McWANE, INC.

EMPIRE HAUL ROAD

ALABAMA SURFACE MINING COMMISSION

SURFACE MINING PERMIT APPLICATION

P A R T I

Prepared by:

MCGEHEE ENGINEERING CORP.
P. O. Box 3431
450 19th Street West
Jasper, Alabama 35502-3431
Telephone (205) 221-0686

STATE OF ALABAMA
SURFACE MINING COMMISSION

( ) Renewal Application for a Surface Coal Mine
( ) Renewal Application for an Underground Coal Mine
(X) Renewal Application for a Preparation Facility

PART I A. IDENTIFICATION

1. PERMIT APPLICANT
Name: **McWane, Inc.**
Street Address: **1201 Vanderbilt Road**
City: **Birmingham** State: **AL** Zip: **35234**
Mailing Address: **1201 Vanderbilt Road**
City: **Birmingham** State: **AL** Zip: **35234**
Telephone Number: **(205) 323-2400**
Social Security Number (Voluntary): ___-__-____
Employer Identification Number: **63-0139000**
ASMC License#: **L-603**

2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES
Name: **McWane, Inc.**
Street Address: **1201 Vanderbilt Road**
City: **Birmingham** State: **AL** Zip: **35234**
Mailing Address: **1201 Vanderbilt Road**
City: **Birmingham** State: **AL** Zip: **35234**
Telephone Number: **(205) 323-2400**
Social Security Number (Voluntary): ___-__-____
Employer Identification Number: **63-0139000**
ASMC License#: **L-603**

3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE
Name: **SAME AS PERMITTEE**
Street Address: _____
City:_____ State: ____ Zip: _____
Mailing Address: _____
City: _____ State: ____ Zip:_____
Telephone Number: (_____)____-_____
Social Security Number (Voluntary): ___-__-____
Employer Identification Number: _____
ASMC License#: _____

4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE
Name: **McGehee Engineering, Corp.**
Mailing Address: **P. O. Box 3431**
City: **Jasper** State: **AL** Zip: **35502**
Telephone Number: **(205) 221-0686**

PART I B. OWNERSHIP AND CONTROL

1. PERMIT APPLICANT OWNERSHIP AND CONTROL.

At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

___ A license update is included.

_X_ Information contained in the license file is accurate and complete at the time of filing of this application. No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

2. OPERATOR OWNERSHIP AND CONTROL.

If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

___ A license update is included.

_X_ Information contained in the license file is accurate and complete at the time of filing of this application. No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

3.CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED.

Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who, by lease, sublease, or other contract:

A. has the right to receive the coal after mining, or,
B. has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

Name: **McWane, Inc**
Street Address: **1201 Vanderbilt Road**
City: **Birmingham** State: **AL** Zip: **35234**
Mailing Address: **1201 Vanderbilt Road**
City: **Birmingham** State: **AL** Zip: **35234**
Telephone Number: **(205) 323-2400**
Social Security Number (Voluntary): ___-__-____
Employer Identification Number: **63-0139000**
ASMC License#: **L-603**

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY.

INSTRUCTIONS:

Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:

1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property;
2. The holders of record of any leasehold interest in the property; and,
3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Legal description of property or permit map symbol: **S-1, F-1**
(SEE PERMIT MAP)
Surface/Mineral/or Fee Simple (both): **FEE SIMPLE**
Legal owner(s) of record: **Empire Coke Company**
Address: **1201 Vanderbilt Road** City: **BIRMINGHAM** State: **AL** Zip: **35234**
Holders of leasehold interest: _____
Address: _____ City: _____ State: _____ Zip: _____
Purchasers under a real estate contract: _____
Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	Empire Coke Co.	McWane, Inc.	12/31/76	NO

PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS (CONTINUED)

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Legal description of property or permit map symbol: **S-36, M-21**
(SEE PERMIT MAP)
Surface/Mineral/or Fee Simple (both): **SURFACE & MINERAL**
Legal owner(s) of record: **June Watson & Anthony W. Harrison**
Address: **1200 BEACON PKY E UNIT 410** City: **BIRMINGHAM** State: **AL** Zip: **35209**
Holders of leasehold interest: _____
Address: _____ City: _____ State: _____ Zip: _____
Purchasers under a real estate contract: _____
Address: _____ City: _____ State: _____ Zip: _____
Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining. Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes,explain
LEASE	June Watson & Anthony W. Harrison	McWane, Inc.	07/25/1997	NO

PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED.
INSTRUCTIONS:
Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Name: **Empire Coke Company**
Address: **1201 Vanderbilt Road**
City: **BIRMINGHAM** State: **AL** Zip: **35234**
Interest owned (Surface, Coal or Fee Simple): **FEE SIMPLE**
Type of Interest (Owner, Lease, or Other): **OWNER**

Name: **June Watson & Anthony W. Harrison**
Address: **1200 Beacon Pky E Unit 410**
City: **Birmingham** State: **AL** Zip: **35209**
Interest owned (Surface, Coal or Fee Simple): **Surface**
Type of Interest (Owner, Lease, or Other): **OWNER**

PART I C. (CONTINUED)

3. <u>INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA. INSTRUCTIONS:</u>

Give the legal description of all lands contiguous to the permit area for which the permit applicant:

