

INFORMAL PUBLIC CONFERENCE
PARAMONT COAL CORPORATION
PERMIT NUMBER 1101916

NOVEMBER 7, 2016

HARVE MOONEY: Good evening, 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 here tonight. The purpose of this is an informal conference in reference to the renewal of a permit. This particular permit is Paramont Coal Corporation, LLC, Virginia LLC. The Permit Number is 1101916.

We're actually conducting this particular informal hearing in reference to the approval of the NPDES permit application as required by the Public Participation segment of the Virginia Coal Surface Mining and Reclamation Regulations. We are obligated to offer the public an opportunity to comment prior to the approval of the application. And that's what brings us here today. Any person who would be adversely affected and has an interest under this may request this hearing. This particular proceeding is warranted under 4 VAC 25-130-774.15 of the Virginia Coal Surface Mining Reclamation Regulations. A copy of the permit maps are here for anyone who may have a question about those. This particular proceeding is not an adversarial proceeding nor is it a forum for public debate. We are here to accept any and all comments you may have in reference to the decision whether or not to approve this particular application.

A final decision will be conducted up completion of this particular hearing. We'll take the comments that you provide and review those and make a decision on the permit. At this time if you signed this particular sheet, we'll call you forward and let you present any comment that would like to do.

MATT HEPLER: May I sign in right quick?

HARVE MOONEY: You may do so.

MATT HEPLER: Thanks Harve.

HARVE MOONEY: Of course we'll have to let you speak; you requested the hearing. Is this your new address?

MATT HEPLER: I'm still or my mail is still forwarding.

HARVE MOONEY: Okay. If everybody is ready, I'd like to begin and Levi Marney, please.

LEVI MARNEY: Okay.

GAIL MARNEY: You can stand up there.

HARVE MOONEY: Or you could have a seat here.

LEVI MARNEY: Okay. I do not want poison in our lakes. And I really don't want those coal miners to, you know, put all that poison in our lakes. God gave us water so we could stay clean and we can drink out it them. And I don't want the poison in the water because like it can kill and poison all the animals and everything. So I do not want no poison in our lakes. That's it.

HARVE MOONEY: Okay, thank you. Ms. Marney?

GAIL MARNEY: Yes. I'm here for five reasons. This is one of them. I have five grandchildren and he is the seventh generation on our property in Dickenson County. We have fought for some time. We live right where his father has property on Little Prater Creek right above the Doe Branch. He plays in that creek and his two younger brothers do also. I am very concerned about solids being dispersed in any manner without the EPA regulations. I really don't know exactly what I need to say to you or anyone else because I'm just a resident here – a long term resident that has family that goes back a long ways. We're invested in coal mining and we have lots of members of the family in coal mining. Levi watched his grandfather die this year of black lung after many years. So this is not the only issue, but it is one of them that we can address. I think our future is definitely recreation, tourism and taking better care of our environment than we have in the past. You know, I come from a long history of not being very good stewards – not necessarily because it was intentional, but may just kind of this is the way it is kind of attitude. But I think that at some point we have to stand up for our future generations, for our children and grandchildren and preserve what we have here. So I would be opposed to anything that is not environmentally sound in this coal mining proposition, especially discharging into rivers or streams. Thank you.

HARVE MOONEY: Thank you very much. Mr. Gene Counts.

GENE COUNTS: I spent my lifetime trying to clean the rivers and streams up – not just in Dickenson County, but surrounding counties. We've led teams through Guest River Gorge and this will be the 11th year, so we go everywhere trying to clean our streams up. So Russell Prater and Doe Branch and Prater Creek – they're in our back yard. So we or in Prater Creek in particular, I know that I've had people come all the way from Richmond, like the Department of Conservation and Recreation and some of the other agencies to help with TDL studies on Russell Prater Creek. We have every year for the past, I guess, 12 years I want to say, we've had a VISTA working full time in Haysi –

