must go in or out. At one particular location on this road, if you meet a truck hauling coal, someone has to back up, no doubt about it. I have personally completely stopped and just let the truck try to get by me and pray that I did not get hit. I have rolled down my driver's window and literally kept my hand inside my vehicle and touched the truck as it attempted to pass me. No joke ... and prayed. We have two school buses that travel this road twice a day, so I pray every day that these children are not involved in an accident. The road cannot handle a school bus and an 18-wheeler truck together. It is a disaster waiting to happen. I would also add the amount of coal that is dropped traveling in and out of this area by the trucks is excessive. There are days you can literally shovel it up out of the road. The road is always black and filthy with coal. You never see the light color of the road when the haul begins. Even rain does not clean it off. Thus, our vehicles stay dirty and coal covered as well. Some of the drivers are courteous and some could care less; thus, contractors. These trucks look huge when you are trying to pass them on this road. It is very scary and unsafe.

The final thing I would like to address is the noise situation. I work from my home, doing editing and transcription for John Hopkins Hospital. I work for 8,000 doctors. I have for 19 years. I must wear ear phones in my home to transcribe what they are saying. I do it on a

daily basis. I have had to call the person that was in charge of the dock many times and ask them to please quiet down because I could not hear what the doctors were saying in my home and with ear phones on. I can only imagine what it sounds like without ear phones or outside in the yard. TV is a challenge to watch as well. It is a constant noise. This operation has started as early as 6 a.m., usually 7, and continues until at least 5 or 6. However, when they occasionally have orders to fill, it can go as long as 9:30 or 10 at night and it has done that. Not very fun when you get up at 4 a.m. to begin your work day. If necessary, operations can continue on Saturday without notice and we are awakened to the sound of a loader pushing coal at 6 a.m. ... so much for our weekend.

I hope I have addressed this in a factual and truthful manner. I do not think this type of operation needs to be located in a residential area. We all try to be good neighbors to each other, but this situation is not ideal nor necessary in such a place. Please consider all that I have spoken to you about today and keep these thoughts in your mind when you make your decision. Would you want this in your neighborhood? Thank you. I have another picture for you. This is a rag that I cleaned my bathroom floor with one time. That's what I get in my house.

Harve:

Ms. Elswick.

Ms. Elswick:

That pretty much covered it all, but I do have some pictures that I would like to enter. Do you just want to look at them or do you want to keep them or ... that's my grandson, three years old.

Harve:

Do you mind if I keep them?

Ms. Elswick:

No, you can keep them.

Harve:

Mr. Short.

Mr. Short:

I would like to stay on the floor if it would be okay. My name is Morris Short. I live on Reedy Road. I live at 373 Reedy Road. I live at the bridge going down towards the coal yard. I think our main concern here today in the residential area is this – dust. Folks, it is excessive down there when the trucks come. I mean – I live there at that bridge the trucks come across. If

they've got a little bit on their wheels or they've got it on the end of their tailgate, they bounce, they dump it right off on me – okay? I have actually took a bucket and went out there and picked up a half bucket of coal off that bridge and up the street. Now, let me say this. I'm not a very aggressive person, but I can be – okay? I am not here to put the coal company down in any way. I know we need to mine coal – this is what we've got there, but you can do it in a clean way, fellas. It is just a fact. I was probably, I don't know, I might have been the first or second person that really complained about this. Mr. Goforth came and I talked to him. Before I talked to him, I've got a couple of friends that work for the DMME. I go to church with them. I said, "Look, fellas, I'm having a problem down where I live. I live down there, I can't ... my wife, she washes her car; ten minutes later, I can write my name on it. What can we do about this?" They said, "Well, you are going to have to file a complaint." I understand what you're saying, and so I did. Some things were done at one point, but it was like a few days and then it was gone. A sweeper truck came down there, swept the road, put a little water down. I seen him ... I can probably count on my left hand how many times I've seen him down there and it was all over.

You know, again, I don't want to be a stinker with you folks 'cause my father was a coal miner. I've been raised on coal. If it hadn't been for coal, I wouldn't be here. I worked for UPS for 28 years. I have been all over Buchanan County and I know how the coal companies operate. Some of them do good and some don't. Fellas, we've got to do something about this dust. It has to be done or we're all going to have to move out. We're just going to have to sell our place and go somewhere else. I've got a nice home down there. I've got nice cars in the driveway. The Lord has blessed me with me with a little, but I can't have it ruined. My grandkids come, they get out in the driveway, they pack coal dust in the house and it's, you know ... I even said to Mr. Goforth ... of course, Mr. Goforth passed away, then there was another gentleman stepped in and I think he's about to retire. I said to him, "Look, why can't somebody step forth and put water on that road, put that sweeper truck out there ... go up and down that road 2 or 3 times a day ... keep this dust down. That's all we're asking."

