

ALABAMA SURFACE MINING COMMISSION

INFORMAL CONFERENCE

BLACK WARRIOR MINERALS, INC.
P-3950, MINE #1
PERMIT APPLICATION REVISION NO. 5

DATE

THURSDAY, MAY 8, 2014
10:00 A.M.

LOCATION

ALABAMA SURFACE MINING COMMISSION HEARING ROOM
PINNACLE BANK BUILDING 1811 2ND AVE
JASPER, ALABAMA 35501

HEARD BY: ROBERT ARMES
PERMIT MANAGER/BIOLOGIST
ALABAMA SURFACE MINING COMMISSION

RECORDED BY: ANN R. MILES-GRESHAM
HEARINGS REPORTER
DIVISION OF HEARINGS AND APPEALS
ALABAMA SURFACE MINING COMMISSION

This informal conference was held at 10:00 a.m. on the 8th day of May 2014, at the Alabama Surface Mining Commission Hearing Room, Pinnacle Bank Building 1811 2nd Ave, Jasper, Alabama 35501. The following is a transcript of the proceedings of said informal conference, including testimony and comments by the representatives and citizens.

A P P E A R A N C E S

FOR THE STATE OF ALABAMA:

Robert Armes
Permit Manager/Biologist
Alabama Surface Mining Commission
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FOR THE PUBLIC:

SEE ATTACHED SIGN-IN SHEET

P R O C E E D I N G S

MR. ARMES: My name is Robert Armes and I am filling in for Mark Woodley. This is his permit. He is the permit manager for this one, but he's previously engaged so I'm going to fill in for him. Um Ann will be recording all statements and questions today. We are here for comments regarding P-3950 Black Warrior Minerals, Mine No 1, R-5 and that revision only. All other revisions comments we don't want. Um public participation is guaranteed by law in the permitting process. Anyone wishing to be heard will be given an opportunity to speak your objections to the issuance of this revision will be taken down and answered in a timely fashion later than today. You can comment, you can ask questions it all gets recorded the transcripts are sent to the appropriate reviewer and then it is answered that way. Okay. This is...I will not be answering questions. Um....A copy of the transcript sent to appropriate review....um when the final decision is made everyone here will be mailed a postcard or sent an email telling you, you can look on our website and find the decision you can review it there. Um...if you can't print it up you can send a letter requesting that we print one and mail it back to you if you do not have a printer...okay. What I am going to do is go down the list and I'm a call your name...you can say what you want to say...Oh we have more coming hold on just a second.... Okay as I was saying when I call your name speak your name and address clearly, say your comments, concerns, questions and we will move forward as fast as we can...okay. Are you ready.

HEARING RECORDER: Sure.

MR. ARMES: Peggy Harris.

MRS. PEGGY HARRIS: Okay...uh my name is Peggy Sue Harris. I live at 8330 Sharit Dairy Road, Gardendale, 35071. Ah, we been trying to deal with the mines to take care of some

issues that have not been addressed. Deny, delay, defend seems to be the moto of the coal mining industry. At present, mine no. 1 has been invasive to the community at large, diminishing the community's property values and degrading the entire community. If the present mine is allowed to enlarge as their proposed new permit revision would allow, the off-site impacts would be more devastating and destructive to the community. The environmental impact alone is concerning. If, as the ASMC contends, that the mine has stayed within the federal guidelines to date, on their blasting, then maybe it's time to re-evaluate those numbers as well. Stop mining due to the imminent danger to the community. Mining in Alabama has been run like a corporate structure. It's survival hinges on one thing, the ability to increase profits. Trivial things like ethics and concern for public goods gets in the way and gets pushed aside. Environmental injury is deficit spending-loading the cost of pollutions –based prosperity onto the backs of the next generation. They will reap billions, but generations of Americans will pay that debt with poor health and diminished lives. Indian burial mounds are “knowingly” being disturbed by this mine. I have attempted to get a section 106 review, and have even gotten one burial mound documented already by the University of Alabama in Tuscaloosa. The University does state they feel the mining should be stopped until this mound is looked at. I also was informed that prior to the existing mine starting, that they had discovered a burial mound on the existing site that they are mining now and the gentleman told me his boss dealt with it and all he knows is off of sudden they still started mining without any concerns about that. Crooked Creek has already been damaged and runs into Warrior River, which is a mortar...a major water supply. I personally have structural damage, including foundation cracks. There is also a wood beam in my living room and bedroom that is separating from my ceiling. ASMC gave me a copy of the letter to the Better Business Bureau by the mine, stating I was complaining about my roof that was over 20

