

INFORMAL PUBLIC CONFERENCE

**NORTON COAL COMPANY
APPLICATION #1009041
PERMIT NUMBER 1101936**

AUGUST 12, 2014

HARVE MOONEY: Good morning, everyone. My name is Harve Mooney. I'm the Legal Services Officer at the Virginia Department of Mines, Minerals and Energy and I welcome you all to Richlands today. The purpose of this particular meeting is an informal conference that 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 any person who has an interest or who may be adversely affected by the Division's review and decision on this permit renewal application. This particular application is an acreage amendment for Norton Coal Company, Permit Number 1101936. The Application Number is 1009041. In this particular application, the company proposes to add additional acreage to the existing permit. A copy of the amendment map has been placed on the placard over here to help you identify the location of the permitted operation. And we have permitting personnel here as well should you have a question in reference to that. Currently present is the Reclamation Program Manager in charge of permitting, Mr. Greg Baker. We also have present the Permitting Specialist, Ms. Lesa Baker. As I noted before, I am Harve Mooney, the Hearings Officer and Ms. Gloria Clark will be the Hearings Coordinator.

For those who have signed up to present comments, we'll record your comments and concerns for the record and a written transcript will be prepared for anyone who wishes to receive a copy of it. I do encourage you that if you wish to receive a copy to at least sign the enrollment and add your address so that we can provide that information to you.

All comments received today will be considered by the agency in the review of this permit application. At that point and time from the close of this hearing, the agency has 60 days in which to do one of three things. They may approve this acreage amendment. They may deny this acreage amendment or they may ask for additional information to clarify something within the application. The final decision to approve must be made within that 60-day period or extension thereof in accordance with 773.15 of the regulations. And anybody who is adversely affected by that decision may request administrative review by formal review of

that approval or denial of that application of such. Now if everyone is ready to proceed, we'll have the first signee, Mr. Brendlinger.

ROBERT BRENDLINGER: I'm Robert Brendlinger. I work for Wellmore Energy Company and we're the...

HARVE MOONEY: Please give your name and address.

ROBERT BRENDLINGER: Robert Brendlinger. My address is 1073 Riverview Street, Grundy, VA 24614. Wellmore Energy Company. I'm here as an agent for Wellmore Energy Company. This is an acreage amendment to the permit and what we're doing is adding additional acreage to the permit to extend the life of the operations. Our contractor, Omega, has been on the site since 2011 and has successfully mined in the Jawbone and Tiller seams over the last three years. We need to have them proceed with mining on this additional acreage permit to fulfill orders that we have and also orders that we have with Virginia Dominion Power in Virginia City. And employment, I think it's over 100 people that Omega hires at the operation there at Town Hill. The operation itself provides a lot of revenue for the Tazewell County. Since the inception in 2011, there's been over a million dollars paid in severance taxes for the County here in Tazewell. Again, the severance taxes are used for water improvement projects, for road projects and things like that. So they're a true benefit to the citizens that live here in Tazewell County. As far as the – and we have other speakers here to discuss some of the potential issues that the people here have. We have people to discuss the potential water replacement if that should happen, if the water supply should be disturbed. We have people here to explain the timing of the operation. We have people here to explain the type of property issues. We went into quite a detail to answer basically all the questions the Division has had through this permitting process. Brad Slone, he's with Summitt Engineering. He's our consultant and prime engineer that's worked for Summitt. He's their Chief Engineer. And I think to date, I think everything is answered as far as the comments on this permit revision acreage amendment. And I think there's just one or maybe two – I think Lesa maybe has one that's out there to be answered yet. So I mean, it's basically at the point that all the comments have been addressed successfully with the state. And then we're going to have Bobby and Keddy – they're representatives with Omega and they'll discuss their good track history – I think there's less than a handful of any violations that they've had. I think they actually had just a couple of violations in the history since 2011. As far as operating up there. And also with complaints, I think that there have just been a few complaints since they've operated up there since 2011. And that's pretty remarkable when, you know, they haul basically 40,000 tons a month down

through Town Hill and I think they've done an excellent job in providing for the people that live in those close proximities as far as dust and noise. I think they've done an excellent job and they continue to do so. And they're here to basically do whatever they can to successfully mine this acreage amendment area and provide jobs for those people that they do have and the economy here at least one for another at least potentially a year for acreage amendment area. That's my comments that I have. Any questions? Thank you.

