

**ASMC Use Only:**

Fee: \_\_\_\_\_  
Bond Required: \_\_\_\_\_  
Date Approved: \_\_\_\_\_

APPLICATION FOR PERMIT REVISION

Name of Permittee: Alabama Carbon, LLC

License Number: L-816 Permit Number: P-3829-39-12-S

Permit Expiration Date: 11/19/2012 Mine Name: Glade Preparation Plant  
Revision Number: Revision R-8

Nature of Revision:

- 1) Create Increment No. 3.
- 2) Add 45.0 acres to Increment No. 3 for Coarse Refuse Disposal Area No. 3, Basin 006P, Primary Road 4P, Diversion A-A' and Diversion B-B'.
- 3) Update the Operations Plan.
- 4) Update the Drainage Control Plan through the addition of Basin 006P.
- 5) Submit detailed design plans for Coarse Refuse Disposal Area No. 3, Basin 006P, Primary Road 4P, Diversion A-A' and Diversion B-B'.
- 6) Update surface ownership.
- 7) Show the correct location of Big Glade Branch.

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

Applicant: Alabama Carbon, LLC  
Mine Name: Glade Preparation Plant  
Permit Number: P-3829, Revision R-8

# STATE OF ALABAMA SURFACE MINING COMMISSION

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

**PART I A. IDENTIFICATION**

**1. PERMIT APPLICANT**

Name: Alabama Carbon, LLC  
Street Address: 442 County Road 464  
City: Flat Rock State: AL Zip: 35966  
Mailing Address: 442 County Road 464  
City: Flat Rock State: AL Zip: 35966  
Telephone Number: ( 256 ) 632-2267  
Social Security Number (Voluntary): \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License#: L-816

**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: 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: Stephen Miles c/o PERC Engineering Co., Inc.  
Mailing Address: PO Box 1712  
City: Jasper State: AL Zip: 35502-1712  
Telephone Number: (205)295-3131

**ALSO PLEASE COPY:** James C. Justice, III  
Alabama Carbon, LLC  
106 Lockheed Drive  
Beaver, WV 25813

Applicant: <u>Alabama Carbon, LLC</u> Mine Name: <u>Glade Preparation Plant</u> Permit Number: <u>P-3829, Revision R-8</u>
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**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 IA through Part IF 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: **NOT APPLICABLE**

- +),
- \* \* A license update is included
- .)-
- +),
- \* \* 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: Applicant  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_  
Social Security Number (Voluntary): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Employer Identification Number: \_\_\_\_\_  
ASMC License Number: \_\_\_\_\_

Applicant: <u>Alabama Carbon, LLC</u> Mine Name: <u>Glade Preparation Plant</u> Permit Number: <u>P-3829, Revision R-8</u>
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**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: Flat Rock, LLC (S)

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

Legal owner(s) of record: Flat Rock, LLC

Address: 632 County Road 464 City: Flat Rock State: AL Zip: 35966

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	Flat Rock, LLC	GTM Energy Partners, LLC	9/12/2007	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	4/24/2012	No

Applicant: <u>Alabama Carbon, LLC</u> Mine Name: <u>Glade Preparation Plant</u> Permit Number: <u>P-3829, Revision R-8</u>
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**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: Alabama Carbon, LLC (S)

Surface/Mineral/or Fee Simple (both): Surface  
Legal owner(s) of record: Alabama Carbon, LLC  
Address: 106 Lockheed Drive City: Beaver State: WV Zip: 25813  
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	Alabama Carbon, LLC	Purchased Property		No

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Legal description of property or permit map symbol: Garner Properties, LLC c/o Mary Garner (S)

Surface/Mineral/or Fee Simple (both): Surface  
Legal owner(s) of record: Garner Properties, LLC c/o Mary Garner  
Address: 110 Willow Street East City: Scottsboro State: AL Zip: 35768  
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	Mary Garner	GTM Energy Partners, LLC	6/11/2000	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	4/24/2012	No

Applicant: <u>Alabama Carbon, LLC</u> Mine Name: <u>Glade Preparation Plant</u> Permit Number: <u>P-3829, Revision R-8</u>
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**PART I C 1. (CONTINUED)**

Legal description of property or permit map symbol: Robert L. Garland (S)

Surface/Mineral/or Fee Simple (both): Surface  
Legal owner(s) of record: Robert L. Garland c/o Jimmy Garland  
Address: 15718 Alabama Highway 71 City: Pisgah State: AL Zip: 35765  
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	Robert L. Garland c/o Jimmy Garland	GTM Energy Partners, LLC.	9/7/2002	No
Asset Purchase	GTM Energy Partners, LLC	Alabama Carbon, LLC	4/24/2012	No

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Legal description of property or permit map symbol: \_\_\_\_\_

Surface/Mineral/or Fee Simple (both): \_\_\_\_\_  
Legal owner(s) of record: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
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.





