

Dr. Randall



I have raised my family in Doughton on the banks of the Black Warrior River, We are threatened by the intended stripping of our Community by Reed Mineral Mining. Already my house has been damaged by the stripping across the river, I feel that any more stripping would damage my home beyond repair, at age 82 I don't intend to hunt another place to live, My children stand to lose their inheritance which my late husband and I have accumulated here.

This strip mine would negatively impact our land and the land of our neighbors. Just as we are imagining some progress coming to the area around Cordova, this mine would destroy any opportunity for children, grand children and great grand children.

Please understand that what we have dreamed for our family since the early 60's would be destroyed in a matter of minutes by a strip mine. We were promised a highway that would "put us on the map" since I worked at the Cordova City Hall. This mine would wipe-out our economic promise that we have patiently waited for. Don't approve the permit (P3957) for Reed Mineral Mining,

Sincerely,
Macl P. Cooper

Dr. Randall Johnson



I am writing this letter to discourage issuing a permit to Reed Mineral #5 Mining (Permit #3957).

I am a resident of the Doyertown Community adjacent to the Mulberry Fork of the Black Warrior River. My family has lived here for several generations. They have enjoyed the area fishing, boating and hunting for years.

Our relatives have lived off the land like our native American Indians. We farm, raise bees, fish and hunt in this unspoiled Appalachian area. We feel that strip-mining would spoil our abundant natural resources.

We feel that our coal deposits will not even be used to benefit our country. Destroying this land for a strip-mine would be the worst use of our God-given bounty.

Already we had had our water polluted by a natural inversion that made it undrinkable. I would hate to see it that way permanently. Since the Warrior River is currently the Fifth most endangered river in the country, I see no point in making it worse.

Please protect our senior citizens and fragile ecosystem by not issuing this permit.

Sincerely

Betty Cooper Sanford

Aug. 13, 2011

Dear Dr. Randall Johnson,

My Mother lives on her old home place. It has been in her family since 1880's.

Her grandparents raised 8 children there. My Mother was born there too and grew up there.

It is a shame that a company can come in and destroy the home place and the rest of Doughton.

My Mother is too old and not able to relocate.

All the blasting, traffic and dust would add to already problem she has.

Please Consider denying the permit for Reeds minerals Inc. # 5 mine - P 3957

Thank you
Michael Jean



P 3957
REED MINERAL, INC
NO 5 MINE

Ethellean Hyche
47 Hyche Rd
Cordova, AL 35550

Dear Dr Randall Johnson,

My concern is my health. I have had a heart attack five by-pass and I have eight stents in my heart. The left side of my lungs are paralyzed. The dust will effect my breathing and my lungs Our Rivers will be threatened and destroyed. We sincerely ask you to have a Public Comment meeting so that we can voice our ~~concerns~~ concerns.

Sincerely
Ethellean Hyche



Dr. Randal Johnson

We are opposed to Read Mineral Inc. # 5 mine P 3957 mining close to the Warrior River!

We own property on the river and my number one concern is our health! Contaminating our drinking water, and the fish we eat out of the river could cause numerous G.I. problems, scum left on our body after swimming could cause skin problems; breathing the dust could cause ~~respiratory~~ lung problems. Strip mine will destroy the beauty of our landscape and interfere with wild life habitat.

Roads will be torn-up possibly causing us repair bills on our cars and trucks.

We request EPA attend our meetings and reconsider allowing strip-mining near the warrior River. We request a public hearing!

Harold + Linda Daniel
946 Jane Lily Slough
Cordova, Al. 35505
205-275-4494



Aug. 13, 2011

Dr. Randall Johnson

ASMC

P.O. Box 2390

Gasper AL 35502-2390

Re: REED Minerals, Inc. #5 MINE P 3957

Dear Dr. Johnson -

I am extremely concerned by yet another proposed strip mine that will discharge into the Warrior River. We all know that when a coal mine violates their permits, which they invariably do, high amounts of total suspended solids, heavy metals such as iron, aluminum, and manganese, among other pollutants, are discharged. It has been documented that the sediment from the runoff of these mines is filling up the River. The opening of many of the droughs are already impassable. This is a health risk to the thousands of people who depend on this river for their drinking water. The Birmingham Water Works Board has gone on record about the potential disaster this could be. The cities of Homewood and Birmingham have come out with resolutions against this. Will this be another situation like the companies in Birmingham discharging pollutants that poisoned the air and soil causing people in North Birmingham to die from cancer?



I know that you have been quoted as saying
"that you don't like to deny permits." How
disturbing it is to know that one of the very
agencies that holds the power to deny a permit
that is so very dangerous to the citizens of
this area would make such a statement!

We respectfully ask you to grant us the
opportunity to have a public comment period
to make our concerns known.

Sincerely,
Karen Gendon

837 Big Hollow Rd
Cordova AL 35550

205-483-7217

REFER TO P3957 - REED MINERALS
NO. 5 MINE
WALKER CO.



DR. RANDALL JOHNSON,

I AM A 63 YR. OLD RESIDENT OF THE DOVERTOWN
COMMUNITY, JUST OUTSIDE OF CORDOVA, AL. I HAVE LIVED
IN DOVERTOWN ALMOST ALL MY LIFE. I HAVE GOOD REASON
~~I HAVE~~ NOT TO WANT THE STRIP MINING PROPOSED FOR
THE WARRIOR RIVER CLOSE TO MY HOME.

MY MAIN CONCERN FOR IS FOR THE PEOPLE OF
DOVERTOWN. ME PERSONALLY I HAVE HAD A HEART
TRANSPLANT AND WAS TOLD NOT TO LIVE IN A DUSTY
AREA UNDER NO CIRCUMSTANCES. I AM NOT THE
ONLY TRANSPLANT PATIENT IN DOVERTOWN. A FRIEND
IN THE COMMUNITY HAS HAD A KIDNEY TRANSPLANT,
AND LIVES BY THE SAME DO'S AND DON'T AS I DO.

I WOULD LIKE FOR YOU TO KNOW THAT
WE ARE NOT THE ONLY ONE'S IN THE COMMUNITY
WHO COULD NOT SURVIVE STRIP MINING SO CLOSE
TO OUR HOMES.

MOST OF THE PEOPLE IN OUR COMMUNITY ARE EITHER
RETIRED OR ON DISABILITY, AS I AM. A LOT, NOT A
FEW, ARE ALREADY ON OXIGEN FOR BREATHING PROBLEMS.

MY ANSWER TO THIS IS A BIG STRONG NO

I READ RECENTLY THAT THE PERMITS THAT GIVEN
FOR STRIP MINING IS TO ALLOW THEM TO BUMP
WASTE WATER INTO THE WARRIOR RIVER @ WOK

DA! Does THIS NOT TELL YOU THAT IT WILL
Pollute THE RIVER.

I HAVE SEEN FOR MYSELF. IN OTHER AREAS
THAT THERE ARE MANY DANGERS AND DISTRACTIONS
TO HAVE A STRIP MINING OPERATION IN OR
NEAR OUR COMMUNITY.

- (1) Dust
- (2) NOISE OF HEAVY EQUIPMENT AT NIGHT
- (3) DAMAGE TO HOMES, ALL DAY, FROM BLASTING
- (4) DESTROY PROPERTY.
- (5) DESTROYING THE HABITAT OF ANIMALS AND OTHER
LIFE ON THE RIVER. NOT TO MENTION DESTROYING
THE BEAUTIFUL RIVER FRONT PROPERTY.

AND LAST - I HAVE ALWAYS KNOWN AS YOU
DO THAT IT IS AGAINST THE LAW
TO DESTROY PRIVATE PROPERTY AND
TO DISTURB THE PIECE. HOW IS THIS
DONE WITH THE BLESSING OF THE COURTS
AND THE ISSUERS OF PERMITS

P.S. No 2

Disabled, Concerned Citizen

Merid W. Hollman

WE NEED A HEARING
TO DISCUSS THIS
MATTER

P.S. ⁽¹⁾ Call AND TALK TO ME
AND MY NEIGHBORS ABOUT IT

Aug 13, 2011

Dear Dr. Randall Johnson

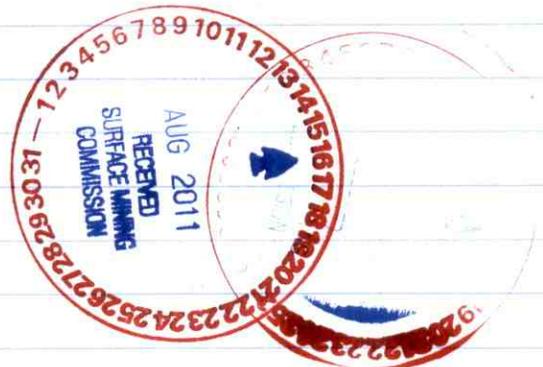
I am sending this letter to voice my objections to the proposed strip mining operation Red Mineral Inc. # 5 permit P 3957. to be located in the Community of Donertown just outside the City of Cardone.

I live in the Donertown Community and have resided here for over fifty years. I cannot imagine living any other place. If the proposed permit is issued moving would be a probability, since I am two hundred yards from the site.

There are so many things this beautiful river property could be used for rather than strip mining.

We request EPA to attend our meetings and reconsider allowing strip mining near the Warrior River. We request a public hearing.

Sincerely
David W Cooper



Mr. Randall Johnson,

I am writing with much concern on the permit trying to be passed on the Reed Mineral # 5 mine - Walker Co. # P3957. I am opposed to this happening.

I live in the Dovertown Community and my family goes way back in this being our home, our life. My ancestor's used this land for so many forms of life. Our community is a wonderful + loving place. I would hate to see our land + homes destroyed, and not have the God Given Right and privilege to see p this.

Our water recently went through a immersion. It was bad. Our water could not be used for drinking. We had to buy water to drink for a long time. It also had a very bad smell. I would hate to think this could be a permanent situation! The result's in the end of strip mining would not only destroy our land + homes, but our lives itself!

We have alot of very sick people here: heart transplants, asthma, emphysema heart stents and some already on oxygen, should I say more!

Our Rivers are at a threat: its beauty,
its use (fishing, ^{our} lively-hood) The devastation
of our community's property: our health;
the dust, the loud noise to our elderly,
our gardens & etc.

The bridge the coal trucks will have to
cross will not hold this kind of traffic.
It is already needing repairs. The safety
of our children & families are at risk-highly!

I am praying and asking that you
please reconsider this permit being passed.
Please feel our sorry & pain about our
community.

Thank You,
Randy Lepper & Claudette Lepper
8/13/11



Aug. 13, 2011

Dear Mr. Randal Johnson

I'm sending this letter respectfully to request that you refuse to grant the permit # P3957 to Reed Mining #5.

Here are just a few of the reasons I wish the refusal from you.

We as a community have many older citizens that are in bad health already and the risks are numerous when the effects of dust noise & the effects on many citizens who already have nervous problems. Our citizens deserve to have the main thing that has been granted to all Americans. (Tranquillity) through our great Constitution.

I have lived here for many years and we have boated, fished and our property lines border the property aforementioned in the permit. This will not only be detrimental to our welfare but the property values of our property will decrease. This is far reaching into the areas of drinking water that will be affected & the environment habitat for our aquatic animals.

The beauty of our streams on the Black Warrior River has already been compromised vastly with the timber cutting. The timber that once was holding soil for all the beautiful forest



We enjoyed the beauty of has been stripped away for the precious dollar value of Coal. We have had enough economic downfall in this community. There has to be a better way to do things.

The bridge in our community has been falling in for years. It is not safe nor has been repaired with the thought for the citizens in mind for years. The school bus was not even allowed to enter Downtown across the bridge thus, the bus had to travel over a pig trail to enter ~~to~~ our community to deliver and pick up children. It is a dangerous situation, even now. The traffic from trucks will be horrendous to the children and older citizens that have to travel these roads.

Please consider all these aspects when making your decision in regards to this matter. There are many, many, more to be considered. This is a dire situation for our community.

Thank you very much
Yours respectfully,
Julie Nell Ware
152 Duzines Rd
Carlona, AL 35550

August 13, 2011

Dear Dr. Randall Johnson,

I am opposed to Reed Minerals, Inc. #5 mine for the following reasons:
P3957

The proposed site is approximately 100 yards from my home of 60 years. My wife and I are 82 years old and we cannot imagine moving from our home of 60 years, where we enjoy our garden, fruit trees, and yard. We cannot move these things.

I am also concerned about the health problems that a mine could cause, including toxic drinking water, dust, traffic problems, and trauma to the MANY older citizens of the community.

We don't think that it is morally right for a company to be able to come into a community and impact the lives of citizens in such a negative way.

I request a public hearing on this matter.

Thank you,

211, 211, Cor...



Aug 13 2011

Dear Mr. Randall Johnson

I am sending this letter to ask that you refuse to grant a permit to Reed Mineral #5 permit P 3959.

I live in the Doughton Community and have resided here for over fifty years. I cannot imagine lining any other place. If the proposed permit is issued mining would be a probability since I am two hundred yards from the site.

There are so many things this beautiful river property could be used for rather than strip mining.

We request EPA to attend our meetings and reconsider allowing strip mining near the Warrasee River. We request a public hearing.

Sincerely
David Cooper



P 3957 REED MINERAL, INC, NO 5 MINE, WALKER CO.

While I'm considered a new comer to the DOWNTOWN COMMUNITY, I HAVE BEEN A RESIDENT FOR 49 YEARS, WHILE MY WIFE AND MY ANCESTORS WERE DEEDED THIS LAND BY PRESIDENT GRANT IN THE 1800'S.

By reason of this GRANT, AND HOLDINGS AND KEEPING IN THE FAMILY, WHICH ARE MANY, IT DOES ESTABLISH A REALISTIC LANDMARK. In DEUTERONOMY 19:14 READS "THOU SHALT NOT REMOVE THY NEIGHBOUR'S LANDMARK, WHICH THEY OF OLD TIME HAVE SET IN THINE INHERITANCE, WHICH THOU SHALT INHERIT IN THE LAND THE LORD THY GOD GIVETH THEE TO POSSESS IT.

AGAIN IN DEUT. IN CHAPTER 27:17 WE READ "CURSED BE HE THAT REMOVETH HIS NEIGHBOUR'S LANDMARK. AND ALL THE PEOPLE SHALL SAY, AMEN.

PROVERBS 23:10 "REMOVE NOT THE ANCIENT LANDMARK, WHICH THY FATHERS HAVE SET.

NOW IN ORDER TO SHOW ANY COMPASSION TOWARD THESE PEOPLE, YOU FIRST MUST BELIEVE IN THESE SCRIPTURES. If you do not believe in THE SANCTITY AND THE RIGHTS OF OTHERS, IF MONEY & GREED IS YOUR GOAL, YOU WILL GO AHEAD WITH YOUR EFFORT TO RAPE THE LAND, DISPERSE ESTABLISHED FAMILIES, AND CAUSE AN IRREPARABLE DAMAGES TO BOTH COMMUNITIES, WHICH I DEARLY LOVE.

Charles A. Hurler



Aug 13, 2011

Dear Dr. Randall Johnson

I am sending this letter to voice my objections to the proposed strip mining operation Reed Mineral Inc #5 Permit P.3957 to be located in the Community of Dewartown just outside the City of Cordova.

I am a third generation land owner of the property I presently reside on. I feel that this strip mine located so close to my home will greatly devalue the worth of my property.