working for Friends of Russell Fork. I'm the director of Friends of Russell Fork. And we have or I remember back in the mid '70's we had a group called, I guess, Counsel of the Southern Mountains from DC to help with the 1977 strip mine law. So that's some of my background. We have a book published that we give out to every ninth grader in Dickenson County, Buchanan County and I used to be over in Wise County coming down to Pound. All of these – we've got these high schools and every year we have those kids go out in the streams with us and we do natural and vertebrae studies. The little _____ in the river will tell you how healthy is the stream. So we've done some of things through the years. And Doe Branch in particular, I've appeared in front of the Buchanan County Board of Supervisors pitching a hiking/biking trail through Haysi and down to, I guess, down to the Breaks Interstate Park. If we get a hiking/biking trail from up in that area, it will come down Doe Branch. And so there are many, many, many reasons why we want to protect the health of our streams. And ecotourism is just one of those reasons. That is the primary thrust of our organization is trying to clean our streams up so that when tourists come in here they won't be ashamed of our area. So we can hold our heads high and know that we've done everything in our power to keep these waters clean. That's one of the reasons we can't afford a mine upstream. I hate to say this and I know I didn't intend to come here tonight and say this, but I'm going to say it real briefly – I've worked with the company. I used to work for Pittston. I worked with the company for years that went bankrupt recently. So they had to sell some of their mines and one of the areas they sold was this area. And so if anybody gets a permit in this area, it will be strangers. And so that's another reason that I'm – I try to keep my antennae on the permit that we're talking about here tonight. That's another reason that I oppose the permit. So the quality of the streams is extremely tenuous and I'm afraid that one more tiny thing would ruin our watershed forever. It would take forever to come back. So for a lot of these reasons – if we don't get ecotourism in our area, we don't have anything else. I mean everything else is gone. I mean right now a lot of gas – I mean coal is almost gone in our area. Gas won't be here very long with the way they're pumping it out of here right now. So in a few years, what's our grandchildren going to have. I appreciate so much Ms. Marney having this young man come down here tonight and speak. That speaks to my heart and I appreciate that. Thank you folks.

HARVE MOONEY: Thank you. Ms. Erin Salvage.

ERIN SALVAGE: Thank you and thanks very much for granting us this conference. My name is Erin Salvage. I am the Central Appalachian Campaign Coordinator for Appalachian Voices. I've worked in this area on mining issues for about the last five years. In my personal life, I'm also an avid kayaker. I come up here at least four times a year and usually more if we get enough rain to kayak on the Russell Fork with a lot of my friends who are in North Carolina like to come up to this area as well. So it's important to

me on my professional and my personal level. So I'm here to urge to reconsider this NPDES permit for the Doe Branch Mine. This original permit as first applied for EPA objected to back in 2013 – the specific objection that was providing the fact that five of this discharges that would be permitted would discharge into the Russell Prater watershed. And that watershed already has a TMDL in place for mining related pollutants that's putting into our total dissolved solids and total suspended solids. So as far as I have currently been able to research, the wastewater management plan does not include an effective means for preventing additional TDS discharges. And the permit also does not include numeric limits for TDS, and therefore, really does not comply with the TMDL that's currently in place. It's my hope, given that EPA has upheld their general objection that they will restate that specific objection unless there is evidence that new a new management plan has been put in place that adequately protects the watershed. Furthermore, given the recent down turn of the industry, my concern is that permitting an additional mine, especially one as large as this, would increase reclamation liabilities for the State of Virginia and for its tax payers. This mining permit that is particularly being applied for or was originally applied for by a company that had gone bankrupt – Alpha Natural Resources and is currently being applied for by a company closely related to ANR. Therefore, I urge DMME to look forward to economic and ecological possibilities of this region and reject this NPDES renewal. Thank you.

HARVE MOONEY: Thank you very much. Sister Jackie Hanahan.

SISTER JANET HANAHAN: Thank you. I'm Jackie Hanahan and I live in Coeburn, a suburb of Coeburn, Tacoma. But I've worked down here since 1982 with the Buchanan County for 10 years and I've worked in education and law and currently I am working with the Appalachian Faith and Ecology Center which is the commitment of the dioses of the religious community. We've been in existence since 1653. So when we commit to something, we're committed. Now we have one other Sister down here in St. Charles, Beth Davis, who works with the addiction community. She's been here 40 years. She came in '72. All that time, we have had a commitment to the issues of health and these are people who are underrepresented and usually with flooding – all those issues. But we're finding our point where we can recognize, not just here, but it's happening here, I can see and that's a good thing. Look at this fella. You've made all our hearts melt because I don't want him to have to leave when he grows up. I want him to be able to live here and I know you know this as well. So thanks for the opportunity, but I want to say this. A healthy economy can only happen when we have a healthier ecosystem. We're gifted in our region even with the biodiversity like there is nowhere else in the continental United States. We have that here. We, for various reasons we've focused on one facet – the extract of pretty much a mineable economy of gas, coal, etc. But we're finally a point where we have people who are working together over different