years old. If they had bothered to ask me, I would have told them we reroofed my entire home in 2006, so it's not a 20 year old roof, but they never even bothered to ask and my complaint had nothing to do with my roof, it has to do with cracks in my ceiling. Ah, it does fascinate me that ASMC could close my file without stepping once on my property to personally evaluate my issues – but, on February 24th of this year that's exactly what happened. Presently, there are a number of states suing their state governments for failure to be a good steward of the state. I would rather avoid Alabama that damage. We have a beautiful state and numerous natural resources. Teddy Roosevelt stated: "The nation behaves well if it treats the natural resources as asses, which ti must turn over the next generation increased, and not impaired, in value." In western property law holds owners can use their property as they please, but never in a way that diminishes their neighbors property or the public trust which considers air and water. Some of the power points of my issue on this mining is sink holes...I have two presently under my house. They were 4 inches in diameter in December and when the mine came and took pictures of it they were 7 ½ inches and I have their pictures. I have property damage. Ah the pollution in the surrounding area that it is a fact that once they stop mining you can't even plant a garden to feed your family for 20 years because of the contamination that its done because of this mining process that they're doing. As well as impact test testing would be needed to be done to take care of the settling issues of where they...take care of the area where they are mining now supposedly to make it alright to be agricultural 1 again. Ah water and river pollution to date they have received 3 violations that I know of. Polluting the Warrior River...all they do is pay fines and move on and do it again. Cancers and autism births related to mining, there's respiratory issues...on Sardis Road there is a one room school house that was built in the 1850's, 1860's that has enormous historical value. Very few of those are even around anymore and it is in

jeopardy of being destroyed if these people get this revision. Failed to follow simple restrictions and operations. The Jefferson County Commission told them they weren't to start until 7 o'clock. Everyone here that lives in the area can tell you they start at 5:30, 6:00 o'clock in the morning. We all hear it, we all know it. It displaces wildlife and destroys our habitat, mining dust turns into something called sandstone, which can cause syacosa, which is a lung cancer. It comes down to we should never destroy what we cannot replace. In 2011 there was a 150 sludge ponds in the United States. 133 were leaking and polluting the ground and surrounding areas. 48 states in the United States can't eat fish due to mercury contamination. You're told not to eat tuna more than once a week due to ocean contamination. Property Owners are an endangered species and we need protection. Ironically, our economy is structured on home sales, yet no one tells you that someone can come along and destroy your home from underground and there is nothing you can do about it until you're there. Re Reclamation is where they are to reconstruct and return the land after coal mining. All you have to do is look at the previous areas that have been done. As good as it gets that no trees, foliage, and/or grass will grow appropriately for at least 20 years due to the pollution and...that the area suffers. Communities are being permanently harmed. Mining destroys the eco-system in many people people's lives in their pursuit of happiness. Billions every year is spent on health care throughout our country. Instant cash flow is their only concern. They don't care if our kids pay for it, just as long as we don't interrupt their joy ride – profit over human life. In a headlong pursuit of private property and personal power, they have eviscerated the laws that protected our nation's air, water, public lands, and wildlife for over 30 years, enriching political contributors while lowering the quality of life for Americans. The public has been deceived by manipulating and suppressing scientific data, intimidated enforcement officials and other civil servants, masking its agenda with

Orwellian doublespeak. In their headlong pursuit they sacrifice respect for law, private property rights, scientific integrity, public health, long-term economic vitality, and common sense government on the altar of greed. If we want to provide our children and grandchildren with the same opportunities for dignity and enrichment as those our forefathers gave us and fought and died for, we have to go...got to start with protecting the air, water, wildlife, and landscapes that connect us to our national values and character. It's that simple. The government has abandoned it's a duties...duty to safeguard our health and steward our national treasures, eroding not just our lands, but our nation's moral authority and capacity to fulfill its historic mission to create communities that are models for the rest of humankind. We protect nature because it is the infrastructure of our communities. It's always been illegal to pollute. Protection of the shared environment has been one of the government's most fundamental roles since the constitution was devised. In 1913 the US Supreme Court declared that it was "inconceivable that the public trust assets could slip into private hands". In 1960 Lake Erie was declared dead. Cleveland Cuyahoga River caught fire, and radioactive strontium 90 was found in a mother's breast mile across America and remote corners of the globe. Alabama Surface Mining Commission is supposed to protect our rights, holding the mining company responsible for harm to its citizens. In my personal experience, I filed a complaint, went down to the mine, received a letter from ASMC stating on February 24th that it was closed. Amazingly this determination was made without any rep representation coming to my property and reviewing or evaluating my claims. We need some protection and we need y'all to do your job and we need this to be stopped before it goes any further. There's good people that live in this community. They pay their taxes. They're law abiding citizens. They harm no one. We are being harmed.

MR. ARMES: Yes ma'am.

MRS. HARRIS: Well I guess that's it for me.

MR. ARMES: Justin Wallace.

MR. JUSTIN WALLACE: Ah...great...um....well gosh everything Peggy said um I echo the same thing she's saying, so I'm not going to try to go as long. My name is Justin Wallace, 8546 Hidden Creek Drive, Gardendale, AL 35071. Um um I really don't have much more to add to what ah what what Peggy mentioned other than we we indeed are seeing some um some damages to our property. Um I personally work from home, so I'm there every day and every night. Um I've been recording loosely recording every blast that takes place, the date, the time and ah...in a previous meeting...not this meeting but it was actually Jefferson County Commission. We were promised a website that we would get...be able to see when those blasts occur. Haven't heard another word. Haven't heard if its available. They have all of their information...I would expect that it hasn't been touched. Its been...that was back in December...this is May. How long does it take to build a website. It doesn't have to be special. It just has to be informational. Um, I personally have done a little bit of research on the ah P-3950, R-5...um...what I do find that is kind of interesting is um parts 1 through 6. Part 2 is not available on on the public websites. Just want to know if if we can get ah information on that...I have all the information on all the others. I'm trying to understand what the permit is all about. What land it incurs. Um I spoke with Mark on yesterday, ah he did...he did state something that was incorrect and I wanted to bring it up in this meeting...he did tell me...and I don't know if it really matters...he did tell me it was R-6. Don't know if R-6 and R-5 means anything but he just told me it was R-6.