I'm speaking for myself. I guess there's folks would just like for you all to get out of there. I know you've got money tied up down there in property and all that and, you know, I understand that. I've been a business man. I'm telling you, you need to do something about this dust – water trucks need to be put down there, a sweeper truck could be implemented. In West Virginia, they had real problems and some of the towns that haul coal and what they've implemented, they've implemented a wash truck aisle, I guess you would call it. It's a pit – you guys know what I'm talking about. It's filled full of water, the trucks go through it, they wash their tires off, and by the time they track to that state maintained road, they're clean. They come by my house and no dust. Farrah has no dust and the other lady has no dust. So, you know, it's really a problem and you think... you know, I'm back here and I live on a good, clean state maintained road and I don't have no problem like that. You haven't had 18-wheelers roll coal by

your house. Let me tell you right now – you let them start rolling by your house and you’re gonna complain too. You’re not gonna eat that dust. There’s really no sense in it.

I’m here to say this and I know it’s going to cost you guys a little money. That is the problem with trying to mine coal and unload coal in a residential area. It’s a real unbalance. When you’re up at Knox Creek, back up in the hollow, and there’s no houses around and it’s plenty of air and everything and the trees sheds it and there’s no houses around, that’s great. That’s really where it ought to be, but it’s not ... it’s in our area, I’m telling you, unless you have been down there and seen what we’re talking about. Of course, right now, they haven’t hauled in quite some time. I guess you all have been shut down, guys, for what ... six months or better, may eight months, close to a year and there’s no coal coming down through there. When it was really pumping in and out, it was so bad there in my driveway, I tell you what I had to do. I went to a guy and I said, “Look, am I wrong in doing what I’m doing? I’m gonna do it ... they will probably put me in jail, but that’s okay, maybe I will get somebody’s attention.” I had to get a trash pump and put in that creek and wash that road off to keep it off of my home. It’s pretty bad when you wash your windows and it peels off there black ... you know, that’s just the way it is.

We all know coal is black and it’s dirty, but it’s a very vital and important part of our economy in this area. I’m telling you, you guys can do this just simply by implementing 2 or 3 programs to take care of this dust. That’s all I’m asking. I don’t know about the others. Like I say, I’m sure there’s people would tell you. “Hey, we’d like for you all to get out of here and don’t come back.” I’m not going to say that because I look at it this way – that tipple down there makes jobs. That job makes revenue. That’s how that road got paved down there. That’s how state taxes is paid. That’s how people goes to the grocery store, feeds their family, puts gas in their trucks and cars. We need it, but we need to do it in a fashionable manner in a residential area. It don’t affect our homes. Our home shouldn’t have to be washed down two and three times a year. A kid shouldn’t have to, just like my neighbor showed you pictures of children on her back porch playing out there, and dust all over them. They look like they’ve been mining coal. Of course, you all were a little closer than I am to the ... a lot closer. You are right there at it. Like I say, those trucks, when they come out of there, they bounce on that bridge and it’s just a mess. It shouldn’t be that way. If you put water on that road, you run a sweeper truck, you run a water truck up ... down there on that end. They have put water fans and water spray it, from my understanding from not Mr. Goforth, but the other gentleman, I forget his name. I guess that has helped to some degree ... some degree, but we need a little bit more on it. That’s all I’m asking. I’m not trying to be mean or hateful or overbearing or arrogant, but I’m just going to tell you like it is. It needs to be done or either I am going to have to move. I’m going to move to the city where they got clean streets and run a street sweeper. You cannot continue to live down there and eat that dust. It’s just a fact. You’ve got to create this picture where you live. Where you live, they may not be hauling no coal by your home and that’s great. You’ve got good clean streets, you can walk out in your Sunday slippers and you don’t have to wipe them off before

you go to church. I have to do that a lot of times. Not right now – like I say, it has subsided right now since they're not working.

Now, with all that said, I've got one other comment I'd like to talk about. I don't know... I do know who one contractor is for Revelation that hauls that coal. I've going to give you a real good tip. These people are A1. Their truck drivers, they come down in there and respect you. They slow down, they pull over. It's nobody but Claude Keene's bunch ... good people. I don't know who the rest of them are. I've been run out of the road almost twice. When they come across my bridge, I guess they got one thing in mind ... back to the tippie and get another load of coal. Now, that's great. You can't put a man down for trying to make an aggressive day and get as many loads as he can 'cause I guess he's either getting paid by the load or by the hour. I don't know how they do that. That's the way it is done I'm sure. They're a little too aggressive coming out of there. We need to repost some of them speed limits down there. You can't drive an 18-wheeler out of there at 30MPH up that hill right above my home. If you do, you're gonna run over somebody. You're either gonna run over them or run them in the ditch. It's just a fact, okay? I'd like to see that done and do something about this dust, fellas, 'cause, you know, we really need to mine coal and I really want to see it done because there's a lot of people there out of jobs. We need this money. We need this revenue to buy new vehicles and cars and trucks and gas and do all the things and provide for families in our area. But, if, with all that said, we can take some aggressive steps to do this in a fashionable and clean manner. I'm telling you right now – if you never lived where there's coal dust, let me tell you, you are missing a real treat...it's dirty. I try to wash my home down at least a couple of times a year and when I do, it rolls off and it really shouldn't be that way. One time ought to be the only time you wash your siding down, really.

