

**Virginia Department of Energy
Mined Land Repurposing Department
Public Comments
Permit Application #1011197
Iron Mountain Collieries
Informal Conference Facilitator: Darlene Gibson, Legal Services Officer**

MATTHEW HEPLER

- 1) We have concerns that this proposed mine will cause material damage to the hydrologic balance and violate applicable state and federal water quality laws and regulations... it should be rejected on the grounds that Callahan Creek is still polluted for total dissolved solids. So as much as so that is it not meeting its' waste load allocation for its total maximum daily load.

MLR Response: **(WATER QUALITY) During early submittals of the application, plans providing for TMDL offset credit (AML highwall elimination) were included as a contingency while the Callahan Creek TMDL Wasteload Report was being updated. The updated 2022 Q1 TMDL report for Callahan Creek shows that the mining wasteload is substantially under the allocation for the watershed for TDS and TSS and the estimated wasteload from the proposed operation should not result in the wasteload allocation for coal mining being exceeded. The mining plans still include the elimination of the AML highwall, however no offset credit is being granted.**

- 2) The applicant proposed to do a high-wall removal on the same areas of the mine in order to get an offset so it's to allow for a total dissolved solid discharges. The project even puts forth a number of 2,941 kilograms per year for acre as what their offset removal project will take away from the system for a total of 13,793.5 kilograms per year removing that from the system. However; the system that number seems incredibly high and it is not directly cited in the application like where that number is coming from.

MLR Response: **(WATER QUALITY) The offset project credit has since been deemed unnecessary due to the watershed being under the mining wasteload allocation. Calculations were included in a previous submittal but have been removed. Abandoned Mine Lands (AML) contributions to stressor loading are derived from the TMDL Report for the watershed. This figure is applied to calculate an offset project credit and the potential improvement to the watershed by reclamation/removal of the AML feature. The calculated credit is reduced by mitigation ratio (project specific, but often 2:1) and provides a conservative estimate of potential improvements to the watershed.**

- 3) I use the EPA Echo Database system to check the TDS loading for the largest mining Callahan Creek permit #1101914 Saw Mill Hollow Number 3. So EPA Echo loads the Discharge Monitoring reports, it said that mine had 245,275 kilograms a year of TDS discharge in 2021. Divide that the 2,778 acres and you come to 88.3 kilograms per year acre which is substantially smaller than 2,941 acre number that is proposed in this mine. Once again, it just seems very, very high when an active mine is putting out a much lower TDS discharge. *I would really like for someone at Virginia Energy or at the mine application to share with me how that specific number is derived.*

MLR Response: **(WATER QUALITY) Abandoned Mine Lands (AML) that are not reclaimed are reported to contribute a TDS waste load of 2941 kg/ac/yr as derived from the TMDL report for Callahan Creek. This figure is applied to calculate an offset project credit and its potential improvement to the watershed by removal of the AML feature. The calculated credit is reduced by mitigation ratio (project specific, but often 2:1) and provides a conservative estimate of potential improvements to the watershed.**

The permit wasteload estimate is calculated as what outfalls potentially will contribute, however many outfalls rarely or never discharge and do not actually contribute to the mining wasteload. An example of the calculation for new outfall contributions is:

Watershed Acres x Estimated Flow x Estimated Concentration x Conversion = Estimated Wasteload Change

Conversion from (GPM * mg/l) to (kg/year) = 1.99

Estimate Concentration TDS = 597 mg/l

Estimate Concentration TSS = 35 mg/l

Estimated Flow = 0.5 GPM/acre

The TMDL contribution calculations for TDS for the proposed outfalls for Callahan Creek total 28,270 kg/yr which is approximately 1% of the total mining wasteload allocation to Callahan Creek.

- 4) Given the area of the high wall and permit are exactly one of the same, there's actually likely to a significant increase in TDS when the work to reclaim the high-walls are occurring and maybe many years before this site achieves the lower state in order to realize the discharge as well.

MLR Response: **(WATER QUALITY) TDS may temporarily increase in the short term during and after reclamation but will decrease wasteload over time where the previously mentioned AML contribution has been eliminated. Additionally, there is the added benefit of removing a safety hazard by eliminating the AML highwall.**

- 5) We have some concerns of the blasting and the general mining so close to a transmission line, that's mentioned several times in the permit.