1. Holds an interest,
2. Holds an option, or
3. Has made a bid for ownership, lease or other interest.

THE APPLICANT HAS NO INTEREST IN ANY LANDS OR CONTIGUOUS LAND OTHER THAN THE PERMITTED AREA.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

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Legal description:_____

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Describe the nature of the interest:_____

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Legal description:_____

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Describe the nature of the interest:_____

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Legal description:_____

_____

Describe the nature of the interest:_____

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Legal description:_____

_____

Describe the nature of the interest:_____

_____

_____

PART I D. PERMIT AREA INFORMATION

1. Term Information
   a. Date original permit of subsequent renewal expires: July 10, 2013
   b. Term of original permit or subsequent renewal: 5 Years
   c. Requested term of this permit renewal: 5 Years
   d. Sequence number of this renewal: #5

2. Give the legal description of the land upon which the applicant proposes to conduct surface coal mining operations pursuant to this renewal. List each quarter-quarter section, section, township, range, and county.

The SE/NW, SW/NE, NE/SW, NW/SE, NE/SE and the SE/SE of Section 22, the SW/SW, SE/SW, SW/SE, NW/SW and the NE/SW of Section 23, the NW/SE, SW/SE, SE/SW and the SW/SW of Section 24, the NW/NW, NE/NW and the NW/NE of Section 25, the NE/NE, NW/NE and the NE/NW of Section 26, Township 14 South, Range 5 West, Walker County, Alabama.

3. Give the acreage of the permit renewal, each increment and the type of bonding.
   a. Total permit acreage: 22.0 acres

   b. Give the acreage and type of bond for each mining increment:

Increment	Acres	Type Bond Proposed
1.	22.0	Surety Bond

NOTE: (Areas that may be included in the renewal of a permit may included that part of the permit which has not been disturbed by mining and those incidental areas necessary to facilitate the mining operations. For underground mining, existing surface areas contained in the permit may be included in the renewal of a permit. No new acres may be added to the permit as part of this renewal).

PART I D. (CONTINUED)

5. List all other licenses and permits required to conduct mining operations including, but not limited to, MSHA I.D. and NPDES. Give the identification or permit number , the name and address of the issuing authority, and the status or date of approval or issuance of each:

Permit	ID or Permit Number	Issuing Authority	Address	Status or date of issuance
MSHA ID	01-00790	MSHA	135 Gemini Circle Birmingham, AL 35209	04/72
NPDES	NOT REQUIRED	ADEM	1400 Coliseum Drive Montgomery, AL 36110	_____

6. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application?
( ) YES (XX) NO
If YES, list SOAP I.D. Number:_____

7. Submit a certificate of proof of Liability Insurance with this application.

8. Describe any changes at the mining operation (on-site) which are different from the information given in the original permit application, earlier renewals, or revisions. Examples of such changes would be: previously undetected conditions which are creating adverse environmental effects, changes in the permit application such as the operation plan, reclamation timetable, or post-mining land use. In the case of underground mining operations, the anticipated underground development planned for the term of the renewal shall be described along with a subsidence control plan for the area. This plan is to be in the format of the subsidence control plan found in the permit application.

None

PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION

12. Give the name of the approved public office in which a copy of this application will be filed for public inspection following notification of completeness: Alabama Surface Mining Commission and Alabama Surface Mining Commission website http://surface-mining.alabama.gov

13. Enclose a copy of the notice of filing of this application which will appear in a newspaper of general circulation in the vicinity of the mine and identify the name of the newspaper: The Daily Mountain Eagle.

See Attachment I-E-2

PUBLIC NOTICE FILING OF PERMIT APPLICATION

Pursuant to 880-X-8M-.07, McWane, Inc., 1201 Vanderbilt Road, Birmingham, AL 35234 is filing an application to renew its Empire Haul Road permit P-3218, for a term of 5 years. Access to the mine is as follows:

From the intersection of Hull Road and US 78 located in Sumiton, Alabama, travel North-northeast on the Hull Road approximately 5.5 miles to mine entrance on right.

The SE/NW, SW/NE, NE/SW, NW/SE, NE/SE & SE/SE of Section 22, the SW/SW, SE/SW, SW/SE, NW/SW & NE/SW of Section 23, the NW/SE, SW/SE, SE/SW & SW/SW of Section 24, the NW/NW, NE/NW & NW/NE of Section 25, the NE/NE, NW/NE & NE/NW of Section 26, Township 14 South, Range 5 West, Walker County, Alabama.

A copy of the permit application is available for public inspection and review on the Alabama Surface Mining Commission website http://surface-mining.alabama.gov. A copy of the permit application is also available for public inspection and review at the office of the Alabama Surface Mining Commission located on the second floor of the Pinnacle Bank Building at 1811 2nd Avenue, Jasper, Alabama 35501. Written comments, objections, request for public hearing or request for informal conferences concerning this permit should be sent to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, no later than 30 days from the last date of publication of this notice.

This notice to be published in the Daily Mountain Eagle.

TO THE DAILY MOUNTAIN EAGLE:

Please run this notice 02/23, 03/02, 03/09 & 03/16, 2013. Please send invoice and notarized proof of publication to:

McWane, Inc.
1201 Vanderbilt Road
Birmingham, AL 35234
Telephone (205) 241-4323

If you should have any questions or need additional information, please call:

McGehee Engineering Corp.
Attn: Jonathan Whitlock
P. O. Box 3431
Jasper, AL 35502-3431
Telephone (205) 221-0686