I also have concerns regarding the increase traffic noise and air pollution. These three factors will have a negative impact on the elderly and those who have health problems.

I respectfully ask that you consider these objections when you make your decision on this permit.

We request EPA to attend our meeting and reconsider allowing strip mining near the Warrior river. We request a public hearing.

Sincerely
Barbara Cozart



Dr Randall Johnson

I am sending this letter to voice my objection to the Proposed Red Mineral #5 Striping mines, P3957

The Warriser River is a valuable source for drinking water, fishing, water sports and beauty. This river should never be destroyed by any means, whether by people, industry, Government or any other reason. Once this river is destroyed, we have lost a valuable resource. The last strip mine (Red Star) really took its toll, sloughs are filled or filling up every time it rains. Mud Banks are protruding out from the original banks from 10' to 30' from Barney to below Gargas Steam Plant.

I have property on the Warriser River just below Hwy 269 bridge, in four years time. I can't get a boat to bank for mud filling in from strip mining.

This proposed mine site could be better served by housing development which would bring long term economic impact. Strip mining will destroy the land for at least 30-40 years before any buildings could be built.

We respectfully request a public hearing on this matter.

Aug. 13, 2011 Gerald Pyche



Aug. 13, 2011

Dr. Randall Johnson

I am writing to request that you do not grant a permit to Reed's Mineral Inc. # 5 Mine, P3957.

I am 79 years old and a widow, the property in Dorentown has been in my family since 1880's. I do not want to loose my home and have to relocate.

It would be hard at my age to go thru moving or put up with the belasting & dust & traffic.

I would like to live my last days in my home in peace & quiet. I would like to have a public hearing on this matter.

Thank you for your time
Lara Jean



8-13-11
94 Gurganus Rd
Cordova, AL 35550



Dr Rondell Johnson,

I am writing Concern Reed
Mined Inc. #5 mine P3957, I AM
OPPOSED to this mine, I have lived
in this community all my life, Growing
up this was paradise. We played &
fished in these woods, We swam
& fished in the river. My children
enjoyed this privilege also. I hope
for my grandkids to enjoy the
same,

We have a significant Native
American archeological site. I DO NOT
want this disturbed. I DO NOT
want our river to be spoiled,
with dead fish & wildlife from the
mine runoff,

I DO NOT want our cemetery
to be destroyed. My husband, my
parents, & grandparents along with
many relatives & friends are buried here.
Also, many veterans are buried here.
PLEASE, STOP THE STRIP MINING.

Thank you,
Charles [Signature]



To: Dr. Randall Johnson
I am sending this letter, respectful
of my concerns over P-3957, Reed
I have many concerns for my community,
as well as for homes, our families, and also
economics. We are very much perplexed about
the health hazards this mining will propose.
We are worried about our drinking water, ^{1st} and
foremost. We also have seen the denigration it
can cause to homes and structures, also the
land. Nothing is ever the same. My family
likes to fish & hunt. If all of the beautiful
things we love are destroyed, it will be very
sad for all of us who have lived here, and
made this our home for 50 years. The river
has always been such a beautiful place, and
it does not need to be destroyed, not only
for pleasure, but also economic reasons. The new
Corridor X - Highway 22 could be a great industrial
tool for the town of Cordova. According to what
we have been told by Alabama & Auburn university
people, this could one day, be a very energized
and a very wonderful place for families to
reside in. I have known the people in my
community of Doughton for all my life. It is
a quiet community, where people have lived
and raised their family and given their life

to fulfilling a life long dream of a nice home. Also we have many people who are in poor health, who will not be able to endure the dust, and noise, night and day. There is not a suitable way for coal trucks to come through our community. The small bridge is a 10 ton limit, The school bus cannot go across it.

The roads are very narrow and not suitable for big trucks. With all my concerns,

I also have a very personal reason for sending this letter. My son raises quail for his living. His barns are located next to the proposed site for mining.

This is his sole income. He has put alot of money and unnumbered hours into his business. The noise will be detrimental to his business. I could write so much more,

but I am sure you have gotten the message, that I, and also all my family and community are begging you to ~~consider~~ consider, our concerns and objections to this permit.

Yours Truly,
Meyra Willis

Stockman, Nancy

From: Bill Lollar [bill@sssvalve.com]
Sent: Wednesday, August 10, 2011 9:24 PM
To: comments
Cc: 'Jon Randall'
Subject: Permit # P3957 Reed Minerals, Inc. No 5 mine

I am writing to protest the granting of a mining permit for Reed Mineral # 5 mine. The entire community is against having a strip mine in their back yard. The environmental impact will be irreversible if this mine is allowed to begin production. The roads and bridges leading to and from this mine can not sustain the weight of coal trucks. These coal trucks will be a safety hazard for our children that have to ride the school buses on these same roads. The sediment run off from this mine will further damage the Warrior River and contaminate our drinking water. The Birmingham Water Works has an intake directly downstream from the proposed mine site and 200,000 citizens depend on this river for clean drinking water. The blasting of dynamite used at this mine will destroy our homes and churches in this community. I am asking that you deny this mining permit and I would ask for a public hearing so all of the concerned citizens can have a platform to voice their opposition. Please consider my comments for Permit # P3957 Reed Minerals Inc, No 5 Mine.

Bill Lollar

898 Big Hollow Rd.

Cordova, Al. 35550

Cell # (205) 706-0604

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August 13, 2011

Dr. Randall Johnson
PO Box 2390
Jasper, Alabama 35502-2390



Dear Mr. Johnson:

I am writing this letter in relation to the Reed Mining Inc., P3957 #5 mine, proposed strip mining in Dovertown, outside of Cordova, Alabama. I hope you will read and take into consideration the things I have written as well as the other letters you will be getting.

The people in Dovertown as well as the Shepherd's Bend area are worried about the pollution in the Warrior River that is already there before the other tow prposed mines would be in operation.

Siltation is filling in our river making it more shallow. This makes the river more prone to flooding. The residents of Shepard's Bend have been flooded more than one time with their yards full to silt and pieces of coal. This can be dangerous to them cleaning up these messes. They can be endangered from possible highly toxic discharge from the mines already on the river. Toxic materials are going into the ground where they are growing gardens and could cause long term damage. To add more mines to the pollution of the river is ludicrous.

Warrior River runs backwards at times, causing it to not flush out pollutants that are in the river and they stay there going into the Birmingham Water Works systems.

As you know Jim Walter dumped slurry into the North River in Tuscaloosa, by accident I am sure. But, the same thing can happen here or anywhere else. Our river is already several more feet shallow that it was several years ago.

I am sure you know after land has been stripped it cannot be reclaimed to the status it was before. The water table is disturbed and the chemical balance of the land will never be the same. You can see all over Walker County what grows on stripped land. Do you see any housing built on this land?

There are so many things this land could be used for, bedroom communities from Birmingham, developing the river for recreation, river walks, bike paths, marina, a place for a good restaurant, picnic, camping areas. There are 19 miles of riverfront considered to be Cordova. There is plenty of room for so many things to be done.

We also have shell mounds on this land. I have several artifacts that my late husband and I found before any industry was started on the land.

Let me be clear. I am not opposed to underground mining or strip mining. I am against pollution of our drinking water-pollution of our water in general. I love air conditioning but I can live without it or electricity but we cannot live without good, clean drinking water. It needs to be protected in every way possible. I do not feel that more mining on the Warrior River will be beneficial to anyone but the companies who want to do the mining.

Respectfully,

Carolyn Carr
975 Douvertown Rd
Cordova, Al 35550

cc: Ignacia S. Moreno
Office of the Assistant Attorney General
950 Pennsylvania Avenue
Washington, D.C. 20530-0001

Gwendolyn Fleming
Regional Administrator
US EPA Region 4

Sam Nunn
Atlanta Federal Center
61 Forsyth St. SW
Atlanta, Georgia 30503

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edillard@blackwarriorriver.org
www.BlackWarriorRiver.org



August 30, 2011

Dr. Randall Johnson, Director
Alabama Surface Mining Commission
P. O. Box 2390
Jasper, AL 35502-2390

Re: Reed Minerals No. 5 Mine
ASMC Permit No. P-3957

Dear Dr. Johnson:

Thank you for the opportunity to provide comments with regard to the permit application by Reed Minerals, Inc. (Reed Minerals) to surface mine coal at Reed No. 5 Mine. We are writing to provide comments on behalf of Black Warrior Riverkeeper, a nonprofit organization whose mission is to protect and restore the Black Warrior River and its tributaries.

Reed No. 5 Mine, if permitted, will discharge to unnamed tributaries of the Mulberry Fork and to the Mulberry Fork of the Black Warrior River classified for Fish & Wildlife (F&W) and Public Water Supply (PWS) in Walker County. As proposed, Reed No. 5 joins a cluster of three other large coal mines on the Mulberry Fork that are reclaimed or currently in reclamation: Horse Creek Mine, Red Star Mine and Quinton Mine. Horse Creek Mine is just across the Mulberry Fork from the Reed No. 5 site. The Shepherd Bend Mine, currently permitted, is approximately 3 miles from Reed No. 5 at their closest points; the Birmingham Water Works Board Mulberry Fork drinking water intake is about 5.4 miles downstream of the southernmost portion of Reed No. 5. Shepherd Bend also is permitted to discharge to portions of the Mulberry Fork designated PWS. Despite the number of coal mines on the Mulberry Fork, there has been no consideration or study of the cumulative impacts of these mines on water quality, which is an issue of great concern to us.

We request that a public hearing be held in close proximity to Reed No. 5 Mine after normal business hours in order to accommodate the numerous hard-working individuals who wish to weigh in on the proposed permit. We further request that this hearing include ASMC staff familiar with the application and informed representatives of Reed Minerals who can respond to substantive questions about the application and the proposed operation.

Water Quality Impacts

Like the proposed Shepherd Bend Mine, Reed No. 5 will discharge to the Mulberry Fork immediately upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB). That drinking water intake serves approximately 200,000 customers of the BWVB every day. According to the BWVB, Reed No. 5 has a “high potential for adverse impacts to the Birmingham drinking water supply.”

We have serious concerns about how the ASMC will oversee the development and implementation of the necessary engineering measures to ensure that Reed No. 5 will not cause or contribute to a violation of water quality standards through its wastewater discharges. The draft NPDES permit that the Alabama Department of Environmental Management (ADEM) issued to Reed No. 5 Mine appears to have been developed from federal effluent guidelines which only address typical coal mining operations, *see* 40 CFR part 434, not the present situation where the mining occurs in such close proximity to the public water supply. A review of these guidelines reveals that protection of the public drinking water supply is neither considered nor addressed, perhaps because (as the BWVB has observed in the past) surface mining operations and drinking water withdrawals are such incompatible uses.

As a result, the iron and manganese limits in the draft NPDES permit are not protective of water that is designated PWS. The permit’s generally applicable discharge limits include daily average total iron concentrations of 3.0 mg/L (with a daily maximum of 6.0 mg/L); daily average total manganese concentrations of 2.0 mg/L (with a daily maximum of 4.0 mg/L); daily average TSS of 35.0 mg/L (with a daily maximum of 70.0 mg/L); and pH ranging from 6.0 to 9.0. The permit provides that the total manganese limits are *not* applicable if pH is 6.0 or higher and total iron is less than 10 mg/L. Even if Reed No. 5 Mine, under the direction and supervision of the ASMC, meets all the requirements of the ADEM NPDES permit we still believe that the operation of the mine will cause or contribute to a violation of water quality standards.

The Safe Drinking Water Act contains secondary maximum contaminant levels (MCLs) for total iron of 0.3 mg/L and total manganese of 0.050 mg/L. The levels allowed by the draft NPDES permit are 10 times the MCL for iron and 40 times the MCL for manganese. By comparison, the BWVB points out that the 2007 daily average raw water concentrations for iron and manganese at the Mulberry Fork’s Western Filtration Plant were 0.057 mg/L and 0.079, respectively. Thus, the NPDES and ASMC permits would allow significant degradation of current source water quality. Iron and manganese can cause serious aesthetic problems with drinking water, including taste and staining of clothes or basins. The BWVB states that the permitted increase in iron and manganese levels (as well as sediment) can lead to greater demands on treatment operations as well as increased treatment costs. Typically, these costs must be passed on to consumers.

In addition to iron and manganese, there are many other contaminants of concern associated with coal that can affect source water, drinking water quality and treatment costs. The BWWB points to arsenic, sulfur, salinity, mercury, lead, zinc, copper and cadmium (among others) as elements that are associated with Alabama's coal deposits, specifically those near the Mulberry Fork and the drinking water intake. If iron and manganese are present in concentrations that greatly exceed recommended levels for safe drinking water, the BWWB states that it is also reasonable to expect that these other toxic pollutants associated with coal mine drainage will also greatly exceed levels protective of aquatic life and water quality. The BWWB comment letter incorporates extensive data about the possible impacts of mining on aquatic resources and the public water supply. That letter is available on ADEM's "eFile" system (<http://edocs.adem.alabama.gov/eFile/>) under NPDES Permit No. AL0079936. We ask the ASMC to seriously consider these points in evaluating whether to issue an ASMC permit for Reed No. 5 Mine.

Even the applicant acknowledges in the application (Attachment II-H, pp. 3-4) that both groundwater and surface waters downstream of the mine could experience negative impacts from mining activities stating "Any (water quality) changes that may occur to the receiving stream are expected to be short term and should return to near pre-mining levels after reclamation." While the Probable Hydrologic Consequences Determination ultimately predicts that the effects on surface water will be minimal and temporary, it should be noted that this is only a prediction, not a guarantee, which fails to account for unforeseen circumstances and is possibly based on misinformation.

In determining the mine's potential contribution of sediment to the receiving stream (Attachment II-H, p.8), the applicant states "The Sediment Basins have an average trap efficiency of 94.3%" and applies a trap efficiency of 93%, perhaps in an effort to be conservative, to the Universal Soil Loss Equation. However, even 93% trap efficiency is an extremely high estimate that will likely never be achieved by any of the sediment basins in practice. According to Dr. Robert Pitt's assessment of the performance of temporary sediment ponds (http://rpitt.eng.ua.edu/Class/Erosioncontrol/Module6/Module6.htm#_Toc75310372)¹ at construction sites, using rainfall data for Birmingham, Alabama, the annual particulate solids removal rate should be closer to 75.9%. In essence, even according to the applicant's extremely optimistic prediction, mining activities will cause temporary changes in surface water quality that will potentially necessitate alterations to the BWWB's treatment processes.

In the worst case scenario, a sediment pond dam failure in the middle of summer when water demand is high and river flows are low (which the applicant fails to recognize as a potential scenario), mining activities could devastate a major source of water for the city of Birmingham. In the most likely scenario, the mine will contribute much greater concentrations of solids than predicted to the receiving stream, increasing the BWWB's costs of treating water from the Mulberry Fork. In any of these cases,

¹ While we are aware that conditions may be slightly different at construction sites as opposed to coal mines, the estimates provided by Dr. Pitt's research should be a fairly accurate approximation of sediment pond performance at coal mines as well.

the threat to the water quality of the Mulberry Fork and the city of Birmingham's drinking water supply greatly outweighs any putative economic benefits that the proposed mine may provide.