MLR Response: **(ENGINEERING)**

The blasting plan data in the permit application for the transmission line is being reviewed by MLR to insure that the power transmission line will be protected, and that the blasting plan data is in compliance with Virginia blasting regulations 4VAC25-130.816.67.

- 6) Most specifically there's an error in the spoil volume calculation, like a very obvious addition error which has me concerned that there may not be enough material to reclaim the site like they said.

MLR Response: **(ENGINEERING)**

Throughout the review process the spoil balance in section 13.2 has been revised continually. To paraphrase the spoil balance, currently, there are 5.04 million cubic yards of spoil to be generated after swell. The proposed backfill requires 4.65 million cubic yards and 0.18 million cubic yards will be disposed of on the pre-SMCRA bench. This leaves an excess of 0.21 million cubic yards spoil that is not accounted for, or 4 percent of the overall volume to be generated. This would, generally, be an acceptable margin of error for this type of operation.

- 7) Our last major concern is around the cemeteries on Ison Rock Ridge, during the last big A&G Ison Rock Ridge fight; in kind of fighting that permit, we; many community members reached us and were telling us about abandoned cemeteries up on the ridge.....there are numerous cemeteries up on that mountain and many of them are kind of low income cemeteries and they are not marked with actual grave stones but rocks, literal rocks and if a person did not know what they were looking for they could mistake that rock for just a rock instead of something that's important.

MLR Response: **(PERMITTING)**

Company representative Steve Mullins has stated he would be available to walk the area with anyone to locate any known or unknown cemeteries.

JANE BRANHAM

- 1) We went up there and we located three (3) cemeteries and the coal company had a ribbon run right through the cemetery. They were just going to blow it up. I mean just dig it up and we actually save these three (3) cemeteries.

MLR Response: **(PERMITTING)**

Company representative Steve Mullins has stated he would be available to walk the area with anyone to locate any known or unknown cemeteries.

- 2) The community was so against this because the people that live in these coal camps around Ison Rock Ridge have been enduring dust and blasting.

MLR Response: **(ENGINEERING)**

Adverse effects from use of explosives are regulated by Virginia 4VAC25-130.816.67. Dust from roads on the permit are regulated by Virginia 4VAC25-130.816.150(b)(1) and maintained as shown in Section 10.6 and 17.1 of the permit application.

- 3) We actually traveled to Richmond to speak before the Air Pollution Control Board about the dust problem up there because we set up dust monitors which showed 3 ½ times the level of dust allowed by the EPA.... People couldn't sit outside, their dogs were covered in coal dust, and the grass is black

MLR Response: **(WATER QUALITY) Virginia's Coal Surface Mining Reclamation Regulations require surface coal mine operators to control and minimize dust and air pollution. Regulation 4 VAC 25-130-816.150 (b) requires each haulroad to be constructed and maintained to control or prevent air pollution attendant to erosion including road dust. Measures required would include watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces. Regulation 4 VAC 25-130-816.95 (a) requires all**

exposed surface areas on the permit to be protected and stabilized to effectively control air pollution attendant to erosion.

Permit application 1011197 contains measures to be implemented to control fugitive dust on the site (reference Section 10.6). The applicant has proposed watering of unpaved roads on a regular basis and other ancillary measures to control fugitive dust. Additional measures and/or combinations of measures may be employed as conditions require.

Dust generated by vehicular traffic on state roads falls under the jurisdiction of the Department of Public Safety.

- 4) You know, another thing is; like we've been dealing with so much acid mine drainage in these streams, up Callahan Creek, Preacher Creek, both sides of Ison Rock Ridge. How is more mining going to clean up those creeks?

MLR Response: **(WATER QUALITY)** Elimination of a large area of highwall that contributes significantly to the waste load of the watershed should over time improve the system. Mining contributions to the waste load for Callahan Creek and Powell River have improved over time. See attached reports showing the watershed is under the waste load allocation.

- 5) I understand that the permit is not complete so if it's not complete, I think we need to keep the comment period open so the people can comment on the final permit.