MR. ARMES: He just got his number wrong.

MR. WALLACE: Ah...probably doesn't...um so I'm trying to understand more about

the um the permit request. I do know that it's expanded area um and I've seen the maps and where the areas are...we've been very very close to this. Now, one thing that I do want to state that um when we purchased our home last April. Not this past April but one year ago, based on the information that was available we were...we found...we looked everywhere on the web to try to find this information. We were told there were six employees. Six employees...so we said this is a small mining operation. They have...they have their boundaries...they're going to do what...they're going to do their thing there. Um, then during our Commission Meeting we were told oh no there's over 50 employees. Okay, well that's...you know that's bad information...so personally, I'm not sure that we would have purchased in the area. Now, we we live in a...we live in a subdivision that's ah amongst ah some some quite expensive homes ah the area ah has some wonderful homes...some wonderful areas. Ah I have seen since our Commission Meeting...I've seen a number homes go up for sale. I don't want to be one of those. I want to remain where we are. I want to make sure we can live in harmony...ah with the mining operation. We know there's a mine there. We knew it was there when we purchased it. We want to live in harmony. Um...I I do do want to bring up one thing that was was was discussed during our commission meeting that I feel that we were railroaded in...uh we our our our commissioner Jimmy Stevens said "we need to... the mine needs to be a good community member." Our discussion was about paying back to the community...and we set an annual fee to our fire and rescue team...just because of of our cost that we already have to pay for that. Um, it was misconstrued it was a onetime fee. NOT an annual fee...a onetime fee. Ah, very frustrated about that...ah we pay some of the highest...some of the highest fee...fire fees in the area. If we're going to see all of this damage and we're going to have...we're going to have property damage and we're going to have possible...you know...there's explosions going on all around us

that sort of thing. Um, I don't want to see the fees go up just because of that. Um, so basically um you know we purchased the area...we purchased in the area because of ah it was a 1. Just rezoned. Um very contrary to what we wanted to see happened. Um we...we want us...we want to remain in the community. I don't want to be one to sell. I want us...I want us all to kind of live in harmony...and I want us to be protected from from ah from the mining that's going on around us. So, that's really pretty much all I have ah for that...but I thank you for allowing me to speak.

MR. ARMES: Thank you sir. Mr. Ragsdale.

MR. CLAY RAGSDALE: Yes, I'm Clay Ragsdale. I represent the Jet Family. They also live on Sharit Dairy Road...ah near the mine...and ah this mine um permit request ah will bring this mine and the strip mining operation that's ongoing there presently much closer to the residence in the area...um they are already experiencing...and the mining company is very much on notice at the fact that the community is experiencing um a great deal of damage...because the mine is already close ah to the community. There's approximately 200 houses that are in the vicinity of the mine. Ah and this ah expansion request will bring that mining operation to within 5, 7, 1,000 feet of many of the residence. Um, so the mining company knows and is on...well aware of how much disturbance and how much damage ah and how much interference they have been causing for the last two or three years...and they also know that this expansion will create a great deal more damage to a lot more people...okay. So, what we're asking...I'm asking the Surface Mining Commission in this regulatory process to consider what means it has to minimize the lessen and address the anticipated ah offsite impacts of this mine. Ah it is incumbent upon the ASMC to at least consider what sort of environmental and offsite impact damage will result in the community and to define what is able to do or what it's not able to do from a regulatory

process in my opinion and I would ask that they take inventory of what is going to happen. Ah the property damage ah...diminished property value to the community is going to be staggering. Either their...the houses are expensive...ah the properties are worth a lot of money and this would degrade those...and diminish the values of those properties considerably and ah if the Surface Mining Commission does have the means of regulatory authority to address ah and and um stop...prevent that then we would ask then we would ask that they exercise it...and further I think its important to...and ah to consider this particular operator's history. Not only with this permit but also with respect to every other...If you would let me speak...

MR. ARMES: No...no...no. This revision only. I stated it first thing.

MR. RAGSDALE: Right...

MR. ARMES: We're not...doving into it...

MR. RAGSDALE: Consider...can I ask you to consider...

MR. ARMES: No. This revision only.

MR. RAGSDALE: You should consider the operators environmental track record...okay...and in that regard you should consider all of their operations...

MR. ARMES: No.

MR. RAGSDALE: and every other environment...you can...

MR. ARMES: No.

MR. RAGSDALE: again strike my comments...