Perhaps even more critical is the fact that neither the applicant nor the ASMC can actually, accurately predict the effect the mine will have on water quality without evaluating site-specific, detailed engineering plans and drawings for all of the potential sediment basins. This is especially true where, as here, ADEM's water quality assessment for this part of the Mulberry Fork demonstrates that typically this segment harbors increased sediment loads. Currently, the application only contains "typical" impoundment drawings, which can be taken from any erosion and sediment control textbook. It is impossible to evaluate the effectiveness of sedimentation basins without knowing the exact dimensions of those basins, and how those dimensions will fit within the site specific topography at each proposed location. Just as importantly, ADEM cannot meaningfully review and approve a PAP plan that will protect water quality if that plan contains none of the necessary details about how the treatment ponds will function at the site.

The application also states in its surface water hydrology assessment (Attachment II-G, p.3) that "no [precipitation] modeling methods are employed at this time." Aside from detailed design plans, precipitation data is the most important aspect of evaluating sediment basin efficiency. Without detailed design plans and precipitation modeling, the applicant's conclusion that the mine will have only minor, temporary effects on surface quality is nothing more than a baseless assumption. Without this critical information, the ASMC cannot determine whether or not the mine will adversely affect surface water quality, and therefore cannot determine that the application to engage in surface mining activities is complete.

It is also inappropriate to send the application to public notice without this information as it is vital to the public's ability to properly assess the potential impacts of the mine and whether or not it will affect them personally. ASMC Director, Dr. Randall Johnson has indicated via email that the detailed engineering designs (and presumably the precipitation modeling) are generally submitted during the review process because the ASMC and Army Corps of Engineers need to agree on the locations of the sediment basins. This process needs to change so that these decisions are made earlier allowing the applicant to submit all relevant information with its application. Otherwise, neither the ASMC nor the general public can make an informed decision regarding the potential impacts of the mine.

Endangered Species and Critical Habitat

The information furnished by the permit applicant about the presence or protection of endangered species or critical habitat is inaccurate, outdated and incomplete. While the Fish and Wildlife Enhancement and Protection Plan maintains that "[t]he Alabama Department of Conservation and Natural Resources (DCNR) listed no endangered species as occurring in proposed permit area," that is not an accurate representation of what the attached DCNR letter says. To the

contrary, that letter states “[o]ur database indicates the area of interest has had no biological survey performed at the delineated location, by our staff or any individuals referenced in our database. *Therefore we can make no accurate assessment to the past or current inhabitancy of any federal or state protected species at that location.* A biological survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities.” (Emphasis added.) Pointing out that the area has not been properly surveyed for endangered species and that as a result an accurate assessment is not possible is a far cry from concluding that there are no rare or endangered species.

The U.S. Fish and Wildlife Service (USFWS) lists the red-cockaded woodpecker and bald eagle as endangered or threatened animal species or their critical habitat possibly existing within the proposed permit area or nearby which could be directly or indirectly impacted by the proposed mining operation. Although the Fish and Wildlife Enhancement and Protection Plan refers to a 2008 survey for the red-cockaded woodpecker and the bald eagle, there is no such survey in the permit file. The only “wildlife studies” appended to that plan is a cursory January 4, 2006 letter from E. S. Lyle about studies for Sloan Mountain Mine No. 2.² In this letter there is no report, no mention of the author’s qualifications or credentials, no methodology as to how he reached the conclusions contained in the letter, no described location of the area surveyed and no support for his findings. If this is the latest study that Reed Minerals has, it is over five years old and stale. They must perform a detailed biological survey. If there is a detailed and complete 2008 species study and it was omitted in error, Reed Minerals should include it in the permit file so the public can review the study.

What is particularly disturbing is that this mine *was* the subject of a previous application under another name (Sloan Mountain Mine #2) and several endangered species of concern were identified by USFWS at that time. *See* USFWS October 26, 2009 TAILS –Log Even Update (Attached). That document identifies the following endangered species in the area of the proposed mine: the red-cockaded woodpecker (*picoides borealis*); *the flattened musk turtle (sternotherus depressus)*; triangular kidneyshell mussel, (*ptychobranthus greenii*); bald eagle (*haliaeetus leucocephalus*); *finelined pocketbook mussel (hamiota altilis)*; and ovate clubshell mussel (*pleurobema perovatum*). Just as important, this document identifies “[a]pproximately 14 acres of flattened musk turtle habitat along the Mulberry Fork.”

Despite this report and the documented possible presence of these rare species in this area, according to the ASMC file Reed Mineral has not conducted the required species survey. Unless and until the permit applicant can document and demonstrate that a survey has been completed and that the

² Several of the documents in the Reed No. 5 permit file reference Sloan Mountain Mine # 2, which is very confusing. Sloan Mountain Mine #. 2 (P-3913) is located in Jefferson County. However, there is also a “Sloan Mountain Mine No. 2” with similar map coordinates and in substantially the same location as Reed No.5 that is identified in some of the earlier permit documents. There is no explanation for this apparent discrepancy, but our files indicate that the current Reed No. 5 Mine was originally proposed by another operator under the Sloan Mountain Mine # 2 name.

identified endangered species are not present, the ASMC cannot and should not permit Reed No. 5 Mine.

Cultural Resources Assessment

According to the December 1, 2008 letter from Elizabeth Ann Brown, Deputy State Historic Preservation Officer at the Alabama Historical Society, the cultural resource assessment conducted by P. E. LaMoreaux, identified a significant archaeological site at Reed No. 5 Mine. The area surrounding the archaeological site designated IWa249 in the assessment is “potentially eligible for the National Register of Historic Places and should be avoided. If avoidance is not feasible, Phase II testing proposals should be developed.” There is no indication in the permit file what, if any, steps Reed Minerals plans to take to protect this cultural resource during mining. The ASMC should require Reed Minerals to furnish this important information and ensure that an adequate plan for protection of this site is in place before issuing a permit to ensure that these cultural resources will be protected.

Inconsistent and/or Incomplete Application Information

The permit application erroneously states in its Surface Water Hydrology Assessment (Attachment II-G, p.2) that “the known uses of surface water on Mulberry Fork are considered to be fish and wildlife as classified by the Alabama Department of Environmental Management.” However, the Mulberry Fork at the location of the proposed mine is actually also classified for use as a Public Water Supply (PWS). The fact that the applicant mislabeled the actual use classification of the Mulberry Fork is not surprising as they seem to have mostly ignored the competing use of the surface water as a source for the BWB’s drinking water intake. Neither the Probable Hydrologic Consequences Determination nor the Surface Water Hydrology assessment mentions the competing use or the proper use classification indicating that these portions of the application were based on inaccurate information and do not properly assess the mine’s potential to affect water quality as it pertains to the actual uses of the receiving water. The applicant needs to resubmit these portions of the application after first taking proper consideration of the Mulberry Fork’s use as a public water supply by evaluating the potential effects based on ADEM’s water quality criteria for PWS (not F&W) as well as EPA’s drinking water MCLs.

The permit application also presents contradictory accounts of the mine’s potential to create acidic drainage or runoff. Attachment II-H (p. 2) states “The drilling data at this site indicates that no zones of acid forming materials exist other than the coal seams.” On the other hand, the Geology assessment (Attachment II-E, p.6) maintains “there is an interval directly above the New Castle coal seam that is potentially acid-forming and averages approximately five feet thick.” While the acid-base account indicates that this acid-forming potential *should be* neutralized, that will only be the case if the acid-forming spoil is properly handled and stored. If the mining company is unaware, or unsure of where this spoil is located, it is likely that it will be mishandled and will create low-pH runoff. Which

attachment is correct? Is there, or is there not a potentially acid-forming layer above the New Castle coal seam? And if there is, what assurance does the applicant provide that it will even be recognized, much less properly handled, when encountered if they can't even decide whether or not it's there?

Finally, in addition to the missing engineering design plans and precipitation modeling, the permit application is missing numerous other components as well. For instance, the Reclamation Plan (Part IV, p.3) indicates that "land use letters are forthcoming" and that the Topsoil Variance Application is "forthcoming" (p.7). Regardless of whether or not these are major or minor components of the overall application, it is incumbent upon the ASMC to present the public with a *complete* permit application for consideration of public comments. Until the permit application has been completed *in its entirety*, the ASMC cannot and should not place the permit on notice for public comments, much less issue a permit to engage in surface mining activities.

We thank you for the opportunity to offer these public comments and we look forward to your response.

For the River,



John Kinney
Enforcement Coordinator



Nelson Brooke
Riverkeeper



Eva Dillard
Staff Attorney

cc: Jodie Smithem
Karen Marlowe
USFWS

10/26/09 Crest Update - FYI

43410-2006-TA-0260 Sloan Mountain Mining; Mine No. 2 Reserve Area ...

Full Consultation Report

Consultation Title: Sloan Mountain Mining; Mine No. 2 Reserve Area - 344 acres; Jasper, Walker Co

ARRA Fund: No ARRA funding

Consultation Description: 10-27-2009 AL Surface Mining Commission notice dated 10-23-2009 - Permanenet Program Permit P-3913-01-14-S for MS&R Equipment Co to mine Sloan Mountain Mine No. 2. NO FWS RESPONSE REQUIRED AT THIS TIME

Consultation Type: Technical Assistance

Consultation Complexity: Standard

Comments: Approximately 14 acres of flattened musk turtle habitat protected along Mulberry Fork.

Action/Work Types:

- Mining - Subsurface Extraction - Coal

Species:

- Red-cockaded woodpecker (*Picoides borealis*)
- Flattened musk turtle (*Sternotherus depressus*)
- Triangular Kidneyshell (*Ptychobranthus greenii*)
- Bald eagle (*Haliaeetus leucocephalus*)
- Finelined pocketbook (*Lampsilis altilis*)
- Ovate clubshell (*Pleurobema perovatum*)

Staff Lead: Jodie Smithem

Staff:

- Karen Marlowe

Lead Agency: Office of Surface Mining

Supporting Agencies:

- Alabama Surface Mining Commission

No further Service work performed: *None entered*

First Contact Date: 12/19/2005

Date of Correspondence: 10/23/2009

Start Date: 10/26/2009

Days until Due: Concluded

Due Date: 11/25/2009

Conclusion Date: 10/26/2009

Bundles

Bundle(s): *None entered*

SuperBundles

SuperBundle(s): *None entered*

Contacts

Contacts
None entered

Consultants
None entered

Location

Location Description: West of Mulberry Fork near Dooertown.

Within Coastal Zone?: No
Within Flood Plain/Zone?: No
Latitude: *None entered*
Longitude: *None entered*
Datum: *None entered*

Latitude: *None entered*
Longitude: *None entered*
Datum: *None entered*

UTM East (meters): 486104
UTM North (meters): 3733436
UTM Zone: Zone 16
Datum: NAD83

State(s): Alabama
Counties or Equivalents: Walker, AL
Congressional District: AL04
Watersheds: Mulberry (03160109)
Ecoregions: Central Gulf Watersheds
USGS Quads: Goodsprings (33087-F2)

Details / References

Habitat Types Involved:

- Upland
- River/Stream

Recommendations Provided: Yes
Final Plans/Reports Received: Yes
Recommendations Implemented: Fully
Terms/Conditions Implemented: *None entered*

Affiliated Office(s): *None entered*

Permit/Action Type: *None entered*
Associated w/Fire: No

Biological Conclusion

Species: Red-cockaded woodpecker (*Picoides borealis*)
Biological Conclusion: *None entered*
Critical Habitat: *None entered*
Take: *None entered*

Species: Flattened musk turtle (*Sternotherus depressus*)
Biological Conclusion: *None entered*
Critical Habitat: *None entered*
Take: *None entered*

Species: Triangular Kidneyshell (*Ptychobranthus greenii*)
Biological Conclusion: *None entered*
Critical Habitat: *None entered*
Take: *None entered*

Species: Bald eagle (*Haliaeetus leucocephalus*)
Biological Conclusion: *None entered*
Critical Habitat: *None entered*
Take: *None entered*

Species: Finelined pocketbook (*Lampsilis altilis*)
Biological Conclusion: *None entered*
Critical Habitat: *None entered*
Take: *None entered*

Species: Ovate clubshell (*Pleurobema perovatum*)
Biological Conclusion: *None entered*
Critical Habitat: *None entered*
Take: *None entered*

Events

10/26/2009 Correspondence Received
 AL Surface Mining Commission notice dated 10-23-2009 - Permanenet Program Permit P-3913-01-14-S for MS&R Equipment Co to mine Sloan Mountain Mine No. 2. NO FWS RESPONSE REQUIRED AT THIS TIME
Staff:

- Karen Marlowe

 02/16/2006 Correspondence Sent
 Concurrence letter.
Species:

- Red-cockaded woodpecker (*Picoides borealis*)
- Flattened musk turtle (*Sternotherus depressus*)
- Finelined pocketbook (*Lampsilis altilis*)
- Ovate clubshell (*Pleurobema perovatum*)
- Triangular Kidneyshell (*Ptychobranthus greenii*)
- Bald eagle (*Haliaeetus leucocephalus*)

Staff:

- Jodie Smithem

 02/14/2006 Correspondence Received
 Letter from Lori Smith providing additional information regarding BMPs to be implemented.
Species:

- Flattened musk turtle (*Sternotherus depressus*)

Staff:

- Jodie Smithem

 01/27/2006 Telephone Call Made
 Left message for David Muncher explaining that I would like to see their actual BMP plan for the site and what plant species will be maintained in the 100-foot buffer.
Species:

- Flattened musk turtle (*Sternotherus depressus*)

Staff:

- Jodie Smithem

01/19/2006

Survey Results Received

Survey results for RCW and bald eagle received. Letter explained a 100-foot naturally vegetated buffer will be maintained and, therefore, surveys for aquatic species will not be needed.

- Species:**
- Red-cockaded woodpecker (*Picoides borealis*)
 - Bald eagle (*Haliaeetus leucocephalus*)
- Staff:**
- Jodie Smithem
-

12/22/2005

Survey Requested

Formal consultation recommended for the FMT if mining activities will occur within 100 feet of Mulberry fork.

