

Applicant: D & E Mining, LLC
Mine Name: Flat Rock Mine No. 2
Permit Number: P- P-3935

STATE OF ALABAMA SURFACE MINING COMMISSION

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

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: D & E Mining, LLC
Street Address: 3579 AL Hwy 117
City: Flat Rock State: AL Zip: 35966
Mailing Address: 10 Song Bird Court
City: Jackson State: NJ Zip: 08527
Telephone Number: (740) 616- 9220
Social Security Number (Voluntary): N/A - ____
Employer Identification Number: _____
ASMC License#: L-745

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: Ilia Kikozashvili

Mailing Address: 10 Song Bird Court

city: Jackson state: NJ zip: 08527

Telephone Number: (732) 503-1063

Applicant: D & E Mining, LLC
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Permit Number: P-3935

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
- 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
- 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 Number: (____) - ____ - _____
Social Security Number: ____ - ____ - _____ (Voluntary)
Employer Identification Number: 200628362
ASMC License#: _____

Applicant: D & E Mining, LLC
Mine Name: Flat Rock Mine No. 2
Permit Number: P-3935

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

Page 1 of 2

Legal description of property or permit map symbol: J W & Betty Jo Mason

Life Estate(S)

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

Legal owner(s) of record: J W & Betty Jo Mason Life Estate C/O Benjie Mason

Address: 1104 Sanders Avenue N.E. City: Fort Payne State: AL Zip: 35967

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	J W & Betty Jo Mason Life Estate	D & E Mining, LLC	February 26, 2007	No

Applicant: <u>D & E Mining, LLC</u> Mine Name: <u>Flat Rock Mine No. 2</u> Permit Number: <u>P- 3935</u>

PART I C 1. (CONTINUED)

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.

Legal description of property or permit map symbol: North Alabama Mineral Development Company (M)

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

Legal owner(s) of record: North Alabama Mineral Development Company C/O Mike Patterson

Address: 401 Franklin Street City: Huntsville State: AL Zip: 35800

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.
Lease	North Alabama Mineral Development Company	D & E Mining, LLC	January 4, 2008	No

Applicant: D & E Mining, LLC
Mine Name: Flat Rock Mine No. 2
Permit Number: P- 3935

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: J W & Betty Jo Mason Life Estate C/O Benjie Mason
Address: 1104 Sanders Avenue, N.E.
City: Fort Payne State: AL Zip: 35967
Interest owned (Surface, Coal, or Fee Simple): Surface
Type of Interest (Owner, Lease, or Other): Owner

Name: D & E Mining, LLC
Address: 10 Song Bird Court
City: Jackson State: NJ Zip: 08527
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: North Alabama Mineral Development Company C/O Mike Patterson
Address: 401 Franklin Street
City: Huntsville State: AL Zip: 35800
Interest owned (Surface, Coal, or Fee Simple): Coal
Type of Interest (Owner, Lease, or Other): Owner

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Applicant: D & E Mining, LLC
Mine Name: Flat Rock Mine No. 2
Permit Number: P- 3935

PART I C 2 (CONTINUED)

Part I C 2 PAGE __ OF __

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Applicant: D & E Mining, LLC
Mine Name: Flat Rock Mine No. 2
Permit Number: P- 3935

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 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 IN THE FORMAT BELOW IF NECESSARY

PAGE 1 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: D & E Mining, LLC
Mine Name: Flat Rock Mine No. 2
Permit Number: P- 3935

PART I C 3 (CONTINUED)

Part I C 3 PAGE __ OF __

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>D & E Mining, LLC</u> Mine Name: <u>Flat Rock Mine No. 2</u> Permit Number: <u>P-3935</u>
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PART I D. PERMIT AREA INFORMATION

1. Term Information:
- a. Date original permit or subsequent renewal expires: April 9, 2015
 - 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: 3

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.

SE 1/4 of SE 1/4, SW 1/4 of SE 1/4 of Section 7; NE 1/4 of NE 1/4 and NW 1/4 of NE 1/4, of Section 18, Township 3 South, Range 9 East, Jackson County, Alabama.

3. Give the acreage of the permit renewal, each increment and the type of bonding.

- a. Total permit renewal acreage: 108 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>23</u>	<u>Certificate of Deposit</u>
2.	<u>19</u>	<u>Certificate of Deposit</u>
3.	<u>20</u>	<u>Certificate of Deposit</u>
4.	<u>18</u>	<u>Certificate of Deposit</u>
5.	<u>20</u>	<u>Certificate of Deposit</u>
6.	<u>8</u>	<u>Certificate of Deposit</u>

NOTE: (Areas that may be included in the renewal of a permit may include 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 a part of this renewal).

Applicant: <u>D & E Mining, LLC</u>
Mine Name: <u>Flat Rock Mine No. 2</u>
Permit Number: <u>P- 3935</u>

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
<u>MSHA ID</u>	<u>01-03301</u>	<u>MSHA</u>	<u>*</u>	<u>Issued 9-30-04, Modified 6-25-09</u>
<u>NPDES</u>	<u>AL0076571</u>	<u>ADEM</u>	<u>**</u>	<u>Issued 7-23-04</u>

* 135 Gemini Circle, Suite 213 Birmingham, AL 35209

** 1400 Coliseum Blvd., Montgomery, AL 36130

6. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application? ()YES (X)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.

PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION

1. 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>

2. 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: Mountain Valley News

COMPANY NAME: D & E Mining, LLC

MINE NAME: Flat Rock Mine No. 2 P-3935

PART VI - VERIFICATION OF PERMIT APPLICATION
FOR NEW PERMIT () TRANSFER () RENEWAL (X)

I, the undersigned operator, do hereby submit this as my application for a permit to engage in surface coal mining operation and certify that the information in the application is true and correct to the best of my information and belief. This application is submitted in conformance with the rules and regulations of the Commission and it is agreed that any operations pursuant to the permit will be conducted in accordance with those rules and regulations. I further certify that I will keep the Commission advised of any change of facts as may pertain to the license information or this permit application.

D & E Mining, LLC License No. L-745
PERMITTEE (IF APPLICABLE)

BY: *Ilia Kikozashvili*

Ilia Kikozashvili

New Jersey
STATE OF ~~NEW JERSEY~~)
)
Ocean COUNTY)

Before me, the undersigned authority, personally appeared Ilia Kikozashvili, who being duly sworn upon oath, deposed and said, that he has read the foregoing application, that he is the responsible official of the applicant who executed the application, that the facts and matters contained therein are true and correct to the best of his information and belief, and that he executed the same for the purposes therein expressed.

Sworn to and subscribed before me, this 21st day of April, 19 2015.

Peter J Denning
NOTARY PUBLIC
March 31st 2016
COMMISSION EXPIRES



PETER J DENNING
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES MAR. 31, 2016
I.D.# 2408856