HARVE MOONEY: Mr. Brad Slone?

BRAD SLONE: My name is Brad Slone. I'm with Summitt Engineering, Chief Engineer in our Pikeville Office. My address is 131 Summitt Drive, Pikeville, KY 41501. Like Bob said, I've been contracted by Wellmore to acquire this permit for them. It's an acreage amendment where we're adding approximately 185 acres to the existing 380. And I just want to touch a little bit on the permitting process. A lot of you probably know, but just in general, there's something like, I think my Adobe file is like 700 pages of regulations that a coal company has to meet in order to operate. And the Division takes what we give them. We give them plans and narratives and geology and all kinds of background information like that – probably 200 pages of documents. And they review that and they have six or seven reviewers – each one with an expertise and degree in their field – geology, engineers, agronomy, ecology, water quality, I think, and what they do is they look and see if we are successful with our plan or be successfully going to be able to follow the regulations, protect the public and the environment and get the job reclaimed properly at the end. That's my perspective of what they do and the process is that we give them the documents and these guys review them and we get a letter saying how they think we're not quite addressing entirely and things that we need to change, things that we need to add and that's a process that's back and forth. We reply and provide more documents and more maps. And then that goes back and forth until we have something that they feel like that we can operate and meet the regulations. We just last week resubmitted this permit and at that time we had three (3) reviewers I think that hadn't completed their reviews. One was a Permit Specialist and that has to do pending this hearing. And we had a couple of geology questions and what's called agronomy questions. As of this morning, it looked like the geologist had said that we were okay. So we feel like that, you know, pending anything that comes from these comments that we will have successfully addressed all the regulatory requirements and probably be ready for technical approval in the next week or so. And again it just depends on what comes out of this. And I'll be around if anybody has any questions. Thank you.

HARVE MOONEY: I was remiss in listing the representatives from the State here. I left out the Area Supervisor, Mr. James Lowe and the Area Inspector, Mr. Ed Goforth who are also present here as well. Sorry guys. I didn't mean to leave you out. Mr. William Collins?

WILLIAM COLLINS: Hello, I'm William Collins. I'm the Surface Mine Engineer with Wellmore Coal Company. I work out of the sister office which is Pocahontas Coal Company in Beckley. The address is 109 Appalachian Drive, Beckley, WV 25801. What I was going to talk about today was just a little bit of timing and what we perceive the permit lasting. A big part of what I do is keep track of what Omega has done on this job in the last three years and keeping track of production and see how that fits in with our operations as we go forward. Basically, in the last three years, they average about 1600 feet a day, which is on average two or three holes a day. With this extension we'll tackle the Jawbone first which is basically a continuation of what they're doing now on the West Fork side, which on that side alone will last up through about February 15. And most likely we'll try to tackle the virgin seams over there as well – which everything on the West Fork side – mining the Tiller, Red Ash, Jawbone Rider and the rest of the Jawbone – that will be completed around September or October of 15. And then moving to the Hill Creek side and finish up the permit. The entire time we're looking through about July 2016 for it to be fully mined. Of course, you'll have time for reclamation after that. But that's been generally the time frame that the permit would be active. I'd be happy to answer any questions.

HARVE MOONEY: Thank you. Joe Buell?

JOE BEVIL: Bevil.

HARVE MOONEY: I'm sorry.