philosophies and everything else, so I'm asking that we incorporate by reference in this hearing, Anthony Flacabantos' new book "Building a Healthy Economy from the Bottom Up". The principles that he presents in this are based on his work, which is over 40 years in this area, and it's excellent, so I'm asking that this become part of the record. It will mean a healthy economy from the bottom up. And the other piece that I had mentioned, I use the Breaks and I work with groups local here and outside, so there's a real concern and collaboration among church groups, many denominational groups to try and have us understand what it means that ____ creation is the first book of evolution if we put it that way. So we have this say green faith international and we work with young people and those of us that are not as young. And we're wherever you are – internationally. So more and more the opportunity to connect with groups like is a wonderful thing and more resources to make a commitment to the area. But we're already here and there aren't as many of us here as used to be, but we've all worked on the issues related to eventually trying to secure a healthy environment. So that's why I'm here. Thank you.

HARVE MOONEY: Thank you. Mr. Gary Vance.

GARY VANCE: Yes, that's me. I run cattle on the strip land here in the county and they have made the laws so strict about stacking all the rocks back up – you can take a cliff down, but you can't stack it back up. And they are trying to do that. They need to leave part of the highwall there. Leave a place that they can get up ever so many feet or a quarter of a mile or something, but not try to stack it all back. They need to level the land down a little. They are really when they redid it, they're destroying the land with trying to put it back the way it was. And if they'll put valley fills in and leave some of the highwalls there – we've got the Breaks down here – you can look down almost a quarter of a mile of a cliff and that's what the county is made of a lot. And you can't put those back like that. They're taking the coal out and they're trying to stack it all back like it was. And that don't work. That's made farming miserable. But some of the old ways that they did do it, they left it reasonably level and left the way a quarter of a mile or less, you know, that they can get back on top of the highwall. But they need to leave part of the highwall. I'm not trying to put it back because the cliffs are just so bad. And we need more roads here in the County. We need road work done worse than anything. My farm – I've been up there 28 years. I went to road meetings for 25 years. They said they'd build a road up, we never did get a road. They come and said they'd do it. But anyhow we had the kindergarteners come up; we have several bus loads and they called us and wanted to come back. I did farm tours is what I did. We took them on hayrides and everything. We had a picnic shed and stuff. They wanted to come, but I had to quit because we weren't really back here in the county enough that we could do that because the roads weren't good enough to bring the buses up and they needed to be fixed. But really the main thing I'm here about is the strip land is not being done like it needs to be for it to be reused.

We need to be able to reuse it. When they move out, they get the coal – they're gone and we're left here. But it has been a big help to me to run cattle on that strip land. And what that was done right is good and what is not done right is not usable. And I'd just like to see it fixed back that everybody could get into it, make themselves a little bit of a living here. Thank you.

HARVE MOONEY: Thank you. Annie Jane Cotton. I hope I said that correctly. I'm sorry.

ANNIE JANE COTTON: That's all right. Hey y'all. My name is Annie Jane. I live over in Wise County, Virginia. I just think that in a time where water quality and land rights and community control of economic assets are central to shifting the prospects of our region, a large mining project such as this has a potential to really hold us back – hold us back from the necessary and positive economic growth. As a young person commended to living in this region, projects like this directly threaten to divide the path of my chosen career which is in herbalism. Being a part of a healthy forest and vibrant ecosystems are critical components in my ability to provide healthy life crafted regionally appropriate non-timbered forest products to my clients. Furthermore. as a hiker and a boater and just a general outgoing enthusiast, this project, in my opinion threatens the economic viability of ecotourism in our region and impairs our ability to create an economy based on this. So that's all I have to say.

HARVE MOONEY: Thank you very much. Gabby Gillespie.

GABBY GILLESPIE: Okay. I guess I'll sit in the chair too. I think that's what the cool kids were doing. So I'm Gabby Gillespie and I'm a community organizer. I also live over in Wise County in Pound. And I've been working for the past couple of years as the development with the branch of Forward. I've been working with several different citizens across Wise County and around here as well. I've also been working with folks talking about the vision for our region, you know, for the future doing economic diversification type work and economic development. And I've had a lot of conversations with the folks and when we talk about the other vision and future of our mountains, people talk about their water. That's the thing that I hear people talk about the very most. And I do work regionally as well, so when I'm going to West Virginia and Kentucky and Tennessee, you know, across the region, I hear people talk about their water. And so, you know, when we hear it outright, our future is what I associate with it. So I kind of want to echo the concerns of the Environmental Protection Agency and the fact that Russell Prater is already endangered and is already- I think the active mining around the vicinity of Russell Prater will just further endanger it. And these are the same waterways that I'm envisioning with other young folks and other community members to protect. I'd also like to raise the further concern that the projects that are proposed to offset the pollution that we've already seen in Russell Prater are not actually addressing the issues that local