MR. ARMES: We're not going to do this. We did it last time. We told you no.

MR. RAGSDALE: Alright, that's fine.

MR. ARMES: This revision only. That's what we're here for.

MR. RAGSDALE: Ah that's fine. You have my request that you consider...okay...and

I think further its important to um in the permitting phase that we are in today to not only consider the environmental impact direct from this operation and the expansion but what has occurred previous to that too. Alright, at this operation at any other operation so...that ah...I think that is all of my comments at the moment.

MR. ARMES: John Kinney.

MR. JOHN KINNEY: Yeah that's me. My name is John Kinney. I work for Black Warrior Riverkeeper. Ah our office is located at 712 37th Street South, Birmingham, AL 35222. I have several comments regarding this permit. Ah to begin with ah there are many problems related to the NPDES permit which is a precursor to their ASMC permit. Ah first of all they did not begin mining within 18 months of the permit issuance of the NPDES permit issuance which by the terms of the NPDES permit means it should have expired. Ah that permit was issued on ah September 30th of 2008 and the first indication of any activity at the mine was that when the first basin was certified on May...in May of 2011...ah so that permit should have expired by its own terms ah after 18 months. Ah not only that ah if you chose to ignore the fact that it expired after 18 months ah the permit in fact expired on ah September 30th 2013. Ah there's no evidence in ADEM's records that a new application has been received. There's no evidence that um a permit has been administratively extended. So there again, ah as far as I can tell their NPDES permit is currently expired. Ah, further more Black Warrior Minerals, who is the operator of this mine does not actually hold an NPDES permit for this mine. Ah that permit was issued to United Land Company. United Land Company then changed their name to Walter Minerals, Incorporated as far as I can tell there's no evidence or relationship between Walter Minerals and Black Warrior Minerals. Ah, so therefore this operator does not hold the NPDES permit. Ah without a valid NPDES permit the ASMC should not issue this revision and in fact should shut

down any operations that aren't related to reclamation. Ah...and as Mr. Ragsdale stated the history of violations of this company is very relevant to what will happen in revision 5....ah you know...that's fine...you know...can say that you don't want to consider...

MR. ARMES: Stop this...

(RECORDING HAS BEEN PAUSED)

(RESUME RECORDING)

MR. ARMES: Hold on just a second...

HEARING RECORDER: Go ahead.

MR. ARMES: Go ahead.

MR. KINNEY: Okay, the violations at mine no. 1 would you say are relevant.

MR. ARMES: Yes.

MR. KINNEY: Okay, well since the commencement of activity in May of 2011 at Mine No. 1 there have been 63 violations of their NPDES permit. I know that in the past that ASMC has argued that characterizing a monthly violation as the number of days not months is an unfair characterization but the 11th Circuit Court of Appeals actually disagrees in *Atlantic States v. Tyson*...they established that a monthly violation...a monthly average violation counts as a violation for every day in that month. They've had 63 violations of their NPDES permit since they began commencement and in addition on July 10th of 2013 the ASMC issued a Notice of Violation because they were pumping water out of their pit over an embankment and into the woods out ah outside of their permit area. Which is a blatant violation of all of their hydrologic monitoring requirements. Ah...we also take issue with ah AS...ASMC's failure to evaluate the accumulative impacts. Ah, you stated that we only want to talk about revision 5 and we believe that segmentation of these permits circumvents ASMC's responsibility to look at the cumulative

impacts from the mine as a whole. The original permit for mine no. 1 was for 340 acres. Revision 5 is for 399 acres. Who knows how many more acres will be included in the next revision and the revision beyond that. The NPDES permit issued for this mine covers 2,953 acres...so we can do this incrementally 40 acres at a time but the ASMC has a responsibility to look at the accumulative impacts of the mine as a whole. Not just revision 5 or not just the initial 343 acres. Ah...and the segmentation process that the ASMC allows...also means that the ASMC fails to review an inadequate pollution abatement and prevention plan for the mine as a whole...which is part of their responsibility. I know there's a memorandum of understanding between ADEM and ASMC that ASMC has agreed to take on that responsibility...but they can't look at the full pollution abatement prevention plan unless they have drawings for the entire mine. Ah, for this particular segment this revision the SEDCAD analysis that was included in the permit application which is the real only analysis of potential pollution that was included in the permit application. Ah it shows that at basin 103 a 10 year 24 hour storm would produce a peak sedimentation concentration of 10, 530 milligrams per liter which is well in excess of their permit limit of 70 milligrams per liter. At basin 104 the SEDCAD analysis shows a peak concentration of 3,188 milligrams per liter also well in excess of that...ah maximum limit. Ah...the fact that ASMC fails to adequately consider the cumulative impacts of this mine also, they fail to look at the other mines that are in the area...in this particular area...in the immediate area there's been violation up at Narley Mine, flooding at Knob Creek and Sloan Mountain Mines, there's an ASMC permit pending at the Black Creek Mine which is just on the other side of Crooked Creek from this mine...and its ASMC's responsibility to look at the cumulative impacts of all of those together including this revision with all of those other mines...and they haven't done that. Ah there are also five active mines upstream and 17 active downstream from

this revision that the ASMC's not looked at the cumulative impacts of...and it's important because the cumulative hydrologic impacts....