JOE BEVIL: Joe Bevil. I'm the Land Manager at United Coal Company. My office is at 109 Appalachian Drive, Beckley, WV 25801. I take care of all the land issues for the parent company of Norton Coal Company, United Coal Company. I handle all the leases, payment of royalties and any other issues that arise through that. With this permit, we are operating under our lease with reserve coal properties that were signed January 22, 2003 with various amendments. The property – the 101 acres – was purchased by a Mr. Ira Strouth on the 20th of March, 1945. And that deed – that's the severance deed – where the coal and other minerals were severed from the surface and when the Strouth party received the surface in there, the people that owned the coal reserve very broad rights and I believe those documents have been submitted with the permit application. And if there

are any questions concerning those, I'll be here to answer those. Okay? Thank you.

HARVE MOONEY: Mr. Tad Nunley.

TAD NUNLEY: My name is Tad Nunley and I'm with Wellmore Coal Company, 1073 Riverview Street, Grundy, VA. I'm the Environmental Compliance Manager for United. You know, we've applied for this application and I think we've been meeting the requirements in this permit. We did some comments about water supplies and we will try to protect everyone's water supply as we mine through these reserves. Sometimes that's not possible and we have contacted the PSA. There is water available in this area from the public water supply. And there's also the availability of lower aquifers which we could drill a well and provide water for those users as necessary should that become a possibility. And Omega as a mining company is very concerned about as well as Wellmore and United, about environmental impacts of mining. And we try to do our best to minimize those impacts. So if I can answer any of your questions later on, just let me know. Thank you.

HARVE MOONEY: Thank you.

ROBERT BRENDLINGER: Harve, one other comment before we go with Omega.

HARVE MOONEY: Would you come forward.

ROBERT BRENDLINGER: Need me to say my name again?

HARVE MOONEY: Yes.

ROBERT BRENDLINGER: Robert Brendlinger, 1073 Riverview Street, Grundy, VA. I'm the agent for Wellmore Energy Company. Just wanted to comment as far as on our record in the State of Virginia as far as violations, we have one (1) violation as a company as we operate under Wellmore Energy for United Coal Company this year through August 12th. So we're very environmentally conscious company and we do a lot of things on a day to day basis to preserve the environment and keep the people that we mine around satisfied with what we're doing. So we're definitely concerned about the environment and I think we do have a good track history with the State here in Virginia. And again that's something you can verify with any of the State representatives here on what I'm saying today. So I just wanted to make a comment on that and you know, we are a company that try to do the best we can everyday and if there are issues that

come along, we're going to take care of the problems as they come along and we're not going to walk away from the problems. So I just wanted to say that.

HARVE MOONEY: Mr. Bobby Berry?

BOBBY BERRY: Good morning. I'm Bobby Berry with Omega Mining. I'm the co-owner and operator of the mine. We are in Hill Creek and our address is P.O. Box 428, Richlands, VA. We've operated in Town Hill Creek since October of 2011. We've provided jobs now, I think we have 63 full time employees and 20 to 30 contractors that we employ in Town Hill Creek. It's been a good operation for me. I think it's worked well for Wellmore and for us and we try to be a good neighbor to the community and to the citizens that live there in Town Hill Creek. We know that it is from time to time an inconvenience. As Mr. Brendlinger mentioned, we haul 40,000 tons of coal out of that hollow every month or more. And some of the things that we've done for some of the people that live up in there is we keep that road watered daily or as needed. Mother Nature has helped us out here lately. But we've graveled several private residences driveways. We've graveled a church lot and we've done this not only once, but multiple times as the need arises. We've also offered the services of pressure washing some of the houses up and down in that area. You know, we've tried to keep the dust to a minimum and I don't remember, but I know there's only been either one or two formal dust complaints. You know, we ride in and out of that hollow all the time ourselves. We don't want it to come to a complaint. If we see that there is dust, we try to take care of it ourselves and try to be proactive. You know, the inspectors like to joke and kid that they've never seen a perfect mining operation and I'm not going to stand up here and tell you that Omega is perfect. But I can tell you that we are very conscientious about the environment, about our neighbors and we really are committed to doing what's right for the community and for the people that live in and around the area where we do mining. As Mr. Brendlinger mentioned, we paid or United/Wellmore has paid because of the tons that we mined in that hollow – over a million dollars in county severance taxes. I think we've mined right at 1.75 million raw tons of coal in that hollow. And everybody knows how today's coal market now and the economy is going. These coal jobs are becoming more and more precious. And as you and I know and probably everyone knows neighbors or those people that have lost their jobs. The approval of this permit is very crucial to the timing of our operations in Town Hill Creek. If we don't get this permit by the first of October, we're going to have to idle that operation. And that'll mean that 63 of our employees will be laid off and all of those contractors that provide services for us from hauling the coal to supplying the grout to bringing our mine supplies will also be impacted. I don't