Applicant: <u>Alabama Carbon, LLC</u> Mine Name: <u>Glade Preparation Plant</u> Permit Number: <u>P-3829, Revision R-8</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.

NW/NE, NE/NE, SW/NE, SE/NE and NE/SE of Section 25, Township 3 South, Range 8 East and within the SE/NW, NW/SW, NE/SW and SW/NW of Section 30, Township 3 South, Range 9 East, Jackson County, Alabama.

3. Give the acreage of the permit, each increment and the type of bonding.
  - a. Total revision acreage: 45 acres.
  - 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>41</u>	<u>Letter of Credit</u>
2.	<u>18</u>	<u>Letter of Credit</u>
3.	<u>45</u>	<u>Letter of Credit</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 (  )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.)

<u>Permit</u>	<u>Acres</u>	<u>Status</u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>

- 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? (XX)YES ( )NO.

If YES, attach a signed waiver from the owner of the dwelling indicating the minimum distance disturbance will be allowed by the owner. All setbacks will be observed until waivers are obtained.

Applicant: <u>Alabama Carbon, LLC</u>
Mine Name: <u>Glade Preparation Plant</u>
Permit Number: <u>P-3829, Revision R-8</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? (XX)YES ( )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.

Waivers are forth coming

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 of issuance
<u>MSHA ID</u>	<u>01-03231</u>	<u>MSHA</u>	<u>*</u>	<u>07/09/2002</u>
<u>NPDES</u>	<u>AL0073962</u>	<u>ADEM</u>	<u>**</u>	<u>09/28/2007</u>

\* 228 West Valley Avenue, Birmingham, AL 35209

\*\* 1400 Coliseum Blvd., Montgomery, AL 36130

8. Is the property in the permit covered by zoning or other land use restrictions?  
 ( )YES ( X )NO.  
 If yes, indicate the jurisdictional authority and zoning or landuse 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
_____	_____	_____
_____	_____	_____

9. Describe access to the proposed mine from a known point on the nearest public highway: From the Intersection of Hwy 71 and Alabama Hwy 117 at Flat Rock. Travel South on Alabama Hwy 71 approximately 1.5 miles to Jackson County Road 464 on the right. Turn right onto 464 and travel 0.5 miles to entrance road 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>

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 Sentinel

Applicant: <u>Alabama Carbon, LLC</u>
Mine Name: <u>Glade Preparation Plant</u>
Permit Number: <u>P-3829, Revision R-8</u>

Attachment I-E-13

PUBLIC NOTICE OF FILING OF PERMIT APPLICATION

In accordance with the provisions of Act No.81-435 of the State of Alabama and the regulations promulgated under this act, Alabama Carbon, LLC, 106 Lockheed Drive, Beaver, West Virginia 25813, hereby gives notice that it has filed an application with the Alabama Surface Mining Commission to revise Permit P-3829-39-12-S for its Glade Preparation Plant located in Jackson County, Alabama. The permit lies within the NW/NE, NE/NE, SW/NE, SE/NE and NE/SE of Section 25, Township 3 South, Range 8 East and within the SE/NW, NW/SW, NE/SW and SW/NW of Section 30, Township 3 South, Range 9 East, Jackson County, Alabama.

Revision R-8 consists of the following: 1)Create Increment No. 3, 2)Add 45.0 acres to Increment No. 3 for Coarse Refuse Disposal Area No. 3, Basin 006P, Primary Road 4P, Diversion A-A' and Diversion B-B', 3)Update the Operations Plan, 4)Update the Drainage Control Plan through the addition of Basin 006P, 5)Submit detailed design plans for Coarse Refuse Disposal Area No. 3, Basin 006P, Primary Road 4P, Diversion A-A' and Diversion B-B', 6)Update surface ownership and 7)Show the correct location of Big Glade Branch.

A copy of the permit application is available for public inspection at the Alabama Surface Mining Commission website <http://surface-mining.alabama.gov>. Written comments, objections, or requests for informal conferences should be submitted to the Alabama Surface Mining Commission, P.O. Box 2390, Jasper, Alabama 35502-2390, within 30 days from the last publication of this notice.