MLR Response: **(PERMITTING)**

The comment period as required by the Virginia Coal Surface Mining Reclamation Regulations has been met.

GREG WADE

- 1) My property is right beside the road. The way I feel about it is God put the coal here and mankind has got a right to take the fossil fuel out. But I've got a beautiful looking garden up there and I have no problems. But as far as I am concerned, they can mine all they want too. I don't have a problem with it and I've got more at stake here due to the fact I live right beside it. I want to see it mined. I want to see it reclaimed because more than likely after it's reclaimed, it will be in better shape than it is right now....Yes, you are going to get dirt but you'll get dirt when you farm. You get dirt when you do timbering. You get dirt when you build a road. They need to wake up. You cannot have a perfect environment. If that's the case, then none of us would be here; if you had a perfect situation.

MLR Response: (Noted).

BEN HOOPER

- 2) I know it has a good purpose for the long run because there is a lot of run-off from Ison and in this area as well. Well, every one of these old hollows, including that hollow on the Inman side had small mines and not to mention Lyndon. Lyndon is a big concern because of the water in Lyndon and you know how much pressure it can stand before it blows out. But you see how much pressure can that brandish or those old blocks stand when you're right about them doing all this blasting, taking the tops off these mountains? That's where the concern is. You see every one of these old hollows, including that one and several all the hollows, they had little mines where they dug house coal and they did that when the mines weren't working, they had little permit areas.... All that way down through there and those little mines and some of them went back pretty far. You can go back in some of them, some of them are still open. You all never did check on that. I reported it last time and but if they are closed are, that's more of a concern because you have to build a pond above every hollow by your own laws. So you're building this big pond right above this old mines and then blasting right over here so if that mines blows out. If it happens to be Lyndon, then you are going to have a big problem not just in the lower part of Appalachia but in Big Stone Gap because there's a lot of water in Lyndon. I'm sure your agency knows how many cubic yards of water in Lyndon. (Potential for mine blowout from old works).

MLR Response: (ENGINEERING)

In a general sense, blasting from surface mining would not be expected to cause a mine blowout. The Linden mine workings under Ison Rock Ridge are in the Imboden seam located approximately 400-foot elevation below this proposed permit. The Prescott and Arno mines are in the same area, also in the Imboden seam. The majority of these Imboden seam mines are below drainage and down dip. The portion of these mines above drainage are largely gob, collapsed and broken rock, and leaving little void for water to accumulate in. The mining left little outcrop barrier and there are numerous openings to the surface that would be expected to discharge any water that would accumulate in the coal seam. A blowout from these mine works caused by the proposed mining operation would be highly unlikely.

- 3) Well, every one of these old hollows, including that hollow on the Inman side had small mines and not to mention Lyndon. Lyndon is a big concern because of the water in Lyndon and you know how much pressure it can stand before it blows out. But you see how much pressure can that brandish or those old blocks stand when you're right about them doing all this blasting, taking the tops off these mountains? That's where the concern is. You see every one of these old hollows, including that one and several all the hollows, they had little mines where they dug house coal and they did that when the mines weren't working, they had little permit areas.... All that way down through there and those little mines and some of them went back pretty far. You can go back in some of them, some of them are still open. You all never did check on that. I reported it last time and but if they are closed are, that's more of a concern because you have to build a pond above every hollow by your own laws. So you're building this big pond right above this old mines and then blasting right over here so if that mines blows out. If it happens to be Lyndon, then you are going to have a big problem not just in the lower part of Appalachia but in Big Stone Gap because there's a lot of water in Lyndon. I'm sure your agency knows how many cubic yards of water in Lyndon. ([Potential for mine blowout from old works](#))

MLR Response: **(ENGINEERING)**

See above.

- 4) There's Preacher that goes into Looney and of course, I mean into Callahan. Well, both of them go into the river, both streams are impaired, how much more load can they stand?

MLR Response: **(WATER QUALITY)** Reference waste load reports indicating a TMDL balance for the watershed indicating that mining is under the amount of loading and no reduction is required.

- 5) Indiana bats, I know EMI was up there looking for them and I know they found them. Whatever happen to that? Was that ever reported? Just the very existence should stop a strip mine.... You know, is the forest service going to be up there looking for the Indiana Bats?