think any of our co-workers, any of their families or our community want to see that. We've strived and we've gotten better as we've come along as a company about being environmentally friendly. When we first started that operation three years ago, the coal industry was still pretty much at a peak. And good, experienced operators were hard to find. We didn't do the job that I thought we needed to be doing on a lot of our reclamation and lot of our stuff. Unfortunately as more and more people get laid off, and we've trained some of the guys that have been there with us for quite a while, we're getting more and more experienced operators. And I think the inspectors in the state will tell you that our drainage, our reclamation and our overall job site appearance has come a long ways in three years. And it's something that we can be proud of now. Again, you know, Omega is not a perfect mining company, but we do strive very hard to do the right thing for the right reason for our neighbors and to comply with all regulations. I'll be available if anybody's got any questions afterwards.

HARVE MOONEY: Keddy Steele?

KEDDY STEELE: My name is George K. Steele. Address is P.O. Box 428, Richlands 24641. I'm an employee of Omega Coal and I was an employee on the environmental side. Basically my duties have a very wide range. And in this type of situation – as growing up as a kid, I know that they had mining operations, you know, around every corner and we basically had one in our backyard at a younger age and my parents and grandparents, I guess some of the concerns of blasting, dust, noise, basically a general nuisance and you know, as for my experiences through mining, I have 20+ years and have worked basically every position from A to Z since I was 18 years old. So I've gained my experience by life lessons and not by education, but education of other operators, employees. With that background, I kinda serve, I guess I would be a trouble shooter, problem solver between the public and the mining operation. And I try to keep a neutral ground. I know what it's like to live directly beside a mining operation. I've lived beside of it. I know what it's about. I've worked in it all my life. And I know what the day-to-day concerns of the public are. And some of the people on Hill Creek – the coal truck traffic – they deal with a multitude of problems that would exceed anything as to the mining standpoint on the property that we're looking at. They deal with the coal trucks, the employee traffic and I think that the Town of Hill Creek and the main access road, the guys that travel up and down that and we do have some female employees. We set some general rules and the state sets the standard and the Federal sets a standard of rules that they want mining operations to comply by. And Omega has basically or they extend those and they up the bar a little bit and able to do one step better. We don't want to always, I