So, I guess with all that said, I appreciate everybody listening to me and I hope something will be done. I'd like to see more people come out to this meeting and they should have been here. I guess jobs and time ... I've always, in my mind, said if there is something important worth doing, it's important to take the time. You can go to your boss and get the day off if you really want to and I really believe that. If you've got a good boss, he will let you do that. Maybe they were scared or something, I don't know. I'm retired. I don't have to fight that anymore. Fellas, I hope my comments have been appeasing and I hope we can all work together... that's the key here. We need to work together on this and something can be done. My door is always open – any of you guys need to come down there and talk to me...hey, I'll be glad to come out. We'll even have dinner, something to drink, or what have you. We want to be good to everybody. It's like Farrah said...we all got a bunch of good neighbors down there. Everybody's neat, everybody's clean. If my yard's mowed, the next one is mowed, and the next one mowed. It ain't haphazardly unless somebody moves out or something like that. Everybody tries to be nice and courteous, I believe, to everybody and that's the way it should be. We don't need no hate and no aggression, and we don't need no bitterness. We just want something done about this dust. I think we can do this. I know it is going to cost the coal company some money.

I guess, really, that's the price you guys gonna have to pay whether you do it or not in a residential area. I know that's ... you're saying, "Well, that's easy for you to say 'cause it ain't coming out of your pocket." I am the guy eating that dust. I am the guy probably with black lung. I am serious. When them guys is really pumping it in there, it's bad. It's a lot worse on these folks over here 'cause they are a little closer to it.

I appreciate you all listening to me. I hope something can be done about this because it's just not right to see your property, really, destroyed. I mean, it's pretty bad when your wife washes her car, like I said before, in just a few minutes you go out and you write your name on it. That's pretty bad, fellas, and it shouldn't be. Thank you all for your time.

Harve:

Thank you. Mr. Ronnie Simmons.

Ronnie Simmons:

Ronnie Simmons, 61 Simmons Hollow Road. I would like to know why they need a permit down there. Nobody forced them out of there. They left voluntarily. Another thing, they're spraying something in the air down there when they was down there. It smells like some kind of chemical drifting around. I don't know what's been sprayed, but I would like to know. I worked in the railroad for 20-some years as a brakeman and conductor and I know what goes on around these coal tipples.

Another thing, they tear the road all to pieces and they bust the waterlines up. Like Farrah said, it's dangerous to run over the road. You have to be concerned for yourself, for your family, when you are traveling the road. When they come out of there, they just leave a big film of stuff on there. When it's raining or something, it's just as slick ... like being on snow or something.

Another thing, I'd like to know why they ain't no weight limit on that bridge down there. They might be hauling over tonnage. They used to be a weight limit before they changed the bridge. And constant noise...with them old coal trucks over there with the beds up, banging and beating, trying to get that coal to come out of them ... that ain't no good. My house is covered up with dust. The cars get covered up. The garage is covered up. They ain't no good ... it's just like a dust bowl down there. I don't care what you do. I've been around these mines and I know they can't control the dust and you all ain't going to be able to control it. It's just a dust bowl. I don't care what they do ... they can wash them, they can do what they want to, but they gonna get that dust. They gonna endanger people. For my part, I hope they never come back down there. That's the way I feel about it. I have to live there. These people here, they live in good neighborhoods and they don't have noise and they don't have coal trucks. They don't care about us ... that's where it's at. That's all I got to say.

Harve:

Thank you. Mr. Michael Simmons.

Michael Simmons:

I didn't have anything to say.

Harve:

Anyone else? Again, I do thank you for your comments. The agency does take your comments seriously and I will take these comments back to the agency and they will make a determination one way or the other.

Just as soon as I can get the transcript transcribed and written up, I will send you all a copy of what was said today. Once the decision is made, the agency will also send you a letter letting you know what decision was made as far as the permit. Additionally, if you're okay with the decision that is made, then you're fine. You don't have to do anything. If you do not agree with the decision the agency does make, you still have a Right of Appeal. Once you get your letter, knowing the decision of our agency, you can simply submit a letter saying that you wish to request a formal hearing in reference to this particular permit renewal. At that point in time, then the agency will schedule what is called a formal hearing and the Supreme Court of Virginia will appoint an Administrative Law Judge to come and hear the case. It's of no cost to you, the consumer; it's just a part of the requirements of the Act.

Again, thank you for being here. If no one else has any comments, I'll go ahead and close this out for today and I thank you again.