MR. ARMES: Stop...stop...

(RECORDING HAS BEEN PAUSED)

(RESUME RECORDING)

MR. ARMES: Alright Milton is on his way up you can proceed.

MR. KINNEY: Okay. Ah, where was I...

(Lady in the background stated cumulative)

MR. KINNEY: Yeah...ah the cumulative impacts are important because the...the CHIA...the cumulative hydrologic impacts assessment performed by the ASMC looks at the potential impact from one segment of one mine and ignores the context of the surrounding mines and the impacts that all of those mines have on downstream water quality. Ah, furthermore the current revision of this permit is not adequately considered its impacts on endangered species. Ah a le letters from the Alabama Department of Conservation and Natural Resources ah both with the original permit and ah April 2010 and the current revision January 27th 2014 ah the ADCNR identifies numerous records of sensitive species and states that no biological survey's been performed by them. Ah the mining company ah requested that ah LJ Davenport of Sanford University do an onsite inspection and even his inspection ah in his letter dated ah June 4th of 2010 acknowledges that the riffle run areas of Crooked Creek adjacent to this mine provide the potential habitat for the Plicate Rocksnail. Ah the ADCNR letter gives special attention to the Plicate Rocksnail because it's known to occur in close proximity to this mine ah its only found in a very small area of the Locust Fork. It needs free flowing water to survive an impoundment such as those of the coal mines are major threat to this species. Ah, as far as I can go there's no

indication in any of the revisions of this permit that ah the impacts on endangered species had been adequate adequately considered. They have been identified but ah there's no indication that was taken into account by the ASMC in making their decisions. Ah, thank you very much for allowing me to speak.

MR. ARMES: Thank you. Christa.

MS. CHRISTA MARKS: No

MR. ARMES: Is it Bolino...Mike Bowlino.

MR. BOWLING: No no no...Mike Bowling. My writing is bad...I know...but no.

MR. ARMES: John Crane.

MR. JOHN CRANE: I'm going to make this short and sweet. I guess I'm one of the oldest...person to build out there on Sharit Dairy Road. I bought the property in 1983 and built a house in 1985. Peaceful community...then people started buying property and building houses...well when the strip pit come in the blasting would vibrate my house. Now, I said I would make it short and sweet...there was two representatives that sat on my front porch...in the end of February of this year. They had come out there and made pictures...they had come out there to bring me the pictures and the results they found. Well a blast went off in the strip pit about 11 o'clock...it shook my house...it literally shook it...and they were on the front porch and I had a witness to it...and I turned to them and I said "that's what I've been trying to tell you." Not only that I had just built, replaced a pier on the river and during this time of blasting the vibration shook the pier the the land give away and went out into the river. That's about...bout all I got to say on this point. Thank you.

MR. ARMES: Yes sir. Ah Mr. Crane what's your address.

MR. CRANE: Sir.

MR. ARMES: Your address. Street address.

MR. CRANE: My address is 8329 Sharit Dairy Road.

MR. ARMES: Thank you, sir. McGill.

MR. GREG MCGILL: Greg McGill, 8140 Sharit Dairy Road. Ah, I'd just like to say that I strongly oppose what's going on out there. I feel like they are damaging my house. Ah, they say they're not. Ah, ten years...nearly ten years I would be out there in August. We been living out there ten years and when I bought my house I didn't...if I'd know there had been a mine out there I wouldn't have bought out there and I feel like were just as a residence out there...were just kind of being sold out for the dollar and you know...and that's about all I got to add...I'm sorry.

MR. ARMES: Yes, sir. Nelson Brooke.

MR. BROOKE. I'm not speaking.

MR. ARMES: Okay. Mr. Harris.

MR. ROBERT HARRIS: My name is Bob Harris. I live at 8330 Sharit Dairy Road, Gardendale, Alabama 35071. I don't know if we are going to make a difference here. I feel like we're not. My wife and I bought our first house in 1998...moved out to Sharit Dairy Road. There weren't a thing wrong with our house then. We did a lot of remodeling back in 2006 or 2008. Spent over \$30,000 dollars worth of renovations. They claim...the mine claims that our damage is due to the 20 year old plus roof. Yet our complaint was...didn't have a DARN thing to do with water damage. It had to do with cracks in the wall, cracks in the ceiling, sink holes under my house. Sink holes weren't there! We've had ah termite pest control guy for about 15 years...same guy crawled up under our house every year never has noted any holes up under there until December. Skyler Everett and I think his name is Doug Best came to our house