guess, resolve complaints, we want to eliminate complaints before they become a complaint. And in that manner, we try to regularly speak with the people downtown in Hill Creek, the mining's impacting to see what their concerns are and to see if we're missing something – to see if there might be for instance, a particular group of shifts that might be traveling too fast out of the hollow on the main road. We address that situation. Dust, if it's becoming a problem, it's an oversight. If it's something that the public sees that we're missing, it's something we're missing unintentionally. We want to cut that off immediately and make it right. And a lot of the people up and down the hollow, I gave my cell phone – Omega provides me a company cell phone and I gladly give out the number to those people up and down the hollow who need it so if they see something that needs to be corrected immediately, they can call me and I will make a direct line and I will correct that problem by means necessary. And on this as far as I know some of the complaints may be developed over the mining process would be, of course, your comments are going to be noise nuisance, dust may be an issue, but we have two means of dust control. And generally we've not had any as far on the production site. We have not had any dust issues. So any complaint that might be associated or with the fear of the nuisance that might come along with this permit that the people around might have, I will be glad or they can have my personal cell phone number that I carry with me 24/7. And if there is a problem, they can contact me immediately so we can resolve the issue as quickly as possible and as efficiently as possible before it progresses into a manner that will need to be controlled by the state. And we will gladly do that, you know, without resistance. And like I said, my background – knowing and seeing – I got to see all aspects of mining. I was living beside of it and I can kind of foresee things that become problems and nuisances to the public. And with the resources and availability of controls of such means, we can take care of problems fast. And I want to ensure that if you have a problem that you can contact me and we will address it at a company level and in a timely manner. If anybody's got any questions or concerns about that, they can feel free to ask me. Thank you.

HARVE MOONEY: Thank you. Mrs. Elizabeth Kinder.

ELIZABETH KINDER: Can I speak from right here. I'm hurting so bad I can hardly stand up.

HARVE MOONEY: Sure, please do.

ELIZABETH KINDER: Okay. I am the landowner. I own 81% of the property. My question and concerns in all this is that I sleep nights and my husband sleeps days. He's on hoot owl now. When are we ever going to be able to sleep?

Animals are flapping and are going to be running, going crazy. And I do have a concern about the right of entry onto the property. I have talked with an attorney and he said they don't have a right of entry. I know in 1945 when the property was bought, it was surveyed twice by McClure, which at the time was the president of Town Hill Coal and there was no entrance into the coal. And he made them survey it twice because the first time it was surveyed, he thought they had made a mistake. They do own the coal, but they don't have an entrance into the coal because the property covers just about the entire seam of coal. I have animals. I have fences. I have a blueberry patch that I pick and sell through the summer time. Dust would be a major issue. And I have tried to work with these guys and listen to what they had to say. It still leaves a lot of questions out there for me. And I do not want PSA water which I have told them that. And within 300 feet of my home? I mean, this is my home. You're talking about tearing up everything that's in my home basically. I collect a lot of old glass and with the blasting and everything, everything's falling and breaking. I have 11 dogs and 50+ goats and eight (8) head of cattle. And what am I supposed to do with them animals with all this blasting and all this equipment running and everything going into a frenzy? When am I supposed to be able to sleep? Better yet, when is my husband supposed to sleep? I drive a school bus for Tazewell County. I do need my sleep and he works a 12-hour shift in a coal mines in Cucumber, WV. I know about mining, too. And I don't or my personal place in 1945 when this deed was written, it didn't require them taking 13 acres of my land and tearing it al to pieces as to where a house could never be put on it, a septic tank could never be put on it. You're totally, I mean, even though they reclaim the land, what benefit is the land? The value of the land will go straight down. The timber that's on the property – it's huge timber. And we're talking about destroying everything. They're talking about the environment. Well that's all well and good. I'm all for saving the environment too. But when you have the rain and everything, what's going to hold that property in place? I don't need big rocks sticking out of the ground. I have to have water for the animals that are there. And PSA water just – why should I have to pay for water that I'm getting now for free? It's there. I'm done.

HARVE MOONEY: Thank you very much. Mr. Danny Strouth?

DANNY STROUTH: Yeh, I just come down to really hear what they had to say. I'm with her sister and my brother, and I just kind of wanted to see what was said.

HARVE MOONEY: Is there anyone else that wishes to speak? Anyone? Sir?

DENNIS JOYCE: Yes sir. I'm Dennis Joyce.

HARVE MOONEY: Would you please come forward if you can? Give us your name and your address for the record.

DENNIS JOYCE: Okay, Dennis Joyce.

DENNIS JOYCE: Dennis Joyce. 780 Stone Road, Jewell Ridge

GLORIA CLARK: What is your last name – Joyce?