- Species:**
- Red-cockaded woodpecker (*Picoides borealis*)
 - Flattened musk turtle (*Sternotherus depressus*)
 - Finelined pocketbook (*Lampsilis altilis*)
 - Ovate clubshell (*Pleurobema perovatum*)
 - Triangular Kidneyshell (*Ptychobranchus greenii*)
 - Bald eagle (*Haliaeetus leucocephalus*)
- Staff:**
- Jodie Smithem
-

12/19/2005

Correspondence Received

- Staff:**
- Jodie Smithem

August 30, 2011

Citizens Opposed to Strip Mining on the Black Warrior River
c/o Randy Palmer, CPA
67 Cherokee Hills
Tuscaloosa, AL 35404

Dr. Randall Johnson
Director
Alabama Surface Mining Commission
P. O. Box 2390
Jasper, AL 35502-2390

RE: Reed Mineral No. 5 Mine
ASMC Permit Application No. P3957

Dr. Johnson

We wish to exercise our right to comment publicly on ASMC Permit Application P3957, Reed Mineral No. 5 Mine, submitted July 5, 2011. We respectfully request that the Commission give very diligent attention to issues raised by members of our impacted communities as summarized in this letter and deny this permit because these issues cannot be mitigated with an adequate degree of certainty. These concerns have been identified and discussed by citizens in regularly scheduled monthly meetings that have been conducted since the Spring of 2006 and serve as a consensus of opinion by these citizens. Further, we respectfully request a public hearing to discuss these concerns and other issues relevant to this proposed project prior to a decision on this permit application. The majority of citizens concerned about the consequences of this proposed mining operation have occupational or other commitments during regular business hours therefore we request that such hearing be conducted in the evening, after regular business hours, during the work week, at a location reasonably convenient to the impacted communities, and at a time that will allow those citizens a reasonable amount of time to travel to the conference site from their homes or work. **We consider regular business hours to be from 8:00 a.m. to 5:00 p.m. Monday through Friday, and specifically request that such conference be held no earlier than 7:30 p.m. Monday through Friday.**

Our first concern deals with the unsuitability of this area for surface coal mining. One area where surface coal mining operations are prohibited or limited include "any place in the National Register of Historic Places. " (**Alabama Surface Mining Commission Administrative Code, 880-X-7B-.06 Areas Where Surface Coal Mining Operations are Prohibited or Limited.**) For generations, residents in the nearby communities have been aware of a "sacred Indian site" that is known locally as "Pennywinkle". This archaeological site is one of three known in the proposed mining site and all three have been assigned numbers in a 2006 survey by PanAmerican Consulting (PCI), 1Wa218, 1Wa249, and 1Wa250. The site known as "Pennywinkle" by residents is the 1Wa249 site. While this site is not currently included in the National Register of Historic Places (NRHP) it is considered potentially eligible for NRHP status and would have to be avoided entirely or require additional archaeological testing. The Alabama Historic Commission does not currently include any indication in its database that Phase II testing of this site has been conducted. These sites have been determined to be from the late archaic/early Woodland eras to the late Woodland era. Significant artifacts have been discovered and recorded in preliminary testing of these sites. Many members of our community are of Native American heritage and feel that

disturbance of these sites is considered desecration. We request that appropriate action be taken regarding this issue.

Our community members also consider this general area as unsuitable for surface coal mining as described in the administrative code (**Alabama Surface Mining Commission Administrative Code, 880-X-7C-.04 Criteria for Designating Lands as Unsuitable**) for the following reasons:

“(2)(a) The mining proposal is incompatible with existing State or local land use plans or program.” In September 2005 the City of Cordova adopted “City of Cordova Comprehensive Plan, Building Upon Place for a Sustainable Future.” That plan was developed largely in anticipation of the completion of Corridor X (Future I-22) on which the City of Cordova has two interchanges. This Appalachian Regional Commission project was designed specifically to bring prosperity to isolated regions of Appalachia and was 40 years in the making, and at a cost of One Billion Dollars of taxpayer funding. This catalyst for positive, sustainable, economic development will allow the Cordova community to access, within twenty minutes, world class healthcare, world class educational facilities, the commercial and retail centers of Alabama, but more importantly, it will allow potential new residents and businesses to access the Black Warrior River and its many tributaries and its aesthetic appeal that can be found in Cordova. This proposed mining operation lies directly on the Black Warrior in one of Cordova’s oldest communities and is within three miles of the I-22 interchange. This operation violates the very premise of this plan and negates opportunities that would come with I-22 before it is even completed in 2014. Unfortunately there is an even larger mining operation proposed at the second interchange as well. Community members feel such a use for this land is incompatible to local land use plans, and more seriously, contributory to misappropriation of taxpayer funding.

“(2)(b) Affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific, or aesthetic values or natural systems” Above in these comments we mentioned the threat to three significant archeological sites located on the proposed mining site. We also mention that the Dooertown community of Cordova where the proposed operation is located is one of the oldest communities in Cordova; many residents continue to live on lands there that were settled in the founding days of the Cordova community. We certainly feel that these are important historic and cultural sites that would certainly be damaged by this operation.

The Black Warrior River is a fragile natural system and very recently, in 2011, the Black Warrior River was listed as one of the top ten endangered watersheds in the country, largely due to the cumulative effect of mining operations. This operation would continue to contribute to further impairment of the Black Warrior watershed. The disturbance and loss of forested land and wetlands, and the introduction of known toxins, pollutants, and sediments discharged into these waters will most certainly have a measurable effect on current flora and fauna. The Army Corp of Engineers has also noted the existence of endangered species on this section of the Black Warrior River. Our community does not believe that any surface mining plan can protect such a fragile eco-system from the short-term or long-term effect of surface coal mining.

In the previously mentioned Cordova Comprehensive Community Plan, the natural beauty of the Black Warrior River and tributaries, wetlands, and streams in the area are cited as assets that make the area

attractive to new residents to the area. One of the priority actions and recommendations related to implementation of the plan is directly related to the area's aesthetic appeal is to develop and implement an eco-tourism strategy. No one can argue that a surface mining operation in this fragile environment will not have a negative and possibly irreparable effect upon it for eons.

“(2)(c) Affect renewable resource lands in which the operations could result in substantial loss or reduction of long-range productivity of water supply or of food or fiber products.” The area proposed for mining has been considered a source of food or fiber products for generations. For generations the fertile bottomlands in this area were farmed and since this property has been acquired by Reed Mineral, Inc., timber has been harvested from the tract. Mining on this land, in effect, would permanently result in substantial loss or reduction in long-range productivity of a food or fiber source. As we have seen in other areas that have been subjected to surface mining and “reclaimed” it becomes apparent to people using only observation and good common sense that the areas mined may be “revegetated” but because of irreparable disturbance to the geographical formations, the chemical composition and distributions, and the water table, this land will never be “reclaimed” and become capable of sustaining identical or even comparable bio-diversity that existed prior to the mining/reclamation process.

“(2)(d) Affect natural hazard lands in which the operations could substantially endanger life and property, such lands to include areas frequent flooding and areas of unstable geology.” The proposed mining operation would be located in areas that are subject to frequent flooding as evidenced by significant flooding in the last several years on the Black Warrior River in the Cordova community and reported in area newspapers, The Birmingham News, The Daily Mountain Eagle, and by regional network television stations at that time. Flooding in the area of the mining operation would spill incremental amounts of untreated mining wastewater into the Black Warrior River, which is already compromised by the cumulative effect of wastewater discharge from over 95 other mining operations in the watershed. The Birmingham Water Works and Sewer Board has previously submitted comments stating their concerns, supported by empirical evidence, that discharge of these wastewaters will affect the drinking water of 200,000 citizens in the Birmingham Metro Area and could cause serious health problems for system users and cause damage to property such as stains to clothing and water basins and hardware. The Board also states concerns for increased treatment costs and maintenance caused by discharges of mining waste water into the drinking water source at their Mulberry Water Intake. Birmingham pediatrician, Hubert Rodriguez, has commented in the Birmingham News, his and other healthcare providers concerns for the health and well-being of children and women-with-child who use water from the Black Warrior River source, stating that it could cause miscarriage, attention deficit disorder, and mental retardation among other serious health problems.

Negative Economic Impact on Local Economy – Although Reed Mineral touts the creation of 20 jobs in the local economy and a few “trickle down” jobs that might be created or sustained by vendors of goods and services to the mining industry, we feel these would be dwarfed by choosing a higher use for this acreage along the Black Warrior in the Cordova community. Also, members of our community have experienced strip mining operations prior to this one and have observed that the claim to 20 new jobs is likely not accurate. It has been observed that employees of new strip mines are, in fact, the old employees of completed mining operations and not actually new jobs. Reed would lead one to believe

that Cordova will have 20 employees hired directly from the workforce in the immediate Cordova community...this is highly unlikely.

Reed Mineral states in the ADEM permit application that annual payroll for 20 jobs would be \$1,500,000, or \$75,000 per each employee, and that state and local taxes generated would approach \$375,000. Of the \$375,000 Reed estimates that \$100,500 in coal severance taxes and \$45,000 in payroll taxes would be generated, leaving the remaining \$230,000 to apparently be generated in local taxes? This appears to be an exaggeration. Even if these figures do approximate actual results on the local economy, members of our community believe that if this land were used, for example, as mixed use development that might attract 100 families to the area the impact would be positive and more sustainable year after year. After the strip mining operation is completed the land is rendered virtually useless, no matter what uses are cited in the reclamation claims; just look around the area at other "reclaimed" sites and see how much development exists.

80% of Cordova was destroyed on April 27, 2011 by a series of devastating tornadoes. Prior to these devastating tornadoes approximately 70% the residents of this impoverished community already lived at or below the poverty level. What this community needs is an influx of new residents, new housing and retail and service businesses that would surely come. Some of the infrastructure needed is already in place, a brand new, modern high school, and adequate middle and elementary schools located within a few hundred yards of each other. This is the objective of the Appalachian Regional Commission, Corridor X/I-22 project. As mentioned above, the community developed and adopted a formal plan for community development that was based largely on proximity to an interstate highway and the area's natural beauty. The Cordova community (considered informally to extend along the Black Warrior River from the U. S. Highway 78 bridge at Lynn's Park to the Alabama Highway 269 bridge at Copeland's Ferry) includes 19.8 miles of riverfront along the Mulberry Fork of the Black Warrior River, which is largely undeveloped. With I-22 making Cordova a community of the Greater Birmingham Metro Area, only twenty minutes from downtown Birmingham at completion, members of our community and professionals in economic development believe that the City could very easily be transformed into a bedroom community of Birmingham, just as other communities along major transportation corridors have demonstrated. Surely, it is easy to see that land near a new interstate interchange in a community within twenty minutes of a major metro area, with undeveloped land, and the attractiveness of 19.8 miles of beautiful riverfront has a higher value to the community than to allow it to be exploited for purposes of strip mining.

Below is statistical data that derived from a readily available economic modeling tool employing recent stats for Walker County, Alabama assuming that using the land proposed for strip mining be used as a residential development for approximately 100 families. These estimates can be contrasted to the estimates supplied above by Reed Mineral and it becomes clear which course of development is in the best interest of the citizens and future of Cordova. County taxes were not taken into account and would be additional to these estimates:

Occupations	New Emp	Current Occ Rate	Resident Per Occ	Direct Earnings	Indirect Earnings	Earnings Impact	Output Impact	Local Sales Tax	Local Prop Tax	Total State Tax
Healthcare	152	20.02%	30	\$ 868,680	\$ 325,060	\$1,193,740	\$2,932,058	\$24,042	\$10,240	\$40,251
Prof/Tech	152	2.43%	4	86,352	39,022	125,374	298,882	2,525	1,365	4,517
Mfg	152	9.19%	14	358,008	178,932	536,940	2,054,522	10,814	4,779	18,278
Real Estate	152	1.07%	2	32,016	20,791	52,807	252,147	1,064	683	2,011
Mining	152	6.58%	10	519,960	305,684	825,644	2,391,182	16,628	0	20,756
Utilities	152	6.58%	10	367,200	275,951	643,151	2,889,639	12,953	3,413	19,582
Construction	152	6.58%	10	232,440	136,651	369,091	1,068,941	7,434	0	9,279
Wholesale	152	1.32%	2	111,216	50,259	161,475	384,942	3,252	683	4,742
Retail	152	6.58%	10	140,520	63,501	204,021	486,369	4,109	3,413	8,542
Trans/Whse	152	3.29%	5	126,720	63,335	190,055	727,226	3,828	1,707	6,485
Fin/Ins	152	1.97%	3	110,448	49,911	160,359	382,283	3,230	1,024	5,056
Mgmt	152	7.89%	12	443,952	200,622	644,574	1,536,610	12,982	4,096	20,301
Admin/Supply	152	6.58%	10	160,200	72,394	232,594	554,485	4,684	3,413	9,260
Education	152	13.16%	20	739,920	334,370	1,074,290	2,561,017	21,636	6,826	33,833
Other Svc	152	3.29%	5	112,080	50,649	162,729	387,932	3,277	1,707	5,798
Public Admin	152	3.29%	5	99,720	45,063	144,783	345,152	2,916	1,707	5,347
Impact per Yr		100.00%	152	\$4,509,432	\$2,212,195	\$6,721,627	\$19,253,417	\$135,374	\$45,056	\$214,038

We request that a formal economic impact survey be commissioned and prepared by an *independent* institution, agency, or professional contrasting mining this area to several others more positive and sustainable proposals prior to a decision on this permit application. The opportunity cost of making a wrong choice among alternative uses for undeveloped acreage along Cordova’s riverfront with immediate access to an interchange on an interstate highway could be insurmountable for this already struggling community.

Negative Impact on Public Health and Welfare – The Mulberry Fork of the Black Warrior River is the drinking water source for at least 200,000 residents of the Birmingham Metro Area, and all of the drinking water for Walker County, Alabama. This mine is located just downstream of the Jasper Water Works Board intake, and just upstream of the Mulberry Intake of the Birmingham Water Works and Sewer Board. The effect of Smith Dam on the Sipsey Fork of the Black Warrior, upstream of the Mulberry Fork and the locks and dams below these water treatment facilities on the Mulberry often affect the flow of the Mulberry and cause it to ebb and flow and not “flush out”, especially during dry periods, allowing contaminants to accumulate beyond acceptable levels as measured by various monitoring agencies. These waters are already stressed from inadequate control of municipal, institutional, agricultural, and mining discharges, and will be compromised even farther with the addition of yet another surface mine on its very banks. Thousands of citizens use the Black Warrior for recreational purposes including swimming; water skiing, boating, canoeing and kayaking, fishing, and many still use this river as food source. We are concerned about the toxic effect that pollutants discharged into these waters might have on people who use the river for the purposes of drinking water, recreation, and sustenance. In November 2010, residents receiving drinking water from this source complained that the water had unpleasant taste, odor, and color. This was reported by area media and the cause was never completely determined, but residents of our community are convinced that the cause of the diminished water quality is the cumulative effect of the 95 active coal mines discharging into the Black Warrior. The Birmingham Water Works Board, the Black Warrior Riverkeepers, and other agencies that routinely monitor the water quality on the river have expressed serious concern over the

Dr. Randall Johnson

anticipated quantities of pollutants and sediments that might be introduced into these waters, and how they might adversely impact the public health. As previously mentioned, healthcare professionals are concerned that elevated levels of pollutants could cause serious health issues including birth defects, mental retardation, attention deficit disorder, and miscarriage among others. These are allegations and findings that should be taken very, very seriously by the ASMC as they consider this permit.

We have experienced, first-hand, uncontrolled dust and air-borne particles that settled on our community regularly during the operation of nearby surface mining operations. This caused severe reactions to many of our residents who have cardio-pulmonary disease and respiratory allergies. One physician advised, in writing, that his patient would need to relocate if another mine operation started in the area. We view this as a violation of that person's civil rights.

Another issue is the negative psychological impact of noise, air, and water pollution and the destruction of the unspoiled natural beauty of the area along the Black Warrior. Many of the families currently living in these communities have lived here generation after generation; their ancestors are buried here. Many have made significant investments in property and improvements in the area. The effect of an active mining operation would certainly have a negative impact on their psychological well-being.

The narrow, winding roads and bridges that are found to be in disrepair will not handle the heavy truck and industrial traffic that will come with a mining operation. Currently, school buses cannot even travel over the bridge that leads out of the Doovertown community because it has a 10 ton limit. Mining traffic on these roadways threaten all our residents, including our children, who must share the road to enter and exit the community.