citizens are encountering and not sufficiently protecting the waterways to deal with the impaired status that we already have. So if you look at the application for this particular mining activity, you'll see the proposed projects and they're not actually impacting the Russell Prater, they're impacting other parts of the watershed. And I whole heartedly agree that we need lots of repairs to our watersheds. But I think the specific projects that are proposed in this application do not sufficiently offset any further pollution that will come from further mining anywhere near the Russell Prater. So I just want to say that I don't believe that this NPDES permit should be given to Contoura or Alpha or any other mining company.

HARVE MOONEY: Thank you. Mr. Willie Dotson.

WILLIE DOTSON: Hey, I want to thank you all for granting this conference and giving us this opportunity and for everybody else for taking the time to come out and participate in this too. My name is Willie and I'm from – well, I live in Wise County. I'm originally from Montgomery County over there around Blacksburg. And in Montgomery County, we have a very diverse economy and we have pretty happening tourism industry over there. The AT cuts right through neighboring Giles County as does the New River. There's a lot of hiking and various ecotourism destinations. And I came to live here – or I live in Wise County, but I came to move to Far Southwest Virginia because when I lived in Montgomery County, I met a fellow who lived further away and next to one of these great big mountaintop removal mines. And it was breaking his heart and it was breaking his family and it was breaking its community, and he came asking for help. And I thought that if this was happening in my mountains and my woods in Montgomery County, I would do everything I can. So I felt called to it and that was a couple of years ago. And it's really changed the course of my life and it eventually lead me to move here. There's reason that this area can't have a strong diverse economy that same way the part of Appalachia that I come from has. Over the past year or so, I've been spending a lot of time in Dickenson County and I've been working with some community members and different state holders on economic diversification and economic development projects, abandoned mine land remediation being a big part of that. I gathered together a group from Dickenson, Lee and Wise County residents and went to Washington and lobbied Congress for the Clean Acts which you and a lot of folks in this room are familiar with which would free up and expedite abandoned mine lands money to remediate some of the scars of mining that gives us an economic benefit in the now while we need it because the coal industry is taken so back. It makes no sense to me that we would continue down this road of creating these big scars while we're at this clear point of transition. Even the CEO of American Electric Power not too long ago told a group of industry representatives that the environmental regulations honestly had very little to do with the downfall of the coal industry. That the utilities aren't going to be buying the coal. If this Doe Branch mine

goes through, it's going to liquidate 1100 plus acres of future long term economic opportunity for this area. And I'm talking about ecotourism. I'm talking about non-super forest fires; herbs like my friend Amy here said, so I'm very opposed to the mine generally. I think it's the wrong time and the wrong mine. I don't think it makes sense for the current moment we are in economically where we know we have to diversify. We should not liquidate. We need to diversify. We have more assets than coal. And we need to capitalize on those assets. Aside from all of that, I feel like this particular NPDES permit is kind of moot because the EPA has as my colleague here, Erin, was saying has maintained its objection to this NPDES permit. So I would encourage the DMME to reject this renewal and bring the state process into, you know, to conform to the Federal regulatory process which I think is correct. The Russell Prater is an impaired watershed. This mine would further impact the Russell Prater, the Russell Fork and would hurt the ecology of the area. It would hurt the water. It will hurt the land. It will hurt the people. It will hurt the economy. It's a short term economic benefit and a long term liquidation of things that we just can't afford to be trading out anymore. That's how I feel. I thank you all very much for being here.

HARVE MOONEY: Thank you. Tammy Owens.