DENNIS JOYCE: Joyce.

GLORIA CLARK: J o y c e?

DENNIS JOYCE: Yes, ma'mam.

GLORIA CLARK: Okay. And your address?

DENNIS JOYCE: 780 Stone Road. I don't know the zip.

GLORIA CLARK: Here in Richlands? You live in Richlands?

DENNIS JOYCE: Jewell Ridge.

GLORIA CLARK: Jewell Ridge, okay.

DENNIS JOYCE: 27 something.

GLORIA CLARK: That's ok. I'll get it. Thank you.

DENNIS JOYCE: My name is Dennis Joyce and I'm here for my son because he couldn't make this meeting. He was tied up. Our property joins Ms. Kinder's. And on this land, we've got our farm. It's all well fenced. And when you come in there, especially on the Rider seam, you come right through the field, round my barns, plus I get all my water for my cattle and livestock. And you come round there on this property, I'm on both sides - some on the Hill Creek side and some on the West Fork side. On the Hill Creek side and on this Rider seam, you come through and I don't really know what you were doing. I assume you taking care and we're checking of or checking on this Rider - and if you come around where I think you've got in mind, come around one side of it and go around the highwall, around to other West Fork side – round where Liz is – bring that longwall miner in there – you come to this side and this side in here – or the way I got it figured on what I think you're doing – so when you come on this side of the mountain, this side of the mountain, you come around by her house down there where she lives – you going to put all this in there. All this weight on this mountain is going to give and it may take years, but this coal will eventually squeeze out and break – if

there's no longwall mining, you'll get a break to the top of the mountain. You have already got, I think, the Red Ash seam, the bottom of the Tiller and the Seymour mined out from under it – Buch 1 is up there and they're longwall miners – you know what longwall is and you take it off. You box the coal. Eventually this coal will squeeze out and you're going to have Buch 1, Jawbone, Tiller, all of this coal mined out and may take years, but eventually it's coming to the top. And the Rider seam I was talking about you mine it the way I think you're going to do – longwall it in different sections – that mountain and all the people are going to pay for it. And the coal companies are going to have the profits and gone and left us holding nothing. That's what we're expecting. All this mining under us that's what I'm expecting. And I have hunted these mountains – the old Jewell Ridge mine – and I've found cracks in the mountains and the old Ben Hur at Hill Creek. I've found cracks in the mountains coming to the top from the Red Ash seam. And this is what they're putting in front of us. And they won't be taking it out and more. And that's all I've got to say. And what I'm talking about on this I've had 40 years underground with all types of mining – longwall and all. And I know. I've pumped water in and behind these until I had to leave it. I know what it does. I know what it does on high. And when you take and do all this, it may be years, but eventually it will break out and come down. The same way I know Buch 1 has been. But I tell you – you take what's left to what we're going to have left – nothing but cracks and rocks piled up. I know you reclaimed, they reclaimed, but they're piling the dirt over top of the rock and stuff and eventually the rain beats the dirt down and then you've got nothing but piles of rock in time to come. Thank you.

HARVE MOONEY: Thank you. Anyone else? Okay. Having received these comments – I sorry, sir, were you wanting to say something else?

JOE BEVIL: Can I just make another comment?

HARVE MOONEY: Please do.

JOE BEVIL: Joe Bevil, Mine Manager, United Coal Company, 109 Appalachian Drive, Beckley, WV. Ms. Kinder, in the deed of 1945, which documents are provided in the permit application, it states “Nevertheless excepting and reserving from the operation of this conveyance all the coal, gas, oil, minerals and metals of all kinds, and any and all combinations of the same, in, under and upon the said tract of land together with the following rights, privileges and properties, viz: the right to mine and remove the entire body of coal, minerals, metals and other substances and products hereinabove described in, under, through and upon the said land without liability for damage to the surface thereof; and the right to haul

