

Informal Conference

Appalachian Development & Construction, LLC

Application No. 1007665

2/13/13

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Application # 1007665

February 13, 2013, 10:30 a.m.

Richlands Town Hall

Good afternoon everyone, my name is Harve Mooney. I am the Hearing's Coordinator for the Virginia Department of Mines, Minerals and Energy. I will serve as the Conference Coordinator for this proceeding.

This conference is being conducted in accordance with §4VAC25-130-773.13(c) of the Virginia Coal Surface Mining Reclamation Regulations for the purpose of receiving written and oral comments from interested parties concerning Permit Application #1007665 of Appalachian Development and Construction, LLC. The proposed operation would be located approximately 5.3 miles east of Keen Mountain on Clifton Fork in Buchanan County.

This is a fact-finding forum to receive written or oral comments and any relevant information from any person who has an interest, which is or may be adversely affected by the Division's review and decision on the permit application. This is not an adversarial proceeding or forum for public debate.

A copy of the application map is present to identify the location of the proposed operation. Personnel attending this public conference are:

Administration: Permit Review Specialist Lesa Baker, Reclamation Program Manager, Greg Baker. Mrs. Baker will have a PC available for those wishing to look at the electronic permit application. Also present: Marilyn Gates, Administrative Office Specialist (recording), Max Banas/Janet Yates, permitting section (observing).

Field Personnel: James Lowe, Area Supervisor; Ed Goforth, Area Inspector

For those who signed up to present comments and objections, we will record your concerns for the record. A written transcript of the comments will be prepared for the administrative record.

Once the Division's reviewers have reviewed and considered the comments and objections, the Division will provide a written summary and response regarding the comments and then will render a final decision on the permit application.

The final decision (to approve, disapprove, or require additional information for consideration) on the permit application must be made within sixty (60) days of the close of this conference per §4VAC25-130-773.15(a)(1) of the regulations.

The permit applicant and any person who may be adversely affected by the Division's decision will be informed of the right to request administrative review of the Division's final decision.

COMMENTORS:

- PATTY STILTNER** Ok, how are we going to start this? Our most concern is of the water. We have old mines behind the house. And there's water running out of these openings all the time. Leroy has our water piped, for our property. Our property is "water bound". It's already slid off before, when Consol was blasting for a fan hole. You talk (to Mr. Stiltner).
- LEROY STILTNER** Ok, and we got mines above that same mine there and one of them's already been blown out before.
- PATTY STILTNER** Uh huh.
- LEROY STILTNER** So we're concerned about the water deal all the way around. And, I was interested in how the water table laid in the mines that's there. And I'm concerned about the dust and the fan noises.
- PATTY STILTNER** And, Ed (Goforth) come and took pictures of the old shaft mines behind our house. He has pictures of those.
- LEROY STILTNER** And, I'm concerned about the ponds and stuff that's going to be put in the hollow and you know on the main roads and stuff – all that stuff.
- PATTY STILTNER** Mostly our concerns is those old mines; the water and how the water never dries up. We are worried about the water coming out and washing out the house.
- LEROY STILTNER** Yep.
- PATTY STILTNER** OK, is that about it (to Mr. Stiltner)?
- LEROY STILTNER** Yeah, that's about it.....just more concerns about the water deal where we live so close to the mines up in there.
- MARILYN GATES** Ok, thank you for your comments.
- PATTY STILTNER** Thank you for letting us voice them.
- HARVE MOONEY** Is there anything else that you can think of?
- PATTY STILTNER** What about the noise? We've already had to go through the noise of the airshaft fan with Consol, and it was.....the fan was so loud and everything that it hurt our hearing. It jarred off stuff in our house. We had to go to the motel.
- LEROY STILTNER** Yeah, twenty eight days.....

PATTY STILTNER We stayed twenty eight (28) days straight and went back and stayed eight more later. We're just concerned about the looks of the hollow.....what we gonna have to pass.....other people coming, to pass, you know, coming to see us.

LEROY STILTNER Yeah, the dust, the noise of the fans and the water is what I'm mostly concerned about.

PATTY STILTNER OK, I guess that's it for us.

LEROY STILTNER Yes.

MARILYN GATES Thank you all so much. You have a good day.

PATTY STILTNER You too.

MARILYN GATES Ok, state your names please.

BILL CLIFTON Ok, I am Bill Clifton. This is my wife Debbie Clifton and we are concerned about the mine area.....the upper mine area – the upper mine of Clifton Fork, the one on the upper end, because our property which, according to the map (CF 55), is on the same elevation, the same contour as what that mine's going to be. We seen the drill rig do the test drilling and as a matter of fact, we're just about sitting on the coal.