TAMMY OWENS: I brought props. I'm Tammy Owens and this is my community. This is where I live. And I'm here tonight to say that I am against the renewal of the Doe Branch permit. And with what other people have been saying here, and especially like Willie and stuff – when he was saying that we move forward with the mining in the Doe Branch and with all that that will cause, I can show you exactly what mining has done to this area. And I will start with saying that this last week's paper where it says here "Haysi, Dante, farm part of new idea". This is my farm. But the thing is that I'm an organic farmer and I have a 30 acre farm – about 15 acres of that is – well the whole farm is reclaimed mining land. But I follow the grey area for the Reclamation Act because my farm was after the 1977 – when the reclamation had come in. So that was like over 40 years ago that my farm was reclaimed in the proper way that mining land is supposed to be reclaimed. This is my topsoil. (Places bag of topsoil on desk). Throughout my farm this is my topsoil which means there is none at all. Nothing grows on my farm. With great difficulty we grow grass for our cattle. But when there is very little rain because there is no topsoil and because that's what we have right there, the grass dries up very quickly. The only thing that grows really well on my farm is autumn olives. That grows great and for some reason, cosmic grows really great. Neither one of those is a benefit to us. It costs thousands of dollars to get rid of autumn olives on our farm land. In order for me to be a farmer, a productive farmer, I need to have regenerated topsoil on my farm. But because my farm was reclaimed after 1977, I don't get any money for that. So there's no way I'm going to be able to grow or region this topsoil on my farm where I can be a productive farmer or

my organic vegetables or my organic fruit or anything that I might want to grow on my farm because it won't grow. So that's one reason why I'm against any more mining in this country, in our county here or in this area. You that's getting gone away with any ecotourism, any agritourism to come in, any forest farming that could happen as some people have mentioned here. We have here in our area is where ginseng grows the best – light root, yellow root, all those things – highly valuable medicinal herbs – you know, what we can get for an acre of ginseng is astronomical compared to what other road crop farmers would get. But can we grow those medicinal herbs anymore on our farm land? We can't because of what mining has done to that land. Now if we go down in to the bigger, which is what this permit is all about, I have an example of that too. I'd like to introduce you to my mother. My mother passed away this August. Her name is Vivian Owens. Her house is just right down here – right down here on the river. For 25 years or more, my mother was down in this river, the Russell Fork River, almost every day of her life with a garden hoe, with rubber boots on trying to get rid of the sediment that has come down into the river – all of the river grass that grows up that has gone from the wash off from the mining that has come down in to the river to try to keep the family home from being flooded any more. And my mom had to be out there in that river with a garden hoe moving rocks, even when she was in her 80's just a few years ago – 84 years old – when she was in the throws of Alzheimer's. She was running out at two o'clock in the morning with her night gown on and her rubber boots on and her hoe, running down to the river because she feels like she needs to go down to protect the family home from flooding. So when I think about the sediment and what would happen if the mine starts going again what that will do not only to the Prater Creek but what it will continue to do to the Russell Fork River. I'm also a business woman. I would like to start an Outfitter's business here for the river. Ecotourism – we're here at the Breaks Interstate Park – we have a captured audience here. You know, what we could bring to this county and to this town with ecotourism and with an Outfitter type business or any type of trail type business is incredible for us. That's the new economy we need. We need the new economies like river type business, the trails, ecotourism, agritourism, the farming, the forest farming, all those things. But we need your help for us to keep that going. We are at a pivotal point like we have never been in our history here in this area ever before. So coal is not coming back. The only thing we have is these new economical bases that we've all been talking about tonight. So what you're telling us that, you know, you want to start this new mining adventure, but the thing is that I have no faith or no trust in what will happen in that it will continue to destroy and hope that we have and keeping young men like this little guy right here and all the other young people here. So Edmond Burke, he was a great man. The most famous quote of Edmond Burke "For evil to prevail is for good men to do nothing." And I believe that all the people here and I believe the you people here are good people. But right now those of us that live here view coal as an evil thing. So we need your help to help us build a new economy for all of the citizens in this

county. Now help us to do that. And I think we can make you guys proud. We could make, you know, but help us turn around what the coal industry looks like. Help us make that turning point. So that's what I would ask and that would be my hope. Help us not be in the place that we are right now. And thank you very much.

HARVE MOONEY: Thank you.

TAMMY OWENS: You can read about my farm in there. (Lays newspaper on desk).

HARVE MOONEY: And last but certainly not least, Mr. Matt Hepler.

MATT HEPLER: After all those people, it's going to be hard for me to top a lot of that.

HARVE MOONEY: And they got off all the good points before you.