brought some other guy with a camera to take pictures....said "those aren't sink holes". Well I tell you what from December they were 4 inches according to my pest guy...in diameter. When they came and took the pictures they were 7 ½ inches. You know there was a fella down in Florida last year sometime...took them a week to find his body from where it just disappeared...the whole house just disappeared into the ground. I feel like that's...ya'll probably...probably just need to go on and buy us a head stone. I am so scared right now. Dag gone 10 people in the last commission hearing spoke...no minutes were recorded in that meeting at Jefferson County. It just says 6-10 people whatever it was spoke...just spoke...29-30 other pages of minutes were written...that weren't even...a lot of 'em weren't even talked about at that particular hearing...but yet those 6-10 people that spoke got a visit from the state tax assessor to appraise our property. Sitting back there with his smart little grin. I don't know what else to tell you. Our community is being slowly destroyed. I can remember...I can remember 10 to 15 years ago I can go outside...I live across the street...me and my wife live across the street from this Mr. Crane over there. He's got like 40 acres. I could go outside and see a heard of deer every morning on my way to work. I hadn't seen them in years. You know I...I know that that the wildlife is being displaced. I wish I could move like the deer but I'm stuck with that piece of property which I don't mind being stuck with but I just expect them to fix it when they damage it. You know I really...there's really not a whole lot else I can say....but when my wife can do internet research and find out that I can't really safely grow a garden for 20 years until they finish doing what they're going to do to it. You know something's wrong with that...something's wrong. I guess that's all I got to say.

MR. ARMES: Yes, sir. Janice Hatcher.

MS. JANICE HATCHER: I'm a long...I'm a lifetime resident up there. I don't have

the big fine expensive home. I have woo...have had woods all around me all my life. Had wildlife and I'm not looking forward to the time they're going to come within probably a 500 yards of my property line and I want them to regulated in some way...cause the little bit of acreage that I have it's home to me. It's always been home to me and I know that the big fine homes mean a lot to them and they don't want damage but my little safe haven, I want it protected too.

MR. ARMES: Yes, ma'am.

MS. HATCHER: I love that land out there and I don't want it destroyed but our wildlife is being destroyed and...they have no place to go...and that's all I have to say.

MR. ARMES: Ms. Hatcher would you state your address.

MS. HATCHER: 1260 Crossfield Lane, Gardendale, 35071.

MR. ARMES: Thank you very much. Mary Knox.

MS. MARY KNOX: Here.

MR. ARMES: Yes ma'am.

MS. KNOX: I live at 1442 Sardis Road. I own ah 8 ½ acres of property where ya'll working now...at Honeycircle Way...my daughter lives at the end...and ya'll are right on top of her...and they've already cut most of her timber...and its ruining everything...the streams are opened up...the wet weather springs...the animals are on her...the wild animals like the hogs and the coyotes. Ah, I have damages at my house but it's worst over there because she is right on it...and they're starting at 5 or 5:20 at six days a week...it's just too much you ought to have a little mercy on people that work and wanna sleep a little later or some people that are there that don't sleep and want to sleep later in the morning. Those holes...there's just all kinds of damage and I can stand on my porch and see the machines...I...see them now...but I can see the smoke

all day long and I can sometimes smell the fumes. So, I know it's ruining the environment but ya'll are so big and I know you can't stop the environment or progress but please have a little mercy on us...I know my daughter...I...I mean I...when you get closer to my house I don't know how we are going to survive it...but she's right...I mean right at it...and it's worst than anybody...and its just destroying everything...and that is inherited land and she doesn't want to be moved or have to be run off. So, is there any way possible...your supposed to be 190 feet are you not...aren't they supposed to be 190 feet from a property.

MR. ARMES: 300.

MS. KNOX: Sir.

MR. ARMES: 300.

MS. KNOX: 300...

MR. ARMES: From from from...

MS. KNOX: Well they cut timber right up...I'll have...her house...trailer is 30 feet to the end of my property line.

MR. ARMES: It's 300 feet from an occupied dwelling for mining purposes.

MS. KNOX: Well they're blasting that sounds like closer than that...but I haven't been over there but uh I know it's ruining everything down there and it's ruining the land, the contour of the land and everything. It's just...and the noise constantly...six days a week. Now, I know the commissioner in Jefferson County...I went to the meetings...they're supposed to not start until 7 and end at 4 and I don't think they're supposed to work Saturdays at all but they are doing it. Now, I have someone that went over there and asked the men that workin and they said they weren't aware of the time limit. So, that's the mine...I mean there should tell them when they're supposed to do it...

MR. ARMES: Yes ma'am.

MS. KNOX: So would ya'll please have some mercy on us...its just ruining everything. My house has got damage, my driveway, my carport and I've been there 52 years in the same house and I'm just seeing it...the nails buck up and the stuff just destroying...and it hurts and I'm not going to be able to build another house. I'm getting to old. I can't hardly walk in the back yard.

MR. ARMES: Yes ma'am.

MS. KNOX: Thank you.

MR. ARMES: Yes ma'am. Patsy Coalburn.

MS. PATSY COALBURN: I'm just here with my mother.

MS. ANNE HARPER: I live in Mount Olive, 1854 Kelly Loop Road and the bat...blasting they've been doing has separated my walls and I live in a double wide trailer...and I know what she's talking about...because we don't live to far from one another and I'm tired of it. I want it fixed! I'm an old woman. I'm 91 years old...and I can't crawl under the floor and fix it...and my husband is dead, my son that lived with me is dead...she lives...my daughter lives with me and we can't fix it. I want it fixed.