Our ditch line.....matter of fact, right behind our mobile home where we done the grade work is.....if I go through with a backhoe, I'm dragging out black dirt. So that's how close I am, along with water. So, my concern is from looking at the maps and everything, as well, and talking to everybody, is the exhaust fan that's going to be pointing basically right toward us and if we're on the same elevation, same plan, with all the beltlines that come out; the fan, the noise, all that stuff.... It's gonna be a principal factor in dust on our new remodeled mobile home; white posts, white pickets, everything we got – cream colored siding. And it's not only that but my wife has asthma and things and I have trouble breathing. I can't get around smoke without gagging.....`cutting a shine' and everything. And it's my mother down over the hill.....she's disabled and she's in the same situation....she can't come here. She's sick out in the truck.....Beulah Clifton. But, that's my main concerns. Not only that but when they start hauling coal out of there.....the backup alarms, like I say, it's just going to be racket. When do we sleep? Especially when we're that close. I mean the fan, I realize from past construction experience, has to run all the time. And I understand that. But, when the trucks start hauling out of there, regardless of what happens, you're going to have the noisy jet brakes, backup alarms, radio stacker belts, whatever.....shaker screens, the coal trucks. In other

words, it's going to be a continuous racket problem. And not only that, where we live, from past experience, the coal mine's been right above us at one time; actually just a little bit farther above us than what this one's gonna be, below us. Dust continuously where they go up and down the road, came over on our property. And, not only that, it's kinda an eyesore going in and out of the hollow and I don't know if anyone else said anything about itkinda degrades, depreciates our property value. To me, I am retired and I can't afford to do anything else and it's all me and my wife has. That's my concern is all of that. And I'm not the only one. I've got neighbors across the hollow; Mr. and Mrs. James Blankenship. He's only got one lung. He's right in front of me but lower down. Where he's just got one lung.....in a wheelchair. I just have concerns. And (to his wife) you think of anything else?

DEBBIE CLIFTON

Well, I think you covered it all.

BILL CLIFTON

And then if they start, you know, if there's any blasting or anything that goes on, my septic tank is on that end toward the mines, fill bed, everything. And if I'm already there at the coal bed. I worry about it cracking or open up seepage. And, the creek right down under me, coming down through there. You know what's gonna happen. I just have several concerns. Like I said, where I'm on the same elevation, same plane.....it's not down below it. It's not above it. I'm just in the "birds eye" view. And I graded out behind the trailer back in 1978 and I've got like a highwall behind me. And I have a concern about rocks up on the hill. Matter of fact, there is a cliff or two up there. There's a rock hanging up there now, on up near the top of the mountain below a gas well. And my concern is if, if they do have to shoot or vibrate that ground to get the face of the mine started, where's that rock going? It will either hit me or hit my mother. More than likely.....it could hit my sister, right out from me. But either way, us three's right there, right below it. And the rock's probably about the size of this room (referring to the conference room). And you know, there's some things up there that may or may not...but whenever you start messing with the ground – shifting the ground underneath....it's just safety concerns that I'm worried about and interfering with our lively...everyday life. And I guess that's basically all I can think of right now.

MARILYN GATES

Ok. Thank you very much for your comments.

BILL CLIFTON

One other thing I'd like to say that I do have concern about because I've seen the mines that was mined on the same elevation...Jawbone...right across from me on the hollow just a little bit and it is a pipe about this big (illustrates size) year round, 7 days a week, 24 hours a day, full stream of water comes out of there. There's a lot of water under that. I've got a lot of water. That's the reason I had to dig this ditch and run pipes over the hill to bleed the water off

that coal. So if they do go in there and start disturbing it, where's that water going? And could it wash us off the hill and down the valley? So I have a concern about water wash off as well....not just the rock but water wash off as well. Especially if they was to cut into something old. Hopefully, according to the map, I didn't see nothing old unless theysomebody's map's wrong. But that's basically about it.....that I can think of.

HARVE MOONEY Ok.

BILL CLIFTON I tried to think of everything.

HARVE MOONEY You're talking about possible blow-out potential there?