MLR Response: **(ECOLOGY)** Virginia MLR reviewed the Virginia Department of Wildlife Resources' Fish and Wildlife Information Service ("VaFWIS") database information to determine if previous surveys had confirmed presence of Indiana bat or if there were known hibernacula of Indiana bats within 5 miles of the proposed permit. There were no documented Indiana Bat captures or known Indiana bat hibernacula within 5 miles of the proposed permit area. As a precautionary protection measure there is a T/E Bat Protection and Enhancement Plan in section 8.7 identifying protection measures to be implemented. As per the requirements of the 2020 Biological Opinion, Mined Land Repurposing has completed coordination with the US Fish & Wildlife Service on providing species specific protective measures for T/E species. To my knowledge, the "forest service" will not be on the permit looking for Indiana bats.

JUDY NEEDHAM

- 1) The Arno permit is going to be very hard on people that live in Arno. There's a lot of elderly people that live in Arno and when they start mining and those coal trucks come up through there and it will be difficult for some of them that are older that takes, is slow driving.

MLR Response: **(PERMITTING)**

VDOE only regulated what takes place on the permitted area of the mine site. Once the trucks enter the public road, entities such as the Virginia State Police, Department of Environmental Quality, etc. have jurisdiction.

BRIAN AND EMILY GIBSON

- 1) If you go right across the mountain, the ridge actually, from Arlo is Churchtown Road. It starts at North Inman and goes all the way up the top of the mountain. We are directly below the other side of the ridge where they will be mining. I have numerous issues about what is going to happen with the Blasting, the frequency and I'm sure it will affect the foundation of our house, it will affect the things that are in our house.

MLR Response: **(ENGINEERING)**

Ground vibration and air blast limits are regulated as shown in Virginia 4VAC25-130.816.67 and are set to protect residences from vibration induced damage. However, low-level vibrations are allowable and will be perceptible to residents inside a home.

- 2) The structure of our home, I have issues with the water run-off.... So I have issues with the water run-off from the mines coming down into our house going into Looney Creek.

MLR Response: **(ENGINEERING)**

Sediment ponds are designed in this permit application to treat a 10-year 24-hour precipitation event. These ponds are designed with a minimum volume of 0.125 acre-feet per disturbed acre draining to them, capturing runoff from the disturbed mining area, and providing both sediment storage volume and storm detention storage volume. These ponds are designed to discharge through designed spillways into existing drainways for transport of water to streams at the valley floor. For the Looney Creek watershed, two sediment ponds are designed for discharge into a tributary of Looney Creek. This should not affect the location of a home or its structure.

- 3) There's several grave yards up there. They'll supposed to be non-touched.... We've kept them up for twenty (20) years... the Lynnvew Cemetery and the McKinney Cemetery was supposed to be un-touched. They had markings around it but when we went up there, there was dozer marks through it. There was graves turned over....You got all these small cemeteries up on top of these mountains and most of the relatives are dead and gone. They're pretty much forgotten and I've ran across them where I used to ride four-wheelers and go walking and go hunting and me and her have... They were poor, some have just a rock as a headstone. This were people back in the 20's, when they first moved around there... Small children.

MLR Response: **(PERMITTING)**

Company representative Steve Mullins has stated he would be available to walk the area with anyone to locate any known or unknown cemeteries.

- 4) A 4-ton rock had rolled off the mountain and crushed into the house and killed that little boy.... Our concern is with them so close to our house. Our son, also sleeps at the end of our house, right toward where the mining would be. You know, if I heard the blasting and the shaking of the house. I mean, the first thought a mother would do is go to her child to make sure he's okay.

MLR Response: **(PERMITTING/ENGINEERING)**

Since that tragic incident, VDOE has placed additional safety measures in areas of concern when mining is taking place in those areas.

- 5) Our children grew up playing in that creek, the Looney Creek. You know, getting rocks and playing in it so to know there would be something in that water to contaminate them or to hurt them and later on give them cancer or anything.

MLR Response: **(WATER QUALITY) Frequent instream monitoring has been required and continues to ensure water quality remains within limits. Recent benthic monitoring data for Callahan Creek has shown very good scores and indicates improving watershed health**

- 6) Let me ask you one question. We've got, what do you think? A \$120,000 house, what happens when the mining company goes in behind us and then we try to sell? And then it's valued at, let's say \$30,000. Depreciated? What would we do?