Devaluation of Property – As previously mentioned, many families have lived in the area for generations and others have made more recent investments in property, homes and improvements in this area. In addition to the sentimental and emotional value associated with this property, it also has a financial value. It is obvious that property adjacent to the proposed mining area will be negatively affected immediately by blasting and the resulting flyrock, dust and air pollution, water pollution and reduction in water quality, subsidence, noise pollution, and heavy industrial traffic, however, the ASMC must also give consideration to the unsightly appearance of the land during the extraction process, the period it lays spoiled, and after it has been "reclaimed." Even if an impeccable reclamation process could be completed, strip mined land carries a negative connotation as ruined land and it is readily observable in Walker County that previously strip mined land is not attractive to investors and has a diminished value. In fact, strip mined land is a liability to the revitalization/recovery efforts of our community and significantly diminishes the aesthetic and financial value of the land in the general vicinity of the mine. Again, we have never seen or heard evidence of any community having strip mined its way back to prosperity. Having another big scar on the very banks of the Mulberry Fork, one of our most valuable assets, will be devastating to the value of all property in the area and reduce its attractiveness to new residents, and retail and service industries so desperately needed to help this impoverished area in the recovery process.

August 30, 2011

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Ambiguity and Lack of Independence between ASMC and ADEM – We have observed during the course of this controversy that the term “rubber stamp” is often used when referring to the permitting process at both ADEM and ASMC . This, of course, refers to the perception by the public that permit approval is just part of the process, and that the two agencies do not actually work independently to facilitate and consider permit applications. After all, how can a perception of independence be fostered when both formal and informal agreements exist between ASMC and ADEM that, for example, delegate responsibility for review of pollution abatement plans from ADEM to ASMC? Which agency is charged with protecting the public under the Clean Water Act, and which agency is charged with regulating mining? Are these current practices legal and acceptable, and do they adequately administer protection afforded citizens under the Clean Water Act? Does this system of ambiguous, shared responsibility adequately protect Alabama’s waterways and the general health and welfare of the environment and citizens? For what reason should ASMC assume responsibilities of ADEM....can ADEM not competently discharge its responsibilities? Should the Federal EPA step in and take over this agency if it cannot effectively carry out its responsibilities? What rationale would adequately explain the abilities of the ASMC to properly evaluate the effect a mining proposal might have on the environment as they have been doing when they assume the preparation of a pollution abatement plan. These two agencies absolutely have two completely different objectives and should be independent, in fact and in appearance. Anything short of this is unacceptable and must be rectified prior to rendering a decision on this permit application.

Also, the ASMC must be absolutely independent from the influence of the mining industry, however, Mr. Johnson, in The Birmingham News on Sunday, August 15, 2010, you, as Director of the Alabama Surface Mining Commission were quoted as follows “ we don’t like to have to deny permits, but if one deserves to be denied we will do it; coal is a pretty important thing in this state as far as economics go so we take it pretty seriously when we review a permit application.” This statement shocked members of our community who believe that it is also the responsibility of the ASMC to be professionally skeptical of all permit applications and make decisions based on issues relevant to each proposed project without bias one way or another. Your statement makes it apparent that you “like” to approve permits and, therefore, are biased toward the mining industry which you are charged with regulating. This is unacceptable and should subject you and the ASMC to a thorough investigation.

Conclusion - This controversial mining operation has been opposed for over six years and our concerns have not been adequately addressed nor have they gone away. These concerns are not only concerns of our immediate community. Continuation of strip mining on the Black Warrior, especially so close to a drinking water source has moved the Cities of Birmingham and Homewood, Alabama to pass and adopt resolutions opposing strip mining operations on their water source; students from Samford, University of Alabama System campuses, University of Montevallo, Birmingham-Southern and others have participated in public protests against mining on the Black Warrior; the Birmingham Water Works Board has publicly opposed this operation; environmental groups across the state who have evidence obtained from monitoring previous mining sites are rightly concerned about this operation; and area physicians issue grave warnings about the potential for serious health problems related to discharges from this and other mining operations on the Black Warrior. We have discussed several other issues that are of concern to my community including the negative economic impact, damage to historical and cultural areas, lack of adequate infrastructure to allow the heavy industrial traffic and ensure the safety of

Dr. Randall Johnson

August 30, 2011

Page 8

community members, the fear of irreparable damage to the environment and natural beauty of the area, but I think the greatest concern is that we have absolutely no confidence that the ASMC is working independent of the mining industry and for the greater good of the public it was charged to protect. *We submit these comments for your consideration with regard to permit application P3957 and request a public hearing to allow further discussion of our concerns. We ask that you deny this permit application.*

Submitted

Randall Palmer, CPA
Citizens Opposed to Strip Mining
on the Black Warrior River

cc: Igancia S. Moreno
Office of Assistant Attorney General
950 Pennsylvania Avenue
Washington, DC 20530-0001

Gwendolyn Fleming
Regional Administrator
U. S. EPA Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Atlanta, GA 30503

Stockman, Nancy

From: Johnson, Randall
Sent: Monday, July 09, 2012 10:25 AM
To: Woodley, Mark; Stockman, Nancy
Subject: FW: Reed No. 5 Mine, ASMC Permit No. P-3957 Public comment

-----Original Message-----

From: si@mindspring.com [<mailto:si@mindspring.com>]
Sent: Friday, July 06, 2012 10:24 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC Permit No. P-3957

I stand with the Black Warrior Riverkeeper.

Black Warrior Riverkeeper is concerned about Reed Minerals No. 5 Mine for the following reasons:

1. Reed Minerals No. 5 Mine will discharge to the Mulberry Fork and its tributaries upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB) which serves approximately 200,000 customers in the greater B'ham area.
2. According to BWVB comments, Reed Minerals No. 5 has a "high potential for adverse impacts to the Birmingham drinking water supply" and ADEM's draft permit "is not protective" of the designated use of the Mulberry Fork for drinking water.
3. The proposed Reed Minerals No. 5 Mine permit allows significant degradation of a source of drinking water - the Mulberry Fork. In addition, the BWVB Mulberry Fork drinking water intake is approximately five and one half miles downstream of the proposed Reed Minerals No. 5 Mine site. The Shepherd Bend Mine is already permitted by ADEM to discharge wastewater to the same portion of the Mulberry Fork designated for Public Water Supply, but it is not yet in operation.
4. If the mine leads to greater demands on drinking water treatment operations as well as increased treatment costs, these costs will be paid by consumers, not the mine.
5. Previous comment letters submitted by the BWVB and Black Warrior Riverkeeper incorporate extensive data about the possible impacts of mining on aquatic resources and the public water supply. In sum, those materials conclusively demonstrate that the permitting of coal mine operations upstream of a public drinking water supply simply cannot and should not happen.
6. The social and economic impacts associated with the contamination of the water supply for 200,000 people would more than outweigh any economic benefit of the mine.
7. Reed Minerals No. 5 Mine joins a cluster of three other large coal mines on the Mulberry Fork that were reclaimed or are currently in reclamation. After active coal mining has ceased, coal mine reclamation in many cases does not stop pollution from flowing off mine sites into the river. The cumulative impacts of all these mines on the river and the drinking water supply have not yet been evaluated.

8. Despite the number of coal mines in the Mulberry Fork watershed upstream of the water intake, to date there has been no study of the cumulative impacts all these mines will have on drinking water quality or the river.

In light of the concerns and permit deficiencies outlined above, Black Warrior Riverkeeper OPPOSES the permitting of Reed Minerals No. 5 Mine by ADEM.

Stockman, Nancy

From: Christian Jones [cjones2191@yahoo.com]
Sent: Saturday, July 14, 2012 11:38 AM
To: comments
Subject: Permit No. P-3957

I Christian Jones would like to request a public hearing on the subject of Permit No. P-3957. I would like this public hearing to be scheduled at a time where the working man/woman can attend as well as a place large enough to accommodate everyone attending.

837 Big Hollow Road
Cordova AL 35550

July 19, 2012

State of Alabama Surface Mining Commission
PO Box 2390
Jasper AL 35502-2390



To The Commission

Re: Surface Coal Mining Permit No: P-3957

Once again, we are faced with the application of a permit for a strip mine to dump pollution and sediment into the Black Warrior River. The Commission is well aware of the consequences of this action, and the far-reaching effects to thousands of people who rely on this river as a source of drinking water.

Many states in this country are facing serious clean water issues. We are blessed in Alabama with great natural resources such as the Black Warrior River. It just seems ludicrous that the environmentally conscious citizens of this state are constantly having to beg the EPA, ADEM, and this commission to just do their job: PROTECT OUR WATER!

When the oil spill disaster happened in the Gulf of Mexico in 2010, billions of dollars poured into that area for the cleanup. When the River is destroyed (not "if" but "when"), will the coal industry step up with financial help for that clean up? I think their track record speaks for itself.

In conclusion, I would like to respectfully request a public comment hearing to be held in a facility large enough to accommodate a substantial crowd, and the meeting to be held at a time that would allow the attendance of those who work.

Sincerely

Karen Skendon

Stockman, Nancy

From: Johnson, Randall
Sent: Friday, August 10, 2012 4:44 PM
To: Stockman, Nancy; Woodley, Mark
Subject: FW: Regarding: Reed No. 5 Mine, ASMC Permit N. P-3957

From: Hiller Burton [<mailto:hillerburton@gmail.com>]
Sent: Friday, August 10, 2012 3:17 PM
To: Johnson, Randall
Subject: Regarding: Reed No. 5 Mine, ASMC Permit N. P-3957

Dr. Johnson,

I am writing to express my opposition to the proposed building of the Reed Minerals No. 5 Mine. The Birmingham Water Works Board has already come out against this stating that it will pollute our water in Birmingham. Making matters worse, the new coal mine will also create higher water costs for BWWB customers (approximately serving 200,000 people) due to the expected higher treatments costs, and we already have one of the highest water bills in the nation. If this will adversely affect the people of Birmingham, please tell me, why is this happening? How is it possible that our health not come first?

There is a clear sense of urgency as to why this mine should not be built.

Regards,
Hiller

Stockman, Nancy

From: Johnson, Randall
Sent: Thursday, August 09, 2012 8:08 AM
To: Stockman, Nancy; Woodley, Mark
Subject: FW: Public Hearing for Reed Minerals No. 5

From: Aaron Traywick [<mailto:traywickaaron@gmail.com>]
Sent: Thursday, August 09, 2012 12:30 AM
To: Johnson, Randall
Subject: Public Hearing for Reed Minerals No. 5

Dear Mr. Johnson,

I am a student environmental advocate representing the University of Montevallo ENvironmental Club and C.A.S.E.- Coalition of Alabama Students for the Environment organizations. Our groups have a firm interest in supporting Mr. Randall "Frog" Palmer and the hundreds of concerned citizens opposed to the Reed Minerals No. 5 Mine in the Cordova, Dooertown, and Barney communities.

Recently, our group's members made an attempt to assist Mr. Palmer and his group in conducting permit review of the Reed Minerals No. 5 facility, in order to better preapre for the "public comment" section of the hearing scheduled for tomorrow. Unfortunately, we have been completely unable to access this permit from the eFile database; it appears that the links are completely dead. With no way to review the proposed permit, we are concerned that both ourselves and others are being denied the right to due process guaranteed by Clean Water Act guidelines enforced by the EPA.

Additionally, Mr. Palmer has expressed concerns that the public hearing was not properly publicized in daily newspapers, having only one public announcement made in the Daily Mountain Eagle; as we understand it, there is a requirement for public hearings to be announced once per week in the four weeks prior to any scheduled public hearing related to ADEM permitting, particular wastewater discharge permitting in a waterway certified as (PWS) Public Water Supply) by ADEM. If this information is incorrect, please do not hesitate to let us know!

I and our members appreciate your taking the time to hear our concerns in this matter, look forward to hearing from you in relation to this matter, and hope to see you at tomorrow's meeting.

Respectfully,

Aaron Traywick

Mobile: [334.318.6151](tel:334.318.6151)
Email: traywickaaron@gmail.com

Infrastructure:

University of Montevallo Environmental Club

Projects Coordinator:

ValloCycle Recreational Board and Bike-Share Program
James Wylie Shepherd Observatory

Stockman, Nancy

From: Mary & David Stewart [dsmess@bellsouth.net]
Sent: Wednesday, August 08, 2012 8:49 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC Permit No. P-3957

Dr. Johnson,

I am writing to express my opposition to the proposed Reed No. 5 Mine, ASMC Permit No. P-3957. There has already been too much damage to the quality of the water in the Mulberry Fork River. The proposed mine is too close to the drinking water intake of the Birmingham Water Works Board. The detrimental social and economic impacts associated with contamination of the water supply for 200,000 people would more than outweigh any economic benefit of the mine. If the BWWB has to spend more money on treating the water taken from the Mulberry Fork, we, the customers, will bear the expense, not the mining company.

Please do not permit the Reed No. 5 Mine to begin operation.

Thank you,

Mary S. Stewart
5446 Dewey Heights Rd.
Pinson, AL 35126

Stockman, Nancy

From: Chris Underwood [chrisunderwood@bellsouth.net]
Sent: Wednesday, August 08, 2012 2:23 PM
To: Johnson, Randall
Subject: Negative impact of Reed No. 5 Mine to my family in Jefferson County, ASMC Permit No. P-3957

Re: Reed No. 5 Mine (ASMC Permit No. P-3957)

Dear Dr. Johnson:

As a citizen of Jefferson County who relies on the Birmingham Water Works system to supply clean water for my home, I wish to oppose the permit applied for by Reed No. 5 Mine (ASMC Permit No. P-3957) on the grounds that the mine discharge will negatively impact both the quality and the cost of drinking water for myself and my family.

Since the No. 5 Mine will discharge pollutants only 5 miles upstream of a primary drinking water intake for the BWWB (Birmingham Water Works Board,) the mine has the strong and likely potential to pollute my drinking water to the degree that BWWB will have to increase treatment methods and treatment costs. In the event of a large-scale mining disaster, this particular source of my drinking water could be permanently destroyed and/or substantively degraded to the point of no longer being fit for use. Water is already prohibitively expensive for the citizens of Jefferson County. Reed No. 5 Mine almost guarantees my costs will go up.

I strongly urge you and the other commissioners to deny this permit.

Sincerely,

Christine G. Underwood
3128 Lancaster Ct. #D
Birmingham AL 35209

Stockman, Nancy

From: Eva Dillard [edillard@blackwarriorriver.org]
Sent: Wednesday, August 08, 2012 12:23 PM
To: 'Todd Hyché'; Johnson, Randall
Cc: 'Randy Palmer'
Subject: RE: Reed No. 5 Permit Website Permit Link Issues

Todd – nicely done. (Thankfully my computer is back up.) Let me know what you find out.

Eva Dillard
Staff Attorney
Black Warrior Riverkeeper
(205) 458-0095 [tel]
(205) 458-0094 [fax]
www.BlackWarriorRiver.org

From: Todd Hyché [mailto:thyche1@gmail.com]
Sent: Wednesday, August 08, 2012 10:58 AM
To: Johnson, Randall
Cc: Randy Palmer; edillard@blackwarriorriver.org
Subject: Re: Reed No. 5 Permit Website Permit Link Issues

Randall,

Your efforts to attempt to make the permit for Reed Mineral No. 5 is appreciated; however; only having the entire permit available at the specified location within your public notice one business day before the scheduled informal conference on Thursday, August 9, 2012 after multiple inquires from myself is not sufficient for review of a permit of over 200 pages in total length with a significant portion of the permit being recently modified by the applicant. In addition, these most recent modifications are the exact data that has not been available on your website which is the specified location to review the permit in your public notice. Because of these facts I request that the comment period be extended and informal conference be postponed for no less than 30 days to allow for proper review and the ability to adequately offer comments on the updated and previously unavailable modified permit which is the legal right of the public.

