

Fee: _____
Bond Required: _____
Date Approved: _____

APPLICATION FOR PERMIT REVISION

Name of Permittee: Oak Grove Resources, LLC

License Number: L-737 Permit Number: P-3232-01-13-U

Permit Expiration Date: 02-09-13 Mine Name: Oak Grove Mine

Revision Number: Revision R-41

Nature of Proposed Revision:

- 1) Add 1.0 Acres to Increment No. 1 for Rock Dust Bore Hole Construction Site.
- 2) Request for an exemption of Rule 880-X-10D-.13(3) for Rock Dust Bore Hole Site added by this revision.

Attach Detailed estimate of effect of proposed revision on reclamation costs.

Applicant: Oak Grove Resources, LLC
Mine Name: Oak Grove Mine
Permit Number: P- 3232, Revision R-41

STATE OF ALABAMA SURFACE MINING COMMISSION

- () Permit Revision for a Surface Coal Mine
(X) Permit Revision for an Underground Coal Mine
() Permit Revision for a Preparation Facility

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Oak Grove Resources, LLC
Street Address: c/o Oak Grove Resources, LLC
8360 Taylors Ferry Road
City: Hueytown State: AL Zip: 35023
Mailing Address: 8360 Taylors Ferry Road
City: Hueytown State: AL Zip: 35023
Telephone Number: (205) 436-7100
Social Security Number (Voluntary): _____
Employer Identification Number: 04-3740300
ASMC License#: L-737

2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES

Name: Applicant
Street Address: _____
City: _____ State: _____ Zip: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: (_____) _____
Social Security Number (Voluntary): _____
Employer Identification Number: _____
ASMC License#: _____

3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE

Name: Applicant
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: Leslie Stephens c/o PERC Engineering Co., Inc.
Mailing Address: Post Office Box 1712
City: Jasper State: AL Zip: 35502-1712
Telephone Number: (205) 295-3127 e-mail lstephens@percengineering.com

Applicant: Oak Grove Resources, LLC
 Mine Name: Oak Grove Mine
 Permit Number: P- 3232, Revision R-41

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

Legal description of property or permit map symbol: _____
U.S. Steel Mining Company, LLC. (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: U.S. Steel Mining Company, LLC.

Address: 6200 E.J. Oliver BLVD. P.O. Box 599

City: Fairfield State: AL Zip: 35064

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	U.S. Steel Mining Company, LLC.	Oak Groove Resources, LLC.	06-30-2003	No

Applicant: Oak Grove Resources, LLC
 Mine Name: Oak Grove Mine
 Permit Number: P- 3232, Revision R-41

PART I C 1. (CONTINUED)

Legal description of property or permit map symbol: Oak Grove Land Company, LLC (S)

Surface/Mineral/or Fee Simple (both): Surface
 Legal owner(s) of record: Oak Grove Land Company, LLC
 Address: 8800 Oak Grove Mine Road City: Adger State: AL Zip: 35006
 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	Oak Grove Land Company, LLC	Oak Grove Resources, LLC		No

Legal description of property or permit map symbol: Heirs of Leslie Waldrop (S)

Surface/Mineral/or Fee Simple (both): Surface
 Legal owner(s) of record: Heirs of Leslie Waldrop
 Address: 1169 Park Road City: Bessemer State: AL Zip: 35023
 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.
Easement Book 444 Page 175	Heirs of Leslie Waldrop	Oak Grove Resources, LLC	7/2/1981	No

* Please note that the easement is from Carolyn and Gerald Martin to US. Steel Corporation. The Martin's were previous owners according to Deed Book 200162 Page 0879 in the Jefferson County Courthouse (Bessemer).

Applicant: Oak Grove Resources, LLC
 Mine Name: Oak Grove Mine
 Permit Number: P- 3232, Revision R-41

PART I C 1. (CONTINUED)

Legal description of property or permit map symbol: Timothy & Mark Stephens (S)

Surface/Mineral/or Fee Simple (both): Surface
 Legal owner(s) of record: Timothy & Mark Stephens
 Address: 7373 Lock 17 Road City: Bessemer State: AL Zip: 35023
 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.
Easement	Timothy & Mark Stephens	Oak Grove Resources, LLC.	Pending	No

Legal description of property or permit map symbol: Willie H IIII & Kacy Graffice (S)

Surface/Mineral/or Fee Simple (both): Surface
 Legal owner(s) of record: Willie H III & Kacy Graffice
 Address: 8598 Lock 17 Road City: Bessemer State: AL Zip: 35023
 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.
Easement Book 200560 Page 8021	Willie H & Kacy Graffice	Oak Grove Resources, LLC	3/2/2005	No

* Please note that the easement is from Thomas W. McLeod and wife, Mary G. McLeod to GeoMet Operating Company, Inc. The McLeod's are assumed to be previous owners . Oak Grove Resources, LLC will use the same easement acquired by the McLeod Family per GeoMet Operating Company, Inc's request.