MLR Response: **(PERMITTING)**

This is outside the scope of the Virginia Coal Surface Mining Reclamation Regulations

- 7) So will the company actually be listening to the comments?

MLR Response: **(PERMITTING)**

The company is being copied with the comments.

ADAM MALLE

- 1) One of the major point I would to be accounted for and I don't know what regulations there are or if there are regulations around this area, but the new economic development that's happening in the Town of Appalachia, I would like some follow-up or consideration in the approval process for this permit to the health and the impacts on the new economic development in Appalachia and how it may negatively harm the new businesses, customers and the esthetic of the town with coal dust and other pollutants being wafted off of trucks going through the middle of town.

MLR Response: **(PERMITTING)**
Noted

- 2) As well as the safety of people walking around and spending time on the streets in town as the town's become more lively over time. I'm afraid that this permit will cause harm to those businesses as well as the patrons that come to Appalachia to patron them.

MLR Response: **(PERMITTING)**
Noted

- 3) I would also like there to be considerations made for the, whether this permit is actually beneficial to the community and whether this company is going to truly follow-up and make certain that the reclamation process is done correctly.

MLR Response: **(PERMITTING)**
Enforcement of the Virginia Coal Surface Mining Reclamation Regulations (VCSMRR) and the requirements of the permit will be conducted by the VDOE

- 4) If they are able to get it approved and if there is an approval of this, I would like for there to be a strict enforcement as well as provisions for easing the access of citizens to do citizen enforcement.

MLR Response: **(PERMITTING)**
Enforcement of the Virginia Coal Surface Mining Reclamation Regulations (VCSMRR) and the requirements of the permit will be conducted by the VDOE. Requirement for citizens to enter the site are described in the VCSMRR.

- 5) I would also recognize that this permit, while it has been updated, it is still incomplete so we would like for this permit to be held open until at least after the final version is out for comments so that we can make sure that anybody that has an objections or any concerns regarding any of the unfinished portions of the permit have an opportunity to speak and get their comments and information heard.

MLR Response: **(PERMITTING)**

The permit was determined to be administratively complete before being allowed, by the inspector, to be submitted. The application has gone through technical review as all applications submitted to VDOE are, and comment and responses have been done as with all applications.

- 6) Also, the impacts on the creeks there are; in my view, are enough to deny this permit application as the outflows for this mining operation are going to be going into creeks that are already far above their limits of total dissolved solids and total suspended solids and the mitigation efforts that they list in the permit are not even remotely close to addressing that issue. Particularly on the dissolved solids which these communities are already dealing with polluted water that they can't drink anymore and they have to have public water because of the contaminations that are already up there and we are looking to stop it to stop those impacts on the people of Appalachia.

MLR Response: **(WATER QUALITY) See attached waste load reports.**

KATHY SELVAGE

- 1) I could revel in the wildlife that you might see, the birds; the rabbits, I was always concerned about their conditions when they had to live with the dust continuously.

MLR Response: **(ENGINEERING)**

The Air Pollution Control Plan states “Although areas of active disturbance will be relatively small, the potential exists for the generation of fugitive dust. Possible sources of fugitive dust include disturbed areas during periods of prolonged dry weather and haulage ways. Control measures to be used include timely revegetation of disturbed areas and periodic watering as needed to control dust generation.”

- 2) They had little, tiny, narrow yards. I was involved in the air hearing in Richmond before the Air Board for the air permits that the Sierra Club paid for because that's all we had. DEQ had never tested the air here.

MLR Response: **(WATER QUALITY) Virginia's Coal Surface Mining Reclamation Regulations require surface coal mine operators to control and minimize dust and air pollution. Regulation 4 VAC 25-130-816.150 (b) requires each haulroad to be constructed and maintained to control or prevent air pollution attendant to erosion including road dust. Measures required would include watering, using chemical or other dust suppressants, or**

otherwise stabilizing all exposed surfaces. Regulation 4 VAC 25-130-816.95 (a) requires all exposed surface areas on the permit to be protected and stabilized to effectively control air pollution attendant to erosion.