MR. ARMES: Yes ma'am.

MS. HARPER: That's it.

MR. ARMES: You're Ms. Harper right.

MS. HARPER: Pardon.

MR. ARMES: Ms. Harper.

MS. HARPER: Yes.

MR. ARMES: Sarah Stokes.

MS. SARAH STOKES: I'm Sarah Stokes from the Southern Environmental Law Center. Our address is 2829 2nd Ave North and I'm just here to observe this process.

MR. ARMES: Okay. Amanda Ingle.

MS. AMANDA INGLE: Yes.

MR. ARMES: Yes.

MS. AMANDA INGLE: Um...I'm Amanda Ingle. I live at 1642 Jacobs Circle, Gardendale, Alabama 35071...and my concern is...da work days that they told us it would just be five days a week. Um they start sometimes...I can hear the machinery at 4:45 now that its...you know lighter in the morning with it being daylight savings time...but I just...I don't understand why they work the seven days and they told us only five. I have cracks in my home...the foundation and this um last weather we had a week ago um I really saw the cracks in the foundation in the basement where water was leaking in...and um we've only lived there six years and this is our first home that my husband and I have ever purchased...and um there there's a cemetery that separates one side of Sardis Grove from the other and there's all kind of things from the cemetery that are starting to wash into my yard...um like chips off of headstones...things like that, so um the blasting is really bad...its um...I've had things fall in my china hutch and break so...you know its...it was not what I expected...what I was told so...

MR. ARMES: Yes ma'am.

MS. INGLE: That's all I have to say.

MR. ARMES: Yes ma'am. Karen Swinford.

MS. KAREN SWINFORD: Yes.

MR. ARMES: Yes ma'am.

MS. SWINFORD: I live at 1380 Sardis Road...um I live very close to the mining the

whole time and they're about to be on top of me. Ah, the new the new part will affect me greatly um if ya'll give them license to do so. I really don't understand why it's being called a add on to it. To me it's a new mine and should be considered a new mine. Our um...original evaluation done of...on our home is completely bogus. They show me having rooms that I do not have. They show me having a sona room in my house which I do not have. They showed me having cracks in my bedroom ceiling listed on it...I actually...after seeing that requested a cd of the pictures. Um because I knew two days before they took all the pictures we had just refinished the bedroom ceiling taking down all of the popcorn ceilings...our house was...we bought this house brand new, 18 years ago. The only thing that was wrong with it prior to this was normal wear and tear of an 18 year old home. Um they have...I was at the commissioners meeting all day...they day of the 19th...it is in their records the minutes of the meeting. I did speak...even though they spelled my name wrong. It didn't say whether or not I spoke for or against...it does state in there what their operation time should be. They're clearly violating that time everyday. I have recordings on my phone where I have recorded them out there at 5:30 in the morning going full blast. It is become...we're infested with the wild animals that's for sure. The property value...these homes are nice homes...um I moved there because it was an up and coming neighborhood. We thought this was a good investment...it has ended up not being a good investment. When we found out about this we were in the process of updating the home so we could put it up for sale to move across town to be closer to our grandchildren...and now we can't do so...you can't give property away out there. Um, there's numerous issues you know the pollution, the property value, the work time that they're setting forth doing which is against the rules. I've not heard one single warning signal before a blast. In the...I believe the first month that they were blasting I did hear a signals...and that was what in 2011. I'm not home everyday

they blast but I have been home numerous times and even been outside during a blast and I have not heard the first warning signal. Come home on a daily basis...my knickknacks, my valuables almost about to fall off of the tables. The vibration so bad it feels like an earthquake...it doesn't feel like a blast. Um, it has gotten to be the point of it its feel like a warzone out there. I will say that I I I do feel like this is you know...I thought this commission was here to protect the citizens of Alabama and to make sure that they're doing the right thing and I feel like maybe ya'll have been a little bit...I've seen a little bit of ah ah face on ya'll today where you seemed irritated that we're even here having to do this...I feel like ya'll should protect us, you should protect our health, our family, our property...I had no problems being away from communities but you're putting one right in the heart of some pretty major subdivisions in an up and coming neighborhood that was growing. We're at a huge disadvantage right now...if there was to be an accident there we only have Mount Olive Volunteer Fire Department. We just lost the Morris Fire Department, which was one of our main fire departments that would respond to our area if there was a problem. It was completely destroyed with the tornado last week. We've lost that backup. So we have no backup there. I'm also concerned about the health issues, being an Asthma patient myself. Being a gardener myself. I have had a cancer diagnosis this year. The questions my doctor ask me was not are you out in the sun? Are you getting in the tanning bed? It had to do with environmental issues. The type of cancer had being skin cancer which concerns me. My husband has also had a cancer diagnosis this year...and one of our close neighbors had just passed away from cancer. This concerns me why are we having this outbreak of cancer in our neighborhood what's going on? This issue is um concerning me greatly and I did have a couple more things I I written down um that I did want to discuss especially the damage being done to my house and the evaluation being wrong and the fact that this is why this is considered

a add-on to this? Why is this not considered a new mine? This property had to be rezoned. This was not something that was already zoned for mining...