MATT HEPLER: Thank y'all for having me here tonight. SAMS has already submitted comments on this particular NPDES and so if you would, I just want to paraphrase a few of the points that hadn't been hit that we submitted in our comments if you don't mind and hope that you all will probably issue some kind of response to the comments when you get the time. So, yeah, primarily we at SAMS do not believe the original NPDES was issued properly as it was issued over the EPA's objections and that was mentioned several times. EPA is still maintaining its position and we at SAMS support EPA's position in the matter. We are concerned about the level of TDS and pollution being loaded into the Russell Prater Watershed. We remain deeply concerned that the impacts of having four valley fills will limit how the fills will add. According to the TMDL there are no more waste load allocations available to justify proving the NPDES permit and in fact from 2014 to 2015 it seemed like the TDS waste load allocations were – not waste load, but the TDS allocations were increasing. We maintain that DMME is obligated to set numeric limits for TDS in this watershed. The TDS or TMDL shows the Russell Prater Watershed is impaired and we know that the valley fills will particularly cause an increase in total dissolved solids. Also in both our comments and other meetings with the DMME, SAMS still maintains that the DMME incorrectly institutes its best management practices or BMP's and we believe the BMP's are primarily suited to deal with total suspended solids and not so much for the or they do not work particularly well for total dissolved solids which is the issue of this TMDL. That's all.

HARVE MOONEY: Okay. Thank you. Is there anyone else who wishes to speak? Let me say that your comments are appreciated and they are important. We'll take the information that we've gathered here and it's not a decision that I will make – we will review the comments and the commentary that you've had and make a determination upon the particular permit. I don't have a particular time line since it is indeed tied in with the issue concerning the EPA's objection. But as soon as we get the appropriate information,

it will be sent to you all. As far as the particular comments that were made tonight, Gloria will prepare a transcript and we will send each and every one that spoke a copy of the transcript so that you'll know what was said in here today - soon to be followed by the comments that we have gleaned from total transcript to make it a little simpler to read. Once that decision is made and is issued, the final decision of the permit will be given out. Anyone who is adversely affected should the permit be approved, should the permit be issued will have a 15-day window to request a formal hearing on the issuance of that particular documentation. When that's done and or that will be done in actual court proceeding. We'll bring in an Administrative Law Judge and arguments are presented before the Administrative Law Judge as to whether the permit should be issued. I do appreciate you all taking the time to come. I'm sorry, did you have a question?

ANNIE JANE COTTON: Yes, just wondering when and if there is an issuance or if there is a decision made how that's going to be, you know, broadcast to the community?

HARVE MOONEY: Since the people who signed this document requested it, you will receive a letter from our agency from the Department of Mines, Minerals and Energy telling you that the decision has been made and what the decision is.

ANNIE JANE COTTON: What about the other folks who aren't here? Does that just go to folks who presented?

HARVE MOONEY: Just the folks who came here.

ANNIE JANE COTTON: Okay.

HARVE MOONEY: Yes. Of course anyone can or you can ask at any time and the agency will be more than happy to tell the current status of the permit decision.

ERIN SALVAGE: And will the administrative hearing be held here?

HARVE MOONEY: Yes and usually those are held at our office.

ERIN SALVAGE: Okay.

HARVE MOONEY: The Secretary of the Supreme Court of Virginia will appoint a hearings officer to hear the decision or hear the case.

MATT HEPLER: Excuse me, oh,

HARVE MOONEY: I'm sorry.

ERIN SALVAGE: The 15-day comment period – when does that start?

HARVE MOONEY: Okay, once the permit is issued or if we decide to issue the permit, I don't make that particular decision myself, but should the agency decide to issue that, you will be notified in a letter. The day you receive that letter, you will have 15 days to request a formal hearing on it. Sorry, okay Matt.

MATT HEPLER: There was a backlog in the Administrative Law Judges – has that been resolved to this point?

HARVE MOONEY: Yes we have.

MATT HEPLER: Okay.

HARVE MOONEY: We've actually got five new – not new - some of them have done it before, but five people who can now do the formal hearing as soon as it – what we generally try is to schedule those within 30 days of the receipt. One of the things is we have to publicize for 30 days on the Town Hall and in the paper of local circulation that we're having the formal hearing. And that gives time for anyone to prepare themselves that they wish to come to the hearing. And like I said, anyone can intervene as a person of interest in the hearing itself. But right now as far as approval, right now it's hinged on the objection by the EPA.

ERIN SALVAGE: Which you've received the recent documentation from them on the recent letter?

HARVE MOONEY: I have not be privy to that, but I do know that at this point and time it is there.

ERIN SALVAGE: Okay.

HARVE MOONEY: Anyone else? Well, I thank you very much for attending and please have a good evening.

Meeting adjourned at 6:47 P.M.

I, Gloria Clark, do hereby certify that the foregoing Informal Conference was recorded by me on a tape recording machine and later transcribed under my supervision.

Gloria Clark

Gloria Clark

Dated this 16th day of November, 2016