Permit application 1011197 contains measures to be implemented to control fugitive dust on the site (reference Section 10.6). The applicant has proposed watering of unpaved roads on a regular basis and other ancillary measures to control fugitive dust. Additional measures and/or combinations of measures may be employed as conditions require. Dust generated by vehicular traffic on state roads falls under the jurisdiction of the Department of Public Safety.

- 3) So I guess what I'm trying to say is that I'm not only concerned about the environment, I want to add in terms of pollution, to waterways or ponds that could affect other peoples home if they were to break.

MLR Response: **(ENGINEERING/WATER QUALITY)**

All of the proposed sediment ponds are excavated on-bench basins. These are generally much more stable and less prone to failure compared to a pond with a constructed embankment. Stability analyses for the design of these structures were conducted and they meet the required minimum 1.3 factor of safety from 4VAC25-130-816.49(a)(4)(ii).

- 4) Many of these folks I have worked with before so I want them to have a good life and I know this is just a small permit but it may end up being big. Here was the brochure that I done about the Ison Rock Ridge permit application after the formation of SAMS and it was 1300 acres of forested mountains including mine valley fields and 11 million cubic yards of rock and dirt that would be moved.

MLR Response: **(ENGINEERING)**
Noted

GABBY GILLESPIE

- 1) I mostly just want to agree with Sierra Club's comments; Southern Appalachian Stewards comments and Appalachia Voices comments.... I just want to say that I'm another person who agrees with those comments that were put in.

MLR Response: **Noted.**

GARRETT NUNLEY

- 1) I would say my biggest concern is about air and water quality. The impacts of air and water quality in western Wise County. Specifically, the communities off of Ison Rock Ridge....There are higher incidents of certain types of cancer, respiratory illness, and things like that.

MLR Response: **(WATER QUALITY) Virginia's Coal Surface Mining Reclamation Regulations require surface coal mine operators to control and minimize dust and air pollution. Regulation 4 VAC 25-130-816.150 (b) requires each haulroad to be constructed and maintained to control or prevent air pollution attendant to erosion including road dust. Measures required would include watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces. Regulation 4 VAC 25-130-816.95 (a) requires all exposed surface areas on the permit to be protected and stabilized to effectively control air pollution attendant to erosion.**

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Dust generated by vehicular traffic on state roads falls under the jurisdiction of the Department of Public Safety.

- 2) So I am concerned about the impact of any type of new strip mining or something that is going to be creating dust and particular matter and things. I'm concerned about the impact that may have on public health and wellbeing.

MLR Response: **(WATER QUALITY) Virginia's Coal Surface Mining Reclamation Regulations require surface coal mine operators to control and minimize dust and air pollution. Regulation 4 VAC 25-130-816.150 (b) requires each haulroad to be constructed and maintained to control or prevent air pollution attendant to erosion including road dust. Measures required would include watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces. Regulation 4 VAC 25-130-816.95 (a) requires all exposed surface areas on the permit to be protected and stabilized to effectively control air pollution attendant to erosion.**

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Dust generated by vehicular traffic on state roads falls under the jurisdiction of the Department of Public Safety.

- 3) I would also add as someone who works with Trinity Organizations and is concerned about the economic development of the county. I do know that Appalachia, in the last few years has saw an increase in new businesses and *inaudible* into the community and I worry about the socially and ecologically impacts of new mining activity would have on potentially *inaudible*, further investment and economic growth in the town.

MLR Response: **(PERMITTING)**

Noted

MARY DARCY

- 1) Alright, my comment was directed about the quality of the air and the water as a result of increase movement of coal up and down residential roads. I am concerned about that for a couple of reasons.

MLR Response: **(PERMITTING)**

VDOE only regulated what takes place on the permitted area of the mine site. Once the trucks enter the public road, entities such as the Virginia State Police, Department of Environmental Quality, etc. have jurisdiction.

- 2) We know about black lung disease, we know about it. We know that younger miners are getting more ill than the older miners with silica. We know that's a huge problem. So what are we doing to lower the probability of people getting that?

MLR Response: **(PERMITTING)**

This is an issue that falls under the guidance of the Mine Safety and Health Administration (MSHA) and not under the scope of VDOE.