MR. ARMES: Yes ma'am.

MS. SWINFORD: and should be considered a new mine and be not permitted in that manner. Um, we have not privy to all of the meetings for the county...ah county commissions office regarding this mine. I actually have an email um from um Jimmy Stevens' assistant the day before the last meeting um I believe it was in February telling me there was not going to be an...brought up at the meeting and it was...as it ended up being in the minutes...and I've very disconcerned at what's going on there. How it got rezoned so easily after so many people fought to have it not rezoned. The fact that they went to that meeting and did not tell the truth about how many employees they had there. The amount of employees that they were telling they had were extremely exaggerated at this county meeting. When you go online to look how many employees are out there it's nowhere near what they were telling the commissioner's office. I just...I don't feel like this is fair to the community. I don't feel like this is...ya'll are being fair to your state and to the people that pay your salaries.

MR. ARMES: Yes ma'am.

MS. SWINFORD: I also want to alliterate on the fact that these these people that are evaluating the homes when there is damage which I guess I was lied to saying there's nobody that had any damage or reporting any damage which was not true. Numerous people have reported damage. The only people that are getting thing fixed are the people that took the...the arbitration agreement. Which having worked for an attorney for many numerous years, I decided was not a good idea.

MR. ARMES: Yes ma'am.

MS. TANYA FOWLER: I came in late...Tanya Fowler. (She spelled out her name) I live at 1605 Sardis Grove Circle. Um, I'm here because my home has damage. Um, has some foundation problems, I have some cracks in my...in the surface of my ground. Looks like a mini um Grand Canyon that runs up to the back of my home...and um, very concerned...have a two story home with two kids on the top story where their bedrooms are. I feel unsafe in my home now....and I am not sure what I'm supposed to do about that. Um, I did not sign an arbitration...I didn't feel comfortable doing that either. Um, I need to know who to contact at the mine and what kind of...I don't know who to contact...I don't know what rights I have...it seems like I have no rights...really when the states allowing these people to come in and mine 100 300 feet from my house it seems like...or yard excuse me...mean I wake up every morning at 4...4:15-4:30 to the backup sound beep beep beep beep beep beep beep beep...I have...constantly it never stops...um we're...like I said we're very close to it. We can see the...I don't know what it's called a hill of rock...like just right there. Um there is a little creek between us and where the mining is happening and I...can't believe it's allowed that close to the creek...environmentally I'm in shock that it's there. The...where the coal trucks leave...the entrance to that mine come in and out the ground is now just covered in I guess soot...um its its...you know if you can see it you gotta be breathing it...um, I'm not sure if they're handling the environmental part correctly because I can see it. Um, the coal trucks are not stopping at the stop sign coming out of the mine. Um, I can't say I've almost been hit...I've had to stop to make sure they were not going to pull out in front of me because they just keep rolling past the stop sign. I've had few roll past it and keep going and I've had a few see me and actually finally stop...but I've had to reduce my speed to 5 to 10 miles per hour to make sure I don't get hit by a coal truck pulling out. It's kind of a blind curb where the entrance and exit is...um it's

dangerous...I've got my family in my car, have my two girls in my car...I don't want to be hit by a coal truck. Um, I don't think they are covering the tops of their trucks properly. I've seen them pull out without their covers on. I really don't care for a...you know...you can see where it's bounced out because it's on the side of the road. So luckily I haven't been there when it's bouncing out of top of the truck...and of course no I do not hear sirens anymore warning us of um upcoming blast. I haven't heard those in quite a while. I'm not there all the time during the day. I am during the summer though. I'm a teacher so I...I'm confused about why this meeting is at during the day when most of the people are working but I guess that's your schedule and ours...um um is that most now I'm concerned about my home now....I have not gone over my home but I'm sure I have more damage than I'm aware of as you know my husband and I both work all the time so we haven't been able to get and look at every wall in our house to look and compare damage to photos but I know because of the damage I can see to the outside of my home. I'm sure there's more inside my home. I've just had my septic tank repaired...I've had septic tank damage...it's just now been repaired and um, I've had roof leaks also since the mines come in...and like I said I'm just nervous...I'm I'm worried about not only the value of my home decreasing constantly um but the safety now...because I see the damage. It's impacted me both ways now and I'm not real comfortable about it.

MR. ARMES: Yes ma'am.

MS. FOWLER: I guess that's it.

MR. ARMES: Anyone else that hasn't spoken wants to speak? We're adjourned.

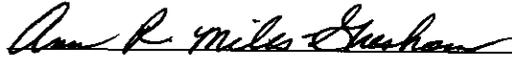
C E R T I F I C A T E



STATE OF ALABAMA)

WALKER COUNTY)

I hereby certify that the above and foregoing proceedings were electronically recorded taken down by me in shorthand or otherwise and questions and answers thereto were typewritten by me, and that the foregoing represents a true and correct transcript of said hearing. I further certify that I am neither of counsel nor of kin to the parties of the action nor am I anywise interested in the result of said cause.


Ann R. Miles-Gresham
Hearings Reporter