Applicant: Oak Grove Resources, LLC
 Mine Name: Oak Grove Mine
 Permit Number: P- 3232, Revision R-41

PART I C 1. (CONTINUED)

Legal description of property or permit map symbol: Michael and Toyna Troncalli
 (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: Michael and Toyna Troncalli

Address: 1507 Steve Crowder Road City: Bessemer State: AL Zip: 35023

Holder(s) 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.
Easement Book 444 Page 175	Michael and Toyna Troncalli	Oak Grove Resources, LLC.	7/2/1981	No

Legal description of property or permit map symbol: _____

Surface/Mineral/or Fee Simple (both): _____

Legal owner(s) of record: _____

Address: _____ City: _____ State: _____ Zip: _____

Holder(s) 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.

Applicant: Oak Grove Resources, LLC
Mine Name: Oak Grove Mine
Permit Number: P- 3232, Revision R-41

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 AS NECESSARY IN THE FORMAT BELOW

PAGE 1 of 1

Name: U.S. Steel Mining Company, LLC.
Address: 6200 E.J. Oliver BLVD. P.O. Box 599
Pointe Plaza, Suite 300
City: Fairfield State: AL Zip: 35064
Interest owned (Surface, Coal or Fee Simple): Surface
Type of Interest (Owner, Lease , or Other): Owner

Name: Oak Grove Land Company, LLC.
Address: 8800 Oak Grove Mine Road
City: Adger State: AL Zip: 35006
Interest owned (Surface, Coal or Fee Simple): _____
Type of Interest (Owner, Lease , or Other): _____

Name: Heirs of Leslie Waldrop
Address: 1169 Park Road
City: Bessemer State: AL Zip: 35023
Interest owned (Surface, Coal or Fee Simple): _____
Type of Interest (Owner, Lease , or Other): _____

Name: Michael and Toyna Troncalli
Address: 1507 Steve Crowder Road
City: Bessemer State: AL Zip: 35023
Interest owned (Surface, Coal or Fee Simple): _____
Type of Interest (Owner, Lease , or Other): _____

Name: Willie H III & Kacy Graffice
Address: 8598 Lock 17 Road
City: Bessemer State: AL Zip: 35023
Interest owned (Surface, Coal or Fee Simple): _____
Type of Interest (Owner, Lease , or Other): _____

Name: Timothy & Mark Stephens
Address: 7373 Lock 17 Road
City: Bessemer State: AL Zip: 35023
Interest owned (Surface, Coal or Fee Simple): _____
Type of Interest (Owner, Lease , or Other): _____

PART I C. (CONTINUED)

3. INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA
INSTRUCTIONS:

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

USE ADDITIONAL SHEETS AS NECESSARY IN THE FORMAT BELOW

PAGE OF Not Applicable

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Applicant: <u>Oak Grove Resources, LLC</u> Mine Name: <u>Oak Grove Mine</u> Permit Number: P- <u>3232, Revision R-41</u>
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PART I D. PERMIT AREA INFORMATION

1. Give the requested term of this permit: 5 years.
2. Give the legal description of the land upon which the applicant proposes to conduct surface coal mining operations. List each quarter-quarter section, section, township, range, and county.**
See attachment I-D-2
3. Give the acreage of the permit, each increment and the type of bonding.

a. Total revision acreage: 1 acres**

** - Added through Revision R-36

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

<u>Increment</u>	<u>Acres</u>	<u>Type Bond Proposed</u>
1.	<u>776</u>	<u>Surety</u>
2.	<u>8</u>	<u>Surety</u>
3.	<u>2</u>	<u>Surety</u>
4.	<u>5</u>	<u>Surety</u>
5.	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>

c. Identify the increment(s) on which mining will initially begin upon issuance of this permit: Increment 1.

4. Has any acreage in the proposed permit area been previously disturbed by mining? ()YES (XXX)NO

If yes, supply the following for any and all previously disturbed areas:

- a. Show the boundaries of the previously disturbed area(s) on the permit map and identify with an appropriate symbol.
- b. List, for each area, the permit number under which it was disturbed and the number of acres. Indicate the status of each permit as Unreleased, Grading released, or 100% released. (If no permit, indicate as such.)
- c. For each area which has not been reclaimed or received a 100% release, indicate whether you intend to assume responsibility for reclamation of the area under this permit and its performance bond(s).

5. Is disturbance to be conducted within 300 feet, measured horizontally from an occupied dwelling? ()YES (XXX)NO.

If YES, attach a signed waiver from the owner of the dwelling indicating the minimum distance disturbance will be allowed by the owner.