- 3) We're cutting down trees for this project, we're changing the roads. Have any studies been done to look how is this work going to affect the young people in the area and the psychology of the young people and the psychology of hopelessness?

MLR Response: **(PERMITTING)**

MLR is not aware of any such study.

- 4) Whenever we impact one's health, the health of the air; the cleanliness of the air, the cleanliness of the water. The attractiveness of a community, it has an impact on one's

physic life. The physic wellbeing. We're tearing down trees, we're tearing down lots of trees. We're tearing down trees that made the corridor going into Wise beautiful and people keep asking, is this the de-beautification program by the coal companies? Who is overseeing? Who is making sure the people are protected? Psychologically? That's what I want to know.

MLR Response: **(Noted.)**

MARY CROMER

- 1) The people of this community came here with questions; very basic questions about what this mine would affect their homes, they asked whether coal would be hauled by their homes; whether mine water would drain into the creeks of where they live?

MLR Response: **(PERMITTING)**

Noted. However as explained in the opening of the conference the purpose was to obtain comments, not answer questions about the application.

STEVE MULLINS

- 1) So if we look at the environment that we are dealing with in this particular permit which is very small; 46 acres or so. We look at the systems that's going to be put in place, we have ponds that are going to be built and we have worked with Virginia Energy, the regulatory authority and we've done detailed engineering reports over the last 6-7 months. We changed drainage patterns for them to help the waste load that's going into particular drains and we've took their suggestions and changed our permit and every time we do a change...So to make the ponds be in the right place; make the water do what it is supposed to do, in a way that is safe to the community one of things that we did in this permit is that we pulled the permit away back from the community more than a half of mile so that they wouldn't be in that blasting zone. For reasons of safety and sound, noise and all that, pulled it way back in there and it's not the original; everybody keeps talking about Ison Rock permit. It's nothing like that. It's very small... We are proposing to mine is approximately; on this small permit, there's going to be 4,500 feet of existing high-wall removed and 90% of the disturbed area that were making has already been pre-disturbed in previous years back in the 70's before we had laws. So we're going back in on an existing disturbance, removing the walls, getting what coal is left and then reclaiming it back to useful land so that the land company can plant trees and renewables and resources as far as the trees go. As far as the water goes, there is some deep mines in the area that are way down underneath there but I think that the folks were concerned about and we're about 300-400 feet above any of that water table that's coming out of that old mine that water is coming out of everywhere up there. We are way above that, so we have no concerns with this

operation effecting any of that water and I know what these people are concerned about, you can just drive up and down through there and I know what the old mine looks like and years ago it was mined and left open and water is running out of everywhere. So we are way away from that and not going to effect that in anyway. We are way, way above that. So environmentally, we're going to control the water; we are reclaiming high-walls; reclaiming an old mine area on existing disturbance and then another thing for the environment, if we sell the coal for thermal which makes power. It's low sulfur coal. Very, very low sulfur coal. Wise County has been blessed with some of the best coal in the world and this low sulfur coal is so low that the power company can use it and get what they can get what you call, carbon credits from this coal because it has no carbon footprint. Very little because of the low sulfur but most of this coal is going to be made into metal, it is going to be metallurgical coal...Socially? If we're going to look at it socially. Again, we downsize this permit to get started away from the community and the blasting is more than a ½ mile away. The existing road that we are using has been there for plus fifty years. It's been used by old surface mines years ago, it was used around 2000 for a deep mine to haul coal down. So it's pre-existing.... the existing road has approximately 300' of asphalt already there up on the haul-road. So you're going to be upon the asphalt before you ever hit the main highway so that helps in keeping the roads clean... Then we need to look socially, look at all the people that are going to be hired. They are going to local people. We're going to be hiring locals. We're not some big corporation, we don't have some big operations somewhere else... we plan on having 401K's, and we plan on having good health insurance to take care of these people. So it's going to have an impact socially here on the local community... Now governance wise, our company; like I said, it's a one owner company.... So looking at the Economic impact that the company is going to have on this region, just in taxes and royalties that the company's going to pay on this permit; the income from this permit, because the inflated prices of the coal because of the world conditions today, this local county; Wise County is probably going to have near \$1.9 million dollars in tax revenue between the land company paying and us paying taxes to the county....It affects all kinds of things; county, roads, police and on and on, we can talk about those things. Not only, it will affect ancillary services; we have to buy fuel, we use 20,000 gallons a week of diesel. Tires, parts, bolts and nuts and all the things that has to keep the equipment going and fuel, oil, grease and all that is going to be bought in the community. You put that on a cost item; on a line, to see how much it's going to cost you to operate, that's going to be another \$10 million dollars inserted into this community. So the economic impact of this one little mine is very, very significant because of where the world is at today, because of the inflation and the inflation on metal. Inflation on steam and coal, all that is going to impact the economics of this job.