BILL CLIFTON Well, I worry about the possibility. I mean I.....as far as I know, there'sit's not been mined right there where we're at but I do know, years past, that they did come up that same road where the drill rig was that come up there. When they done that exploratory....drilled the test hole, at one time there was a piece of equipment come up there and it graded out, opening, like a little face, just a little inspection then they pushed the dirt back upto see what was there. And, I understand that, but my question is from seeing the water that comes out of that highwall there, behind my place....if you look at my mobile home which looks like a house, where I've built on to it, and stuff, if you look at it, you look behind it, you'll see like a... I hate to say a highwall, but it's all rocks..face, in other words, right there where I'm at, a mines could go in right there cause I done got the rock cut and paid so many thousands of dollars to have all that done before I moved there (inaudible) and I'm sitting out there and had to beat that grass, had to put dirt in there to plant grass over top of coal. So what I'm saying, I know there's water seepage that comes out of there sometimes, you know, out of the bank. If I didn't have that ditch there.... You walk down by my home today.....I know it's raining but a dry day, and you'll see moisture coming from that coal. Water. So my concern is all that water. You know..Jawbone.....as close as it is to the surface.....there's going to be a possibility of water problems. If I was to go out there and dig a hole and go back tomorrow, it'd be full of water. I just..you know...that's basically it I guess.

BRENDA BLANKENSHIP With this mines they're putting in, where the fan's going to be up.....I probably live right across the creek from it. Ok, my husband has had two strokes. He's paralyzed on the right side. He has one lung. But if this fan goes in, it's going to be throwing dust and all this stuff and he can't "comprehend"stuff like that. So, I was just wondering how all this would come in play with his sickness. Like I said, he only has one lung, he's had two strokes, he's paralyzed on the right side, just different things.....and with the fan, with the noise, the dust blowing

and all this.....probably water runoff and all this, it would certainly affect us real bad. Where we're at.

MARILYN GATES Anything else?

BRENDA BLANKENSHIP Well, if the mines is going in, like my house is here (illustrates location), there's a little creek here, then the mine's supposed to be going in right here; it's going to have a great effect on us. I mean, there's no way to escape the noise, dust and all that. 'Cause we live 'here' and the mines will be 'here'. So, there's no escape, you know, it'll be up to them. I just wanted to voice my opinion about it because I have a very sick husband. He's only got one lung and he can't breathe this stuff. And, he's had two strokes and he's paralyzed on his right side.

MARILYN GATES Anything else?

BRENDA BLANKENSHIP I guess that's all.

HARVE MOONEY We'll send you copies of the comments.

EDDIE HURLEY My name is Eddie Hurley and I'm the owner of Appalachian Development and I just wanted to give some comments to say that, you know, we want to be good neighbors with these people and we'll do everything in our power to make sure that we don't disturb them and we'll address any concern that they have. And, that's about all the comments I have. We just want to be good neighbors, ok?

MARILYN GATES Ok, thank you very much. Appreciate you.

EDDIE HURLEY Uh, huh.

GEORGE CANTRELL I'm objecting to the permit, due to the fact that I live close to the mines and we don't want to have dust and noise from these mines. There's two mine openings on my property that they may cut into. I don't believe those maps is right, that we've got. And, if they cut into those things, it could flood us. They need to present some plan how they're gonna control the noise and the dust and the dirt, 'cause you know as well as I do that those coal trucks is going to make a lot of dirt coming up and down the road. Plus, that mine fan....there's nobody told me how they plan on controlling the noise from that thing. I don't know if they plan on putting a stacker on it.....how they plan on keeping it down till I can go in the house and close the door and not hear it. I don't think we should be allowed, er, forced to listen to a constant roar at the house.....ought

to be able to go wherever it's peace and quiet. And, why they want to come right into a populated area to put in a coal mine, I don't know.

I guess that's the biggest concerns. It's just the safety and the noise level.

MARILYN GATES Ok.

GEORGE CANTRELL If you have to listen to this.....can you imagine sitting at the airport where a jet's taking off? That's what a mine fan sounds like. If you.....and that's 24/7.

HARVE MOONEY If I could ask you something just briefly. You said something about two mines that were not identified.

GEORGE CANTRELL I don't know if they're identified. They're showing them just being 4 or 5 breaks back then.... and they mined there for years. I don't believe the maps is accurate. I believe those mines is deeper than they're showing on those maps.

HARVE MOONEY Ok.

GEORGE CANTRELL Jewell Smokeless gave up on this block (of) coal. They couldn't mine it. I don't know why these people think they can mine it. You know that's...it's their money. They can waste it if they want. But when they get in there, and if they've got some corporation, you know, that they have formed up, just to close it up and run, they're gonna leave the state with the burden of correcting over there. Well, we're pretty sure the man behind it is....he's not even present today. His name's not on it nowhere but we know pretty well the reputation and what's gonna happen.

CLOSING STATEMENT:

HARVE MOONEY Within 60 days of this conference, a decision to approve deny or request additional information will be made by the Department , and all who provided comment would be notified of the decision. This concludes this informal conference.