I have spoken with numerous individuals who have had issues accessing the permit in the notified location. I would emphasise that it is not the **responsibility of the public** to insure that the permit was available at the specified location, but rather the responsibility of ASMC, and I would hope that you and the agency would take the steps to be totally transparent and recognize that the adequate ability to review the permit was not available as stated; therefore, I again ask for the comment period be extended and the informal conference scheduled Thursday, August, 9, 2012 be postponed for no less than 30 days.

Regards,

Todd Hyché

On Tue, Aug 7, 2012 at 3:49 PM, Todd Hyché <thyche1@gmail.com> wrote:
Randall,

I am simply trying to get the permit viewable in a state so that the general public and myself can give it the proper review that it is deserved for educated and relevant comments so that no one's time is wasted at the hearing.

Attached you will find a copy of the public notice that was published by your agency. At the bottom it is clearly stated that "The permit application and comments or objections recieved in regard to this permit application can be reviewed on the Alabama Surface Mining Commission website at: <http://www.surface-mining.alabama.gov> ." In order to be pursuant to Code of Alabama, 1975, Section 9-16-88(b) as claimed by your notice, the notice must also be pursuant to Code of Alabama, 1975, Section 9-16-88(a) which states: "The regulatory authority shall notify ... and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected." No where within your published noticed does your agency state a location other than your website where this permit maybe reviewed.

I think we would both agree that the entire permit is not completely viewable at the specified location in your notice.

Regards,

Todd Hyche

On Tue, Aug 7, 2012 at 2:45 PM, Johnson, Randall <Randall.Johnson@asmc.alabama.gov> wrote:

Mr. Hyche

You have the alternative of coming to our office to review the file.

The web version is not the only source of public review.

As I told you last week our IT person is on vacation and there is no one here to fix the hyperlinks.

[http://surface-mining.alabama.gov/p3957/Data/Hydrologic Monitoring Map.dwf](http://surface-mining.alabama.gov/p3957/Data/Hydrologic%20Monitoring%20Map.dwf)

When you click on a link and get an location message in your browser, note the URL in the HTTP window.

It will look something like this if the link is bad: <http://surface-mining.alabama.gov/Data/Hydrologic%20Monitoring%20Map.dwf>

Note that the p3957 between the gov/Data in the link above is missing.

simply type it in the correct place and it should take you to the document.

Alabama Surface Mining Commission
Dr. Randall Johnson

Director

randy.johnson@asmc.alabama.gov

P.O. Box 2390

Jasper AL 35502-2390

tel: [205.221.4130](tel:205.221.4130)

fax: [205.221.5077](tel:205.221.5077)

mobile: [205.919.4348](tel:205.919.4348)

Web Site: surface-mining.alabama.gov



From: Todd Hyché [<mailto:thyche1@gmail.com>]
Sent: Tuesday, August 07, 2012 2:24 PM
To: Johnson, Randall
Subject: Re: Reed No. 5 Permit Website Permit Link Issues

Randall,

Also I need the Surface Water Monitoring Stations Map in attachment II-G.

Where is the agency in fixing this issue on the public documents? It is quite time consuming & a frustration to have to specifically request each part of the permit when I reach it for review & comment.

TH

Sent from my iPhone

On Aug 7, 2012, at 2:11 PM, Todd Hyche <thychel@gmail.com> wrote:

Randall,

I have ran into more links not working on P-3957. Particularly in attachment II-E page 8 & 10. I need the Theisson Polygon Map on 8 & the Lithologic Drawings for the 5 drill sites on page 10.

Todd

On Aug 3, 2012, at 3:48 PM, "Johnson, Randall" <Randall.Johnson@asmc.alabama.gov> wrote:

Todd

Our IT person is out of the office so I cannot get these fixed.

Try these links:

<http://surface-mining.alabama.gov/P3957/data/h255.dwf>

<http://surface-mining.alabama.gov/P3957/data/h256.dwf>

<http://surface-mining.alabama.gov/P3957/data/h257.dwf>

<http://surface-mining.alabama.gov/P3957/data/Hydro-Geo Map.dwf>

<http://surface-mining.alabama.gov/P3957/data/Geologic Cross-Sections A-A'.dwf>

Alabama Surface Mining Commission

Dr. Randall Johnson

Director

randy.johnson@asmc.alabama.gov

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Web Site: surface-mining.alabama.gov

<image003.jpg>

From: Todd Hyché [mailto:thyche1@gmail.com]
Sent: Friday, August 03, 2012 3:26 PM
To: Johnson, Randall
Subject: Reed No. 5 Permit Website Permit Link Issues

Dr. Johnson,

As a follow-up to speaking with you on the phone today at 3:13pm the Reed No. 5 permit on the ASMC website has numerous broken links inhibiting the ability to review the updated application. The particular issues are located in the Part II sections for F- Groundwater Hydrology and G- Surface Water Hydrology more particularly the links in F- Groundwater Hydrology page 2 H255, H256, and H257 Drill Log Drawings, page 3 Hydro-Geo Map, and page 4 Geologic Inventory Cross-Section A-A'. I have verified that I have the proper software and updates that should allow viewing of this material.

These issues make it practically impossible to adequately review the permit. Can you please follow-up with me when this issues are address so that I can properly review the permit?

Regards,

Todd Hyche

On Tue, Aug 7, 2012 at 2:45 PM, Johnson, Randall <Randall.Johnson@asmc.alabama.gov> wrote:

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Alabama Surface Mining Commission
Dr. Randall Johnson

Director

randy.johnson@asmc.alabama.gov

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Alabama Surface Mining Commission

Dr. Randall Johnson

Director

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Web Site: surface-mining.alabama.gov

<image003.jpg>

From: Todd Hyché [mailto:thyche1@gmail.com]
Sent: Friday, August 03, 2012 3:26 PM
To: Johnson, Randall
Subject: Reed No. 5 Permit Website Permit Link Issues

Dr. Johnson,

As a follow-up to speaking with you on the phone today at 3:13pm the Reed No. 5 permit on the ASMC website has numerous broken links inhibiting the ability to review the updated application. The particular issues are located in the Part II sections for F- Groundwater Hydrology and G- Surface Water Hydrology more particularly the links in F- Groundwater Hydrology page 2 H255, H256, and H257 Drill Log Drawings, page 3 Hydro-Geo Map, and page 4 Geologic Inventory Cross-Section A-A'. I have verified that I have the proper software and updates that should allow viewing of this material.

These issues make it practically impossible to adequately review the permit. Can you please follow-up with me when this issues are address so that I can properly review the permit?

Regards,

Todd Hyché

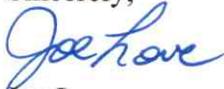
August 7, 2012

Dr. Randall Johnson
Alabama Surface Mining Commission
Post Office Box 2390
Jasper, AL 35502-2390

Dear Dr. Johnson,

In reference to Reed No. 5 Mine, ASMC Permit No. P-3957, it is hopeful that this mine will be allowed to operate due to the fact that Walker County and especially Cordova needs the jobs and revenue that would be generated by this mine site. It is with great concern that a few can stand in the way of progress in a time that progress is needed so badly. It is with deep appreciation that you and the Alabama Surface Mining Commission Board will take this matter into consideration.

Sincerely,



Joe Love



To Whom It May Concern,

I was born in a little community of Douertown, which is located about 2 miles from Cordova. Our address has always been Rt. 1 Cordova. We've always done our business in Cordova & our tax dollars were always spent there.

Our little community use to be a little thriving area where people could make a living fishing - farming - when laid off from their jobs.

I have raised my children here. They My home is here and the only thing I have here is my 2acust my home. (which will be left on a high wall and damaged! What will I do? It is all I have!

There are two churches in

our small community and a
cemetery. There are graves
which were uprooted from
a river plot & place there once before.
Nearly every family in our
community ~~family~~ is represented
there.

There were a group of men
who fought to get a plant out here
only to have it close down & leave
with only more people displaced.
We in the area think that coal
would only be a quick fix again
with a project of only ~~to~~ showing a
life of 5-7 years.

We would love to have a
project that would make our
community ~~to~~ thrive & proud
again instead of destruction!

THANKS,

DONNA Cordell
Donna Cordell

8/9/12

205 483/8994

(over)

Please give us full access to
the new Proposal that has been
processed

August 9, 2012

Dr. Randaee Johnson
Director
Alabama Surface Mining Commission
P.O. Box 2390
Jasper, Alabama 35502-2390

RE: Reed Mineral No 5 Mine
ASTMC Permit No P3957

Dr. Johnson

In advertising this informal conference, the ASMC stated that the Reed Mineral No 5 permit application file would be available on the ASMC website. For the entire comment period we have attempted to access this information, have personally made you aware of the problem, verbally and by email, and to this date still cannot access the information. Critical elements of this permit were not available as promised and availability of this information by traveling to Jasper and visiting your office is not a practical alternative for someone with a job to take care of ... now is it physically possible for the one office

Dr Randall Johnson
August 9, 2012
Page 2

to be able to handle the number of individuals who need access to this information. Not being able to review a complete permit application means that the public's ability to be informed about the mine and to offer substantive comments about the permit have been seriously compromised. If the ASMC wants to offer meaningful public participation opportunities, it is essential that all information be made available to the public as advertised. When such information is not readily available, it affects not just the comments but also the fundamental fairness of the process and the credibility of the Agency itself.

In view of these facts, we ask the ASMC to extend the public comment period for an additional 30 days once the permit has been made fully available on the ASMC website, and further, that a formal public hearing regarding this permit be conducted after diligent review of all comments received.

Dr. Randall Johnson
August 9, 2012
Page 3

We appreciate the opportunity to submit this comment and ask that serious consideration be given to our request for extension of time and a formal public hearing.

Sincerely

Randy Palmer, CPA
Citizens Opposed to Strip Mining on the Black Warrior River
c/o Randy Palmer
67 Cherokee Hills
Tuscaloosa, AL 35404
(205) 657-3866

cc: Erwin J. Baehlinger
Mid-Continent Regional Director
Office of Surface Mining Reclamation and Enforcement
William A. Bratty Federal Building
501 Belle Street, Room 216
Alton, Illinois 62002

Sherry Wilson
Field Office Director
135 Gemini Circle, Suite 215
Homewood, Alabama 35209

Charles D. Cross, II M.D.

1450 Jones Dairy Rd., Bldg 500

Jasper, Alabama 35501 Telephone: 221-9037

Charles D. Cross, II M.D. - AC8180630-8390
Board Certified Internal Medicine

Fax: 221-9058

Name Arnold & Mary Willis Age _____
Address _____ Date 8-12-10

To Whom it May Concern;
Due to Ruth Willis having COPD
& Arnold Willis having CHF, if
flashing occur around or about
their home, they would have to
re-locate home to prevent any
more injuries to health

LABEL

REFILL

____ TIMES

C. Cross M.D.
Generic Selection Permitted

____ M.D.
Dispense As Written

Stockman, Nancy

From: Johnson, Randall
Sent: Thursday, August 09, 2012 12:39 PM
To: Stockman, Nancy; Woodley, Mark
Subject: FW: Public Comments: Reed No. 5 Mine, ASMC Permit No. P-3957

From: Kathleen Nash [<mailto:kathleennash@mac.com>]
Sent: Thursday, August 09, 2012 8:25 AM
To: Johnson, Randall
Subject: Public Comments: Reed No. 5 Mine, ASMC Permit No. P-3957

Dear Dr. Johnson,

I am writing to offer comments in opposition to permitting of the new Reed Minerals No. 5 coal mine proposed near Cordova. The possible benefit of the proposed mining operation is not sufficient to justify the environmental and health risks posed by it. The Black Warrior River and its tributaries are already overburdened and it is unconscionable to allow discharges from coal mining operations in such close proximity to the intake of a public water supply.

Please add my voice to those who have similarly registered their opposition to your agency issuing a permit to the Reed No. 5 Mine operation.

Thank You,

Kathleen

Kathleen Kirkpatrick Nash

Environmental Engineer
CSBA, LEED AP
kathleennash@mac.com
205-535-1763

Blue Horizon Enterprises
PO Box 2482 Tuscaloosa, AL 35403

Stockman, Nancy

From: David Eastis [davideastis@gmail.com]
Sent: Friday, August 10, 2012 11:37 AM
To: Johnson, Randall
Cc: nbrooke@blackwarriorriver.org; Mary Kay Taylor; Jack Eastis
Subject: Reed Mine #5. permit P-3957

Dr Johnson,

ref: **Reed No. 5 Mine, ASMC Permit No. P-3957.**

I was unable to attend the meeting last night concerning permitting Reed Mine #5. I would like to voice my concern and opposition to this threat to the Warrior River and our drinking water.

As a part time resident on the Mulberry Fork at Bluff Creek since 1953, I have seen environmental changes (new species of leaches), coal being shoveled off the barges as they pass, creeks turned red with mine runoff, fish disappear from creeks (suckers in Prescott Creek) because of pollutants from mine runoffs, disappearance of spot tail minnows.

Please hold the line to protect further destruction of our water ways for the profits of corporations.

Thanks, David Eastis
205-919-0711

Stockman, Nancy

From: Johnson, Randall
Sent: Friday, August 10, 2012 1:56 PM
To: Stockman, Nancy; Woodley, Mark
Subject: FW: Reed Minerals #5 Mine

From: bob dyck [<mailto:bobdyck@vt.edu>]
Sent: Friday, August 10, 2012 1:19 PM
To: Johnson, Randall
Subject: Reed Minerals #5 Mine

Dear Sir:

I cannot come to the meeting tonight, but support the following concerns against the mine:

1. Reed Minerals No. 5 Mine will discharge to the Mulberry Fork and its tributaries upstream of a primary drinking water intake for the Birmingham Water Works Board (BWWB) which serves approximately 200,000 customers in the greater B'ham area.
2. According to the BWWB, Reed Minerals No. 5 Mine has a "high potential for adverse impacts to the Birmingham drinking water supply."
3. The proposed Reed Minerals No. 5 Mine significantly pollute a source of drinking water - the Mulberry Fork, which has a use classification designating it as a Public Water Supply. The BWWB Mulberry Fork drinking water intake is approximately five and one half miles downstream of the proposed Reed Minerals No. 5 Mine site.
4. If the mine leads to greater demands on drinking water treatment operations including increased treatment costs, these costs will be paid by consumers, not the mining company.
5. Previous comment letters submitted by the BWWB and Black Warrior Riverkeeper incorporate extensive data about the possible impacts of coal mining on local streams and the Mulberry Fork, the public water supply. In sum, those materials conclusively demonstrate that permitting coal mine operations upstream of a public drinking water supply simply cannot and should not happen.
6. The detrimental social and economic impacts associated with contamination of the water supply for 200,000 people would more than outweigh any economic benefit of the mine.
7. Reed Minerals No. 5 Mine joins a cluster of three other large coal mines on the Mulberry Fork that were reclaimed or are currently in reclamation. After active coal mining has ceased, coal mine reclamation in many cases does not stop pollution from flowing off mine sites into the river. The cumulative impacts of all these mines on the river and the drinking water supply have not yet been evaluated.
8. Despite the number of coal mines discharging into the Mulberry Fork and its tributaries upstream of the water intake, to date there has been no study of the cumulative impacts all these mines will have on drinking water quality or the river.

