



STATE OF ALABAMA
SURFACE MINING COMMISSION

P.O. BOX 2390 - JASPER, ALABAMA 35502-2390
(205) 221-4130 • FAX: (205) 221-5077

Permit Renewal Number: P-3931-08-19-S

RENEWAL TO PERMIT

FOR SURFACE COAL MINING OPERATIONS

Pursuant to the Alabama Surface Mining Control and Reclamation Act, Act No. 81-435, and duly promulgated rules of the Commission, Renewal is hereby approved for permit:

Issued to:

P-3931-08-19-S
MCOAL CORPORATION
620 N CAMPBELL STATION ROAD
SUITE #22 STATIONS WEST
KNOXVILLE TN 37934
(ROSA MINE)

License No.:

L-796

RESPONSE TO BLACK WARRIOR RIVERKEEPER LETTER RE-ISSUANCE OF ASMC PERMIT P-3931 (ROSA MINE) 9-30-14:

CONCERN: Loss of critical habitat for several threatened and endangered species in the Locust Fork.

RESPONSE: On April 20, 2009 Yokley Environmental Consulting Service conducted a biological habitat assessment for species listed by Alabama Dept. of Conservation and Natural Resources (ADCNR) letter dated March 24, 2009. Based on the assessment conducted by Yokley, Fish and Wildlife Service concurred with the project on May 15, 2009. A re-verification Biological Habitat Assessment was conducted by McGehee Engineering Corp (MEC) in November 2014 for this renewal. None of the established or proposed basins for this permit discharge directly into the Locust Fork, the closest proposed basin is over 1500 feet from the Locust Fork.

WATER QUALITY ISSUES:

CONCERN: The water quality in reference to siltation from discharge from this mine into the Locust Fork. Included is a table of Rosa Mine Past Noncompliance History violations totaling 419 numbers of violations.

RESPONSE: This table addresses 7 Total Suspended Solid (TSS) violations including both monthly averages and daily maximums over a 4 ½ year period. The two largest TSS violations occurred during, or directly after significant rainfall events, as can be seen from the National Weather Service rainfall plots for Alabama. ¹

These events happened in April 2010 and January 2012. The April 27, 2010 TSS violation (336 mg/l) was from a newly built basin 002. Heavy rains caused the basin to fill and discharge. While the discharge was very turbid, according to the ASMC Inspector there was Class 2 rip-rap at the end of the spillway as an energy dissipaters and silt fence and hay bale filters downs slope of the spillway placed during basin

construction. These measures filtered the drainage to Andy Branch resulting in a visually less turbid discharge into Andy Branch.

On April 30, 2010 the Inspector returned to the site and found the basin had been treated and a clear discharge. As this was a newly constructed basin, the "number of violations" of 30 is an overestimate. The basin had not existed for 30 days, and was treated immediately.

The January 2012 TSS violations for Basin 002 and 025 also follow several days of heavy rainfall. Inspection by ASMC showed no sediment from these basin in the drainage course to Andy Branch.

The total violations of 419 are over calculated. A prime example was stated above, as a newly built basin with an immediately treated non-compliant discharge was at most 2 days of noncompliance, not 30 as claimed in the "Violation History".

A monthly average is taken from 1 or more events, and often these basins do not discharge, as they are built to catch drainage from rainfall events. After rainfall events, the discharge only lasts a few days. Often when the monthly average and daily maximum numbers are the same, there was only one discharge event during a month. To assume that 1 daily maximum violation is the same as 30 days of that same violations is a misrepresentation of the data.

CONCERN: Potential pollution or diminishing recharge of Cleveland Drinking water supply.

RESPONSE: The closest of Cleveland's wells to the Rosa Mine, Well #1, is 4500 feet to the southeast. Well #2 is approximately 1 mile east of the closest point to the mining operation.

These two wells were discussed in the initial permit in 2009 as well as the Cumulative Hydrologic Impact Assessment. Also, this is an auger mining operation, not a strip mining operation as stated in the Black Warrior Riverkeeper letter.

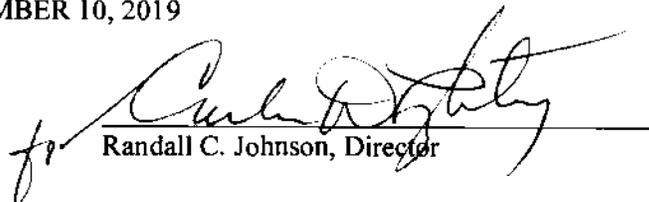
¹ <http://ww.srh.noaa.gov/images/rtimages/bmx/hydro/rainfallPlots>

RENEWAL CONDITION R-1: There is to be no new mining activities on permitted but undisturbed areas of P-3931 until FWS concurrence of the Biological Habitat Assessment, conducted by MEC, is submitted to ASMC.

The permit is renewed for an additional term of 5 years. All terms and conditions of the permit remain in effect.

EFFECTIVE DATE:	DECEMBER 10, 2014
ISSUE DATE:	DECEMBER 10, 2014
EXPIRATION DATE:	DECEMBER 10, 2019

/ns
cc: I & E, Permit File
Dept. of Industrial Relations
Alabama Historical Commission


for Randall C. Johnson, Director