MLR Response: **Noted**

WRITTEN COMMENTS

MELISSA JONES

- 1) What drew me to the house was the beautiful creek behind the property as well as my admiration for old homes. Since living in my house one of our pastimes is going to the creek and looking for the fish that live in it, as well as the snails and crayfish. We have also seen blue herons, beavers, and mink. I see stone fly larvae on some of the rocks. This is supposed to be a sign that the water is healthy.

MLR Response: **Noted.**

ANGELA HONEYCUTT

- 1) First, I would like to voice my concern over the informal conference that was held in the Appalachia Town Council on June 16th. I have lived in the community of Andover all my life and most residents purchase the local paper called the Post for the local news. I was not aware of any meeting being held or a permit was being requested again to mine the Ison Rock area. I missed the meeting, but when I called the office of Department of Energy with my concerns I was told the information was printed in the Coalfield Progress. That paper is not our local paper - so I would like to request that the any permit requests that deals with the Appalachia area and surrounding coal camps be placed in the Post. I would also like to request all residents that will be directly impacted by this permit be notified directly and if that means hand delivered paper so be it.

MLR Response: **(PERMITTING)**

Virginia DOE will make an effort to check circulation rates for the two newspapers (Post and Coalfield Progress) for future reference. However, in looking online there was an article describing the informal conference would be held June 16, 2022 in The Post.

- 2) I would like to request another meeting be held dealing with this permit with people from the Department of Energy that is knowledgeable about the requested permit and how it will affect the people, their property, and the environment. I would also like to request that the hearing be done out in the open and not pull commenters into a private room to hear their comments.

MLR Response: **(PERMITTING)**

Another informal conference will not be held concerning this applications. As stated in the conference the purpose was to receive comments, not answer question concerning the permit. Therefore, to obtain an accurate record, the format used was proper for the intended

purpose of the conference and that was to receive accurate comments to provide a public record of concerns.

- 3) The area in this permit is close enough to homes that the mining, the blasting, the hauling of the coal, the run off from this mining, and the streams that will be used for drainage like Preacher Creek will be damaged.

MLR Response: **(ENGINEERING/WATER QUALITY)**

Concerns noted, the Virginia coal surface mining reclamation regulations are in place to minimize mining from causing damage outside the permit area.

- 4) Home values will once again be impacted.

MLR Response: **(PERMITTING)**

It is not in the scope of the VDOE regulatory requirements to evaluate home values.

- 5) If this permit is granted this company will have to purchase a bond or bonds before beginning the work, but these bonds do not cover the total cost of destruction that this area will go through or the impact of people's health.

MLR Response: **(PERMITTING)**

Items in this comment do not apply to the VDOE reclamation regulations.

- 6) This company will make millions, destroy the mountain, the water ways, and way of life for the citizens in this area - and then move on to another mountain to do the same. They have no ties to our area so they don't care what happens to it. Sure we will hear the word reclamation will be done -we heard and seen reclamation projects before and it is a joke.

MLR Response: **Noted.**

- 7) I ask that this permit not be granted due to the environmental impact it will create, the pollution it will cause to our residents, our streams, and our air.

MLR Response: **Noted.**

- 8) I also request this permit not be granted due to the fact it will impact homes, roads, disturb cemeteries, and simply is not safe for the residence that live nearby.

MLR Response: **Noted.**

9) I ask this permit not be granted, but if it is granted that more safety measures be placed in the permit to protect the people, their property, and the environment.

MLR Response: **Noted.**