Yours truly, Bob Dyck

--

Robert G. Dyck
Professor of Urban Affairs and
Planning Emeritus, Virginia Tech
5428 Crossings Lake Circle
Birmingham, AL 35242

Stockman, Nancy

From: Eva Dillard [edillard@blackwarriorriver.org]
Sent: Friday, August 10, 2012 9:42 AM
To: Johnson, Randall
Subject: Reed No. 5 Comments

Dear Randy:

Please delete the public comments (with attachments) we sent to you at 4:45 pm yesterday. In view of new information, received at the informal conference last night, we plan on making some minor revisions and resubmitting them later this morning. Thank you.

Best, Eva

Eva Dillard
Staff Attorney
Black Warrior Riverkeeper
(205) 458-0095 [tel]
(205) 458-0094 [fax]
www.BlackWarriorRiver.org

Stockman, Nancy

From: Ryan Stephens [whitewaterzealot@hotmail.com]
Sent: Wednesday, August 08, 2012 1:51 AM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC Permit No. P-3957

I will be unable to attend the public meeting regarding the permitting of Reed No.5 mine. But I wanted to make clear that I am in opposition to the permit, here are some reasons:

1. Reed Minerals No. 5 Mine will discharge to the Mulberry Fork and its tributaries upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB) which serves approximately 200,000 customers in the greater B'ham area.
2. According to the BWVB, Reed Minerals No. 5 Mine has a "high potential for adverse impacts to the Birmingham drinking water supply."
3. The proposed Reed Minerals No. 5 Mine significantly pollute a source of drinking water – the Mulberry Fork, which has a use classification designating it as a Public Water Supply. The BWVB Mulberry Fork drinking water intake is approximately five and one half miles downstream of the proposed Reed Minerals No. 5 Mine site.
4. If the mine leads to greater demands on drinking water treatment operations including increased treatment costs, these costs will be paid by consumers, not the mining company.
5. Previous comment letters submitted by the BWVB and Black Warrior Riverkeeper incorporate extensive data about the possible impacts of coal mining on local streams and the Mulberry Fork, the public water supply. In sum, those materials conclusively demonstrate that permitting coal mine operations upstream of a public drinking water supply simply cannot and should not happen.
6. The detrimental social and economic impacts associated with contamination of the water supply for 200,000 people would more than outweigh any economic benefit of the mine.
7. Reed Minerals No. 5 Mine joins a cluster of three other large coal mines on the Mulberry Fork that were reclaimed or are currently in reclamation. After active coal mining has ceased, coal mine reclamation in many cases does not stop pollution from flowing off mine sites into the river. The cumulative impacts of all these mines on the river and the drinking water supply have not yet been evaluated.
8. Despite the number of coal mines discharging into the Mulberry Fork and its tributaries upstream of the water intake, to date there has been no study of the cumulative impacts all these mines will have on drinking water quality or the river.

In light of the concerns outlined above, I oppose the permitting of Reed Minerals No. 5 Mine by the Alabama Surface Mining Commission (ASMC).

Ryan Stephens
205-218-4700

Stockman, Nancy

From: David Rickless [dsr430@yahoo.com]
Sent: Tuesday, August 07, 2012 8:45 PM
To: Johnson, Randall
Subject: Re: Reed No. 5 Mine, ASMC Permit No. P-3957

As a concerned citizen of Alabama, I would like to express my opposition to the proposed Reed No. 5 Mine. I believe the permit for this mine should be rejected for the following reasons expressed by state and regional environmental groups:

Reed Minerals No. 5 Mine, like the proposed Shepherd Bend Mine, will discharge to the Mulberry Fork immediately upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB) which serves approximately 200,000 customers of the BWVB.

The Reed Minerals No. 5 Mine permit allows significant degradation of the source of our drinking water.

If the mine leads to greater demands on treatment operations as well as increased treatment costs, these costs will be paid by consumers, not the mine.

Previous comment letters submitted by the BWVB and Black Warrior Riverkeeper incorporate extensive data about the possible impacts of mining on aquatic resources and the public water supply. In sum, those materials conclusively demonstrate that the permitting of coal mine operations so close to a public drinking water supply simply cannot and should not happen.

The social and economic impact associated with the contamination of the water supply for 200,000 people more than outweigh any economic "benefit" of the mine.

Reed Minerals No. 5 joins a cluster of three other large coal mines on the Mulberry Fork that are reclaimed or currently in reclamation. In addition, the BWVB Mulberry Fork drinking water intake is approximately five and one half miles downstream of the Reed Minerals No.5. The Shepherd Bend Mine is already permitted by ADEM to discharge wastewater to portions of the Mulberry Fork designated for PWS.

Despite the number of coal mines on the Mulberry Fork, to date there has been insufficient research on the cumulative impacts all these mines will have on drinking water quality or the river.

Sincerely,

David Rickless
430 DeArmanville Drive North
Anniston, AL 36207

Stockman, Nancy

From: Johnson, Randall
Sent: Wednesday, August 08, 2012 7:17 AM
To: Stockman, Nancy; Woodley, Mark
Subject: FW: Reed No. 5 Mine, ASMC Permit No. P-3957

From: Beth Young [<mailto:beth@kingfishereditions.com>]

Sent: Wednesday, August 08, 2012 6:44 AM

To: Johnson, Randall

Subject: Reed No. 5 Mine, ASMC Permit No. P-3957

Dear Mr. Johnson,

I am writing to oppose the permit for Reed No. 5 Mine. This seems like a very short sighted solution to jobs in Alabama when the mine appears to be small, in or near the city limits of the town of Cordova and more importantly could impact the quality of the drinking water supply for residents of Birmingham.

Yours truly,

Beth Young

Beth Maynor Young

Land Specialist

beth@tuttland.com

205-533-1513

www.tuttLand.com

"The greatest investment on Earth, is Earth"

Conservation Photography

[Longleaf: Far as the Eye Can See](#)

<http://uncpress.unc.edu/books/11869.html>

[Headwaters: A Journey on Alabama Rivers](#)

www.kingfishereditions.com

Stockman, Nancy

From: David Newton [newton3117@bellsouth.net]
Sent: Monday, August 06, 2012 8:23 PM
To: Johnson, Randall
Subject: Re: Reed No. 5 Mine, ASMC Permit No. P-3957

Dr. Johnson:

On behalf of my family and friends, I herein convey my opposition to the approval of the subject permit, mainly because the Reed Minerals No. 5 Mine will discharge to the Mulberry Fork and its tributaries upstream of a primary drinking water intake for the Birmingham Water Works Board (BWWB) which serves approximately 200,000 customers in the greater Birmingham area.

Also, as we know, the costs of any additional treatment of water from Mulberry Fork will be borne by the customers of the BWWB and not by the mining company.

Thank you.

David Newton
129 Carter St.
Auburn, AL 36830
(H) 334-821-9817

Stockman, Nancy

From: Lynne Rogers [lrogers427@msn.com]
Sent: Monday, August 06, 2012 8:07 PM
To: Johnson, Randall
Subject: Reed #5 Mine, ASMC Permit #P-3957

Please note my strong objection to this request for permit to pollute the waters of the Black Warrior River and its' effect on the residents of Alabama. Not only is there inevitable destruction of this river but it is also of extreme economic cost to the people of this state. The increased cost of water treatment will be passed on to the consumer, not paid by those doing the damage. And although it might create some additional short-term jobs, the long-term negative effects far outweigh any short-term gains. Please do not allow this destruction to our state and the cost to its people. Thank you.
Lynne Rogers, resident of Homewood, AL

Stockman, Nancy

From: Kathryn Pautler [st.kathryn@yahoo.com]
Sent: Monday, August 06, 2012 9:21 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC Permit No. P-3957.

Permitting coal mine operations upstream of a public drinking water supply simply cannot and should not happen.

The detrimental social and economic impacts associated with contamination of the water supply for 200,000 people would more than outweigh any economic benefit of the mine.

Stockman, Nancy

From: Eartha McGoldrick [emcgoldrick@gmail.com]
Sent: Saturday, August 04, 2012 5:35 PM
To: Johnson, Randall
Subject: ASMC permit comments - Reed Minerals No. 5 Mine

Dr. Johnson,

Reed Minerals No. 5 Mine will discharge to the Mulberry Fork and its tributaries upstream of a primary drinking water intake for the Birmingham Water Works Board (BWWB) which serves approximately 200,000 customers in the greater B'ham area.

According to the BWWB, Reed Minerals No. 5 Mine has a "high potential for adverse impacts to the Birmingham drinking water supply."

The proposed Reed Minerals No. 5 Mine significantly pollute a source of drinking water – the Mulberry Fork, which has a use classification designating it as a Public Water Supply. The BWWB Mulberry Fork drinking water intake is approximately five and one half miles downstream of the proposed Reed Minerals No. 5 Mine site.

If the mine leads to greater demands on drinking water treatment operations including increased treatment costs, these costs will be paid by consumers, not the mining company.

Please protect our drinking water supply and DENY a permit for the Reed Minerals No. 5 Mine.

Eartha McGoldrick
emcgoldrick@gmail.com
(205) 908-1465

 please consider the environment - do you really need to print this email?

Stockman, Nancy

From: Jerri Lynn Hollyfield [jlh35226@gmail.com]
Sent: Saturday, August 04, 2012 3:45 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine

Dear Mr. Johnson,

This pertains to the Reed No. 5 Mine ASMC Permit NO P 3957. I do NOT want any mines opened on the Black Warrior River!!!! DO NOT approve any mining on the Black Warrior River!! We don't need fossil fuels anymore. We need clean, renewable, sustainable fuels. We need biodiesel fuels for our cars. We need hydroelectric power for our energy. We need to leave the Earth alone. I just came from the Dauphin Island Sea Lab during research on climate change. Humans are killing our Earth. Please leave the Black Warrior River alone. Please let it heal. Please do not let it be ruined anymore. We want a beautiful world.

Naturally,

Jerri Lynn Hollyfield, EdD

Stockman, Nancy

From: John Castleberry [castleberryjohn@gmail.com]
Sent: Friday, August 03, 2012 10:18 PM
To: Johnson, Randall
Subject: OPPOSE REED #5

Mr. Johnson,

I'd like for Reed to mine coal somewhere else besides upstream of the BWWB intake.

--

John Castleberry
castleberryjohn@gmail.com

Stockman, Nancy

From: John Earl [johntearl@comcast.net]
Sent: Friday, August 03, 2012 5:13 PM
To: Johnson, Randall
Subject: Comment on Reed No. 5 Mine, ASMC Permit No. P-395

These are issues concerning the Reed Minerals No 5 Mine that I share with the Black Warrior Riverkeeper organization:

1. Reed Minerals No. 5 Mine will discharge to the Mulberry Fork and its tributaries upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB) which serves approximately 200,000 customers in the greater B'ham area.
2. According to the BWVB, Reed Minerals No. 5 Mine has a "high potential for adverse impacts to the Birmingham drinking water supply."
3. The proposed Reed Minerals No. 5 Mine significantly pollute a source of drinking water – the Mulberry Fork, which has a use classification designating it as a Public Water Supply. The BWVB Mulberry Fork drinking water intake is approximately five and one half miles downstream of the proposed Reed Minerals No. 5 Mine site.
4. If the mine leads to greater demands on drinking water treatment operations including increased treatment costs, these costs will be paid by consumers, not the mining company.
5. Previous comment letters submitted by the BWVB and Black Warrior Riverkeeper incorporate extensive data about the possible impacts of coal mining on local streams and the Mulberry Fork, the public water supply. In sum, those materials conclusively demonstrate that permitting coal mine operations upstream of a public drinking water supply simply cannot and should not happen.
6. The detrimental social and economic impacts associated with contamination of the water supply for 200,000 people would more than outweigh any economic benefit of the mine.
7. Reed Minerals No. 5 Mine joins a cluster of three other large coal mines on the Mulberry Fork that were reclaimed or are currently in reclamation. After active coal mining has ceased, coal mine reclamation in many cases does not stop pollution from flowing off mine sites into the river. The cumulative impacts of all these mines on the river and the drinking water supply have not yet been evaluated.
8. Despite the number of coal mines discharging into the Mulberry Fork and its tributaries upstream of the water intake, to date there has been no study of the cumulative impacts all these mines will have on drinking water quality or the river.

*In light of the concerns outlined above, Black Warrior Riverkeeper **OPPOSES** the permitting of Reed Minerals No. 5 Mine by the Alabama Surface Mining Commission (ASMC).*

The ASMC permit application can be found at:
<http://surface-mining.alabama.gov/P3957/P3957%20Index.pdf>

In addition to the pending ASMC permit, the mine must receive a wastewater discharge permit from the Alabama Department of Environmental Management (ADEM). ADEM held a public hearing on June 28th, at which point the ADEM public comment period closed for this mine proposal. ADEM has yet to announce their decision. The ADEM permit application can be found at:<http://adem.alabama.gov/newsEvents/notices/may12/5reed2.htm>

John Earl
johntearl@comcast.net

Stockman, Nancy

From: Todd Hyché [thyche1@gmail.com]
Sent: Friday, August 03, 2012 3:26 PM
To: Johnson, Randall
Subject: Reed No. 5 Permit Website Permit Link Issues

Dr. Johnson,

As a follow-up to speaking with you on the phone today at 3:13pm the Reed No. 5 permit on the ASMC website has numerous broken links inhibiting the ability to review the updated application. The particular issues are located in the Part II sections for F- Groundwater Hydrology and G- Surface Water Hydrology more particularly the links in F- Groundwater Hydrology page 2 H255, H256, and H257 Drill Log Drawings, page 3 Hydro-Geo Map, and page 4 Geologic Inventory Cross-Section A-A'. I have verified that I have the proper software and updates that should allow viewing of this material.

These issues make it practically impossible to adequately review the permit. Can you please follow-up with me when this issues are address so that I can properly review the permit?

Regards,

Todd Hyché

Stockman, Nancy

From: Johnson, Randall
Sent: Friday, August 10, 2012 2:44 PM
To: Stockman, Nancy; Woodley, Mark
Subject: FW: Black Warrior Riverkeeper ASMC Comments for Reed Mine No. 5 (P-3937)
Attachments: Reed Mine No. 5 (P-3957) ASMC Comments 8-10-12.pdf; Dolcito Quarry DPER with PAP.pdf; 10-26-2009 TAILS - Log Event Update.pdf

Please substitute these comments for the ones I sent you earlier from BWRK

From: Eva Dillard [<mailto:edillard@blackwarriorriver.org>]
Sent: Friday, August 10, 2012 2:14 PM
To: Johnson, Randall; Jpizarchik@osmre.gov; ebarchen@osmre.gov; 'Wilson, Sherry'
Cc: powell.duncan@epa.gov; larue.mark@epa.gov; 'Dean, Glenda'; 'Crockett, Chip'; karen_marlowe@fws.gov; daniel_drennen@fws.gov
Subject: Black Warrior Riverkeeper ASMC Comments for Reed Mine No. 5 (P-3937)

Attached please find the referenced public comments on behalf of Black Warrior Riverkeeper. Thank you.