through, over, and upon the said land the coal and other substances and products that may be mined from any and all other lands now owned or that may hereafter be acquired by the said party of the first part, its successors or assigns.” It also goes on to say that “the right to use any private road, or roads, upon the said land for any reasonable purposes, and the right to haul and transport through, over, and upon said land coal, minerals, timber, men, merchandise, materials and other substances...” Concerning the timber, though, ma’maam, it does require that any timber above 12 inches that you be compensated for. The specific language is “the right to use any timber under twelve (12) inches in diameter”. This may be upon said land at the time of mining the coal thereof, but this right is not to prevent the party of the second part, your family, the right to clear the land.” I believe all our legal people have said that have reviewed that have said that any timber above 12 inches that we’re liable for that and we will have to compensate you for any of that timber above 12 inches.

ELIZABETH KINDER: Okay. When the deed said “in”, that means “within” – that means under. And under, as the deed said, means “beneath”. And “through”, that’s by way of – from one end to the other. And “upon” is oh, now where does it say that you have the right to come in there and remove and put back?

JOE BEVIL: The rights to mine and remove – it’s the first...

ELIZABETH KINDER: It doesn’t mean the surface.

JOE BEVIL: Ma’maam.

ELIZABETH KINDER: It’s only the land. It’s over the surface.

HARVE MOONEY: Excuse me, excuse me. We’re getting beyond the scope of the hearing itself. This is an issue apparently between you and the company and should be addressed at another time. We’re here to accept comments in reference to the approval of the application and we will take those. But this particular matter is not to be addressed here.

TAD NUNLEY: Harve, can I make another comment? Tad Nunley. As far as paying on water, you are or the state does require that you be reimbursed for the cost so you wouldn’t have to spend money for water. You will be reimbursed for that.

ELIZABETH KINDER: Okay. I have a pond now that my animals get water from.

TAD NUNLEY: Yes ma’maam.

ELIZABETH KINDER: Okay. Once you remove that mining coal, where's the water going to come from for my animals?

TAD NUNLEY: Either the well or the public water supply.

ELIZABETH KINDER: I do not want PSA water.

TAD NUNLEY: Then we can build you a well.

ELIZABETH KINDER: Okay. And then how come when the big mine comes through under there, where is the water going to go?

TAD NUNLEY: There are still aquifers here to supply you water. Every indication is that that water

HARVE MOONEY: Are there any other comments to be made?

ELIZABETH KINDER: Why then is some of that coal only 55 foot reserved if it's got – when you have mountain terrain, who is going to be responsible for that?

TAD NUNLEY: We're responsible under the regulations to fix any cracks or breaks in the structures.

DENNIS JOYCE: And how are you going to fix them cracks?

HARVE MOONEY: Okay. At this point, excuse me, that's another discussion. At this point and time, if there is no more public comment in reference to the application, I will officially close the proceeding. I will close it with notifying that the final decision to approve, disapprove or request additional information for consideration on this particular application must be made within 60 days at the close of this conference in accordance with 773.15 of the regulations. That doesn't mean that it will take us 60 days to make the determination. That's the maximum amount of time that we are afforded to proceed in this matter. We could make the decision sooner as opposed to then depending upon what the findings of the comments. We do appreciate your comments. They are important to the approval or disapproval of this application. And for that reason, hopefully, within ten (10) days, I'll submit back to all those who signed in a copy of the transcript of the proceedings and you will be notified by letter the decision of the agency to do whatever it chooses to do – either approve or deny, but you will be notified by letter. Once you receive that notification from us, you will have 30 days in which to request a formal review by an Administrative Law Judge concerning the approval or disapproval of the application. And if there are no other questions, I'll go ahead and close the proceeding.

ROBERT BRENDLINGER: Harve, I just wanted to remind everybody again that all these comments will be considered before that decision is made.

HARVE MOONEY: Absolutely. That's the whole purpose of this proceeding is to get your comments before we proceed. Thank you all very much.

Meeting adjourned at 10:50 AM.