Applicant: <u>Oak Grove Resources, LLC</u> Mine Name: <u>Oak Grove Mine</u> Permit Number: P- <u>3232, Revision R-41</u>
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Attachment I-D-2

Legal Description

All Within Jefferson County, Alabama:

Township 18 South Range 5 West:

Section 6: SW/SW

Section 7: NW/NW, NE/NW, SE/NW, SE/NE, SW/NE, SE/SE, SW/SE, NE/SE, NW/SE,

NW/SW, SW/SW, SE/SW

Section 8: SW/NW, NW/SW

Section 17: SW/SW

Section 18: NW/NW, NE/NW, NW/NE, NE/NE, NW/SW, SW/NW, SE/NW, SW/NE

Section 20: NW/NW, SW/NW

Section 30: NW/SW, NE/SW, SW/SW, NE/NW, NW/NE, SW/NE, NW/SE, NE/NW, NW/NE,

SW/NE, NW/SE, SE/NW

Section 31: NW/NW, NE/NW

Township 18 South Range 6 West:

Section 1: SW/SE, SE/SE, SE/SW, NE/SW, SW/SW, SE/NW

Section 3: SW/SE, SE/SE, SE/SW

Section 10: SE/SW, SW/SE, NE/NE, NE/NW, NW/NE

Section 11: SW/SW, SE/SW, SE/SE, SW/SE, NE/SW, NW/SW, SE/NW, NE/NW, NW/NW,

NW/SE, NW/NE, SW/NE, NE/SE

Section 12: SW/SW, NW/SW, SW/NW, NW/NW, NE/NW, SE/SW, NE/SW

Section 13: NW/NE, NE/NE, NE/NW, SE/NW, SW/NW, NW/SW, NW/NW, SW/NE, SE/NE

Section 14: SE/NE, NW/NW, NE/NW, NE/NE

Section 15: NW/NE, NE/NW, NE/NE, NW/NW, SW/NE, NW/SE, NE/SW, SE/SW, SW/SE

Section 16: NE/NE

Section 22: NE/SE, NW/SE, NW/NE, NE/NE, SE/NE, SW/NE

Section 23: SE/NW, SW/NW, NE/SW, NW/SW, SE/SW, SW/SW

Section 25: NE/SW, NW/SW, SE/SW, SW/SW, SE/NW, NW/NE, NE/NE, SW/NE, SE/NE,

NW/SE, NE/SE, SW/SE, SE/SE

Section 26: SW/SE, SE/SE, NW/SE, NE/SW, NW/SW, SE/SW, SW/SW, NW/NW, NE/NW,

SW/NW

Section 27: SE/SE, SW/SE, SE/SW, SW/SW, NW/SW, SE/NW, SW/NW

Section 28: SW/NE

Section 33: NE/NE, SE/NE, SW/NE, NW/NE, NE/NW, NW/NW

Section 34: NE/NW, NW/NW, NW/NE, NE/NE, SE/NW

Section 35: NE/NW, SE/NW, NW/NE, NE/NE, SW/NE, SE/NE, NE/SW, NW/SW, NW/SE,

SW/SE, SE/SW, NE/SE, NW/NW

Section 36: NW/NW, NE/NW, SW/NW, SE/NW, NE/NE, NW/SW

Township 19 South Range 6 West:

Section 3: SE/NW, SW/NW, NW/SW, NE/SW

Applicant: <u>Oak Grove Resources, LLC</u>
Mine Name: <u>Oak Grove Mine</u>
Permit Number: <u>P-3232, Revision R-41</u>

PART I D. (CONTINUED)

6. Is disturbance proposed within 100 feet of a public road right-of-way or will a public road be closed or relocated? ()YES (XXX)NO.
 If YES, enclose a copy of the approval granted by the government entity which has jurisdiction over the road. The approval must state the minimum distance disturbance will be allowed to the road or road right-of-way.

7. 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
<u>MSHA ID</u>	<u>01-00851</u>	<u>MSHA</u>	<u>*</u>	<u>12-17-75</u>
<u>NPDES***</u>	<u>AL0026875</u>	<u>ADEM</u>	<u>**</u>	<u>10-31-05</u>
<u>UIC</u>	<u>ALS19937527</u>	<u>ADEM</u>	<u>**</u>	<u>2-13-98</u>
<u>AIR-TITLE V</u>	<u>4-07-0395-01</u>	<u>JCHD</u>	<u>****</u>	<u>3-24-83</u>

- * 135 Gemini Circle, Suite 213, Birmingham, AL 35209
- ** 1751 Congressman W.L. Dickinson Drive, Montgomery, AL 36130
- *** Modification to add outfall 021
- **** Jefferson Co. Department of Health, 1400 6th Ave. S., Birmingham, AL 35233

8. Is the property in the permit covered by zoning or other land use restrictions?

(XXX)YES ()NO.

If yes, indicate the jurisdictional authority and zoning or land use area. If more than one zoning classification exists for the permit area, identify the boundaries of each the permit map.

Jurisdictional Authority	Zoning Classification	Allows mining? Yes or No
<u>Jefferson County</u>	<u>I-3</u>	<u>Yes</u>

9. Describe access to the proposed mine from a known point on the nearest public highway: From the intersection of Lock 17 Road (CR 54) and Toadvine Road in Oak Grove, Alabama, travel southeast on Lock 17 Road for 1.0 miles. Turn right onto Mud Creek Road and travel 0.4 miles to the intersection of Oak Grove Mine Road. Turn left onto Oak Grove Mine Road and travel 0.3 miles to the Mine office on the left.

10. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application?

()YES (XXX)NO

If YES, list SOAP I.D. Number: _____

11. Submit a certificate of proof of Liability Insurance with this application. See ASMC Master File

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: _____

ASMC website <http://surface-mining.alabama.gov/PermitApplications.html>

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: N/A