Sincerely,
Eva Dillard
Staff Attorney
Black Warrior Riverkeeper
(205) 458-0095 [tel]
(205) 458-0094 [fax]
www.BlackWarriorRiver.org

Black Warrior RIVERKEEPER®
712 37th Street South
Birmingham, AL 35222
Tel: (205) 458-0095
Fax: (205) 458-0094
edillard@blackwarriorriver.org
www.BlackWarriorRiver.org



August 10, 2012

Dr. Randall Johnson, Director
Alabama Surface Mining Commission
P. O. Box 2390
Jasper, AL 35502-2390

**Re: Reed Minerals No. 5 Mine
ASMC Permit No. P-3957**

Dear Dr. Johnson:

Thank you for the opportunity to provide additional comments with regard to the permit application by Reed Minerals, Inc. (Reed Minerals) to surface mine coal at Reed Minerals No. 5 Mine (Reed No. 5). We are writing on behalf of Black Warrior Riverkeeper, a nonprofit organization whose mission is to protect and restore the Black Warrior River and its tributaries.

As you may recall, we filed permit comments earlier on August 30, 2011 when the Reed No. 5 permit application was first submitted. Unfortunately, most of the concerns identified in our earlier comments are still relevant nearly a year later.

Reed No. 5, if permitted, will discharge to unnamed tributaries of the Mulberry Fork and to the Mulberry Fork of the Black Warrior River classified for Fish & Wildlife (F&W) and Public Water Supply (PWS) in Walker County. As proposed, Reed No. 5 joins a cluster of three other large coal mines on the Mulberry Fork that are reclaimed or currently in reclamation: Horse Creek Mine, Red Star Mine and Quinton Mine. Horse Creek Mine is just across the Mulberry Fork from the Reed No. 5 site. The Shepherd Bend Mine, currently permitted but inactive, is approximately 3 miles from Reed No. 5 at their closest points; the Birmingham Water Works Board's Mulberry Fork drinking water intake is about 5.4 miles downstream of the southernmost portion of Reed No. 5. Shepherd Bend also is permitted to discharge to portions of the Mulberry Fork designated PWS. Despite the number of coal mines on the Mulberry Fork, currently there is no study of the cumulative impacts of these mines on water quality or source drinking water, which is an issue of great concern for us and for many members of the community.

Water Quality Impacts

Like the proposed Shepherd Bend Mine, Reed No. 5 will discharge to the Mulberry Fork immediately upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB). That drinking water intake serves approximately 200,000 customers of the BWVB throughout the greater Birmingham area. According to the BWVB, Reed No. 5 has a “high potential for adverse impacts to the Birmingham drinking water supply.”

We have serious concerns about how the ASMC will oversee the development and implementation of the necessary engineering measures to ensure that Reed No. 5 will not cause or contribute to a violation of water quality standards through its wastewater discharges. The draft NPDES permit that the Alabama Department of Environmental Management (ADEM) issued to Reed No. 5 appears to have been developed from federal effluent guidelines which only address typical coal mining operations, *see* 40 CFR part 434, not the present situation where the mining occurs in such close proximity to the public water supply. A review of these guidelines reveals that protection of the public drinking water supply is neither considered nor addressed, perhaps because (as the BWVB has observed in the past) surface mining operations and drinking water withdrawals are such incompatible uses.

As a result, the iron and manganese limits in the draft NPDES permit are not protective of water that is designated PWS. The permit’s generally applicable discharge limits include daily average total iron concentrations of 3.0 mg/L (with a daily maximum of 6.0 mg/L); daily average total manganese concentrations of 2.0 mg/L (with a daily maximum of 4.0 mg/L); daily average TSS of 35.0 mg/L (with a daily maximum of 70.0 mg/L); and pH ranging from 6.0 to 9.0. The permit provides that the total manganese limits are *not* applicable if pH is 6.0 or higher and total iron is less than 10 mg/L. Even if Reed No. 5, under the direction and supervision of the ASMC, meets all the requirements of the ADEM NPDES permit we still believe that the operation of the mine will cause or contribute to a violation of water quality standards.

The Safe Drinking Water Act contains secondary maximum contaminant levels (MCLs) for total iron of 0.3 mg/L and total manganese of 0.050 mg/L. The levels allowed by the draft NPDES permit are 10 times the MCL for iron and 40 times the MCL for manganese. By comparison, the BWVB points out that the 2007 daily average raw water concentrations for iron and manganese at their Western Filter Plant, which treats water drawn from the Mulberry Fork Intake, were 0.057 mg/L and 0.079, respectively. Thus, the NPDES and ASMC permits would allow significant degradation of current source water quality. Iron and manganese can cause serious aesthetic problems with drinking water, including taste and staining of clothes or basins. The BWVB states that the permitted increase in iron and manganese levels (as well as sediment) can lead to greater demands on treatment operations as well as increased treatment costs. These costs are paid by consumers, not the mine(s) which create or contribute to the problem.

In addition to iron and manganese, there are many other contaminants of concern associated with coal that can affect source water, drinking water quality and treatment costs. The BWWB points to arsenic, sulfur, salinity, mercury, lead, zinc, copper and cadmium (among others) as elements that are associated with Alabama's coal deposits, specifically those near the Mulberry Fork and the drinking water intake. We know that the Warrior Coal Field has locally elevated concentrations of mercury, as well as elevated levels of arsenic, molybdenum, selenium, copper and thallium. See Gold, Dielhaber and Hatch, *Modes of Occurrence of Other Trace Elements in Coals from the Warrior Field, Black Warrior Basin, Northwestern Alabama* (April 27, 2004). The presence of these and other toxic elements associated with coal mining in an area where local residents drink water, swim, and fish make it imperative that any permits issued for Reed No. 5 protect both human health and the environment.

If iron and manganese are present in concentrations that greatly exceed recommended levels for safe drinking water, the BWWB states that it is also reasonable to expect that the other toxic pollutants associated with coal mine drainage will also greatly exceed levels protective of aquatic life and water quality. The BWWB comment letter incorporates extensive data about the possible impacts of mining on aquatic resources and the public water supply. That letter is available on ADEM's "eFile" system (<http://edocs.adem.alabama.gov/eFile/>) under Permit No. 0079936. We ask the ASMC to seriously consider these points in evaluating whether to issue an ASMC permit for Reed No. 5.

Even the applicant acknowledges in the application (Attachment II-H, pp. 3-4) that both groundwater and surface waters downstream of the mine could experience negative impacts from mining activities stating that "[a]ny (water quality) changes that may occur to the receiving stream are expected to be short term and should return to near pre-mining levels after reclamation." While the Probable Hydrologic Consequences Determination ultimately predicts that the effects on surface water will be minimal and temporary, it should be noted that this is only a prediction, not a guarantee, which fails to account for unforeseen circumstances and is possibly based on misinformation.

In determining the mine's potential contribution of sediment to the receiving stream (Attachment II-H, p.8), the applicant states "The Sediment Basins have an average trap efficiency of 94.3%" and applies a trap efficiency of 93%, perhaps in an effort to be conservative, to the Universal Soil Loss Equation. *However, even 93% trap efficiency is an extremely high estimate that will likely never be achieved by any of the sediment basins in practice.* According to Dr. Robert Pitt's assessment of the performance of temporary sediment ponds at construction sites, using rainfall data for Birmingham, Alabama the annual particulate solids removal rate should be closer to 75.9%.¹ In essence, even according to the applicant's extremely (and unrealistically) optimistic prediction, mining activities will cause temporary changes in surface water quality that will potentially necessitate alterations to the BWWB's treatment processes.

¹ This study is available at http://rpitt.eng.ua.edu/Class/Erosioncontrol/Module6/Module6.htm#_Toc75310372. While we are aware that conditions may be slightly different at construction sites as opposed to coal mines, the estimates provided by Dr. Pitt's research should be a fairly accurate approximation of sediment pond performance at coal mines as well.

In the worst case scenario, a catastrophic release or dam failure in the middle of summer when water demand is high and river flows are low (which the applicant fails to recognize as a potential consequence), mining activities could devastate a major source of water for the city of Birmingham. In the most likely scenario, the mine will contribute much greater concentrations of solids than predicted to the receiving stream, decreasing source water quality and increasing the BWWB's costs of treating water from the Mulberry Fork. In any of these cases, the threat to the water quality of the Mulberry Fork and the city of Birmingham's drinking water supply greatly outweighs any putative economic benefits that the proposed mine may provide.

Perhaps even more critical is the fact that neither the applicant nor the ASMC can actually, accurately predict the effect the mine will have on water quality without evaluating site-specific, detailed engineering plans and drawings for all of the potential sediment basins. Currently, the application only contains "typical" impoundment drawings, which can be taken by anyone from any erosion and sediment control text book. It is impossible to evaluate the effectiveness of sedimentation basins without knowing the exact dimensions of those basins, and how those dimensions will fit within the site specific topography at each proposed location.

Pollution Abatement and Prevention Plan

Just as concerning, the ASMC similarly cannot review and determine the efficacy of the pollution abatement and prevention (PAP) plan for Reed No. 5. The Reed permit application has no specific details for the PAP plan, just generic design requirements. It does not even bear an engineer's signature. For comparison, we attach a copy of the Dolcito Quarry draft NPDES permit, which is an example of what a PAP plan is supposed to be, with specific pond dimensions (length vs. width vs. depth) and orientation and calculations of runoff volume, storage capacity, design flow rates, and outlet structures. (The Dolcito Quarry PAP plan is found at pp. 58 - 84 in the attached draft permit.) This plan is illustrative of the kind of PAP plan that should be required by the ASMC, as opposed to the off-the-rack generics generally offered in permit applications like the one for Reed No. 5. The PAP plan is supposed to be a road map of how pollution will be minimized, managed and contained at the site. How can the ASMC evaluate the efficacy of this plan, which it must do according to the April 13, 2009 Memorandum of Understanding with ADEM, if there are no specifics provided?

The failure to require a detailed and specific PAP plan and who actually bears regulatory responsibility for reviewing and implementing this plan is a source of longstanding frustration with the ADEM and ASMC permitting process for coal mines. The ASMC and ADEM purport to share authority in administering the NPDES permitting system for coal mine operations. ADEM sets the targets in their NPDES permits and it is the ASMC's responsibility to see that these targets are met during the operation of the mine. However, instead of double regulation, there is a dangerous vacuum of regulation where PAP plans are concerned. According to ADEM regulations, surface mine operators "shall provide the Department with a pollution abatement and/or prevention plan" under Ala. Admin. Code § 335-6-9-.03. Moreover, permits "shall be based on a determination by the Department that the

pollution abatement and/or prevention plan and accompanying data submitted by the applicant is adequate to provide for protection of water quality.” Under the April 13, 2009 Memorandum of Understanding, this important responsibility of evaluating whether the plan is adequate supposedly shifts to the ASMC.

The PAP plan should contain actual designs for all sediment ponds and other pollution abatement measures that reflect the topography, hydrology, and soil conditions of the mine site. However, there is no actual PAP plan with this information for Reed No. 5 filed with either ADEM or the ASMC. The generic engineering plan and environmental resources information contained in the ASMC file are not an adequate substitute for a detailed PAP plan, especially where, as here, there is justified public concern about the environmental impact of the proposed operation and its possible effects on the public drinking water supply.

Under ADEM’s April 13, 2009 Memorandum of Understanding with the ASMC, the duty to ensure that the discharges of wastewater from Reed No. 5 will not cause or contribute to violations of water quality standards falls squarely on the shoulders of the ASMC. However, in its application on file with the ASMC, Reed Minerals has not provided enough information for the ASMC to properly evaluate its pollution abatement structures to ensure that they will comply with water quality standards.

Without a detailed PAP plan in the permit file, neither the ASMC nor the public can evaluate the effectiveness of the PAP plan or ensure that the designs are adequate to protect water quality standards. In the absence of this critical information, the ASMC cannot and should not issue a surface mining permit.

Surface Water Hydrology

The application also states in its Surface Water Hydrology assessment (Attachment II-G, p.3) that “no [precipitation] modeling methods are employed at this time.” Aside from detailed design plans, precipitation data is one of the most important aspects of evaluating sediment basin efficiency. Without detailed design plans and precipitation modeling, the applicant’s conclusion that the mine will have only minor, temporary effects on surface quality is nothing more than a baseless guess. Without this critical information, the ASMC cannot determine whether or not the mine will adversely affect surface water quality, and therefore cannot determine that the application to engage in surface mining activities is complete.

It is also inappropriate to send the application to public notice without this information as it is vital to the public’s ability to properly assess the potential impacts of the mine and whether or not it will affect them personally. ASMC Director Dr. Randall Johnson has indicated via email that the detailed engineering designs (and presumably the precipitation modeling) are generally submitted during the review process because the ASMC and Army Corps of Engineers need to agree on the locations of the sediment basins. This process needs to change so that these decisions are made earlier allowing the

applicant to submit all relevant information with its application. Otherwise, neither the ASMC nor the general public can make an informed decision regarding the potential impacts of the mine.

Rare, Threatened and Endangered Species

The information furnished by the permit applicant about the presence or protection of endangered species or critical habitat is inaccurate, outdated and incomplete. While the Fish and Wildlife Enhancement and Protection Plan maintains that “[t]he Alabama Department of Conservation and Natural Resources (DCNR) listed no endangered species as occurring in proposed permit area,” that is not an accurate representation of what the attached DCNR letter says. To the contrary, that letter states “[o]ur database indicates the area of interest has had no biological survey performed at the delineated location, by our staff or any individuals referenced in our database. *Therefore we can make no accurate assessment to the past or current inhabitancy of any federal or state protected species at that location.* A biological survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities.” (Emphasis added.) Pointing out that the area has not been properly surveyed for endangered species and that as a result an accurate assessment is not possible is a far cry from concluding that there are no endangered species.

DCNR identifies the Alabama map turtle (*Graptemys pulchra*), a sensitive species, as occurring approximately 4.2 miles from the Reed No. 5 site. However, according to the permit application file, Reed Minerals performed no survey for the map turtle. This state protected species lives in riverine-riparian systems and associated floodplain lakes, ponds, and sloughs. They often nest on sandy banks or sand bars, but sometimes up to about 100 meters from water. Threats to this state protected species include habitat alteration and the sediment, metals and other pollutants that will be discharged by Reed No. 5, yet there is no evidence that Reed Minerals even considered the possible presence of the map turtle.

Similarly, the U.S. Fish and Wildlife Service (USFWS) lists the red-cockaded woodpecker and bald eagle as endangered or threatened animal species whose critical habitat possibly exists within the proposed permit area or nearby, which could be directly or indirectly impacted by the proposed mining operation. Although the Fish and Wildlife Enhancement and Protection Plan refers to a November 2008 survey for the red-cockaded woodpecker and the bald eagle, there is no such survey in the permit file. The only “wildlife studies” appended to that plan is a cursory and incomplete January 4, 2006 letter from E. S. Lyle about studies for Sloan Mountain Mine No. 2.² In this one page letter there is no report, no mention of the author’s qualifications or credentials, no methodology as to how he or she reached the conclusions contained in the letter, no described location of the area surveyed and no support for his

² Several of the documents in the Reed No. 5 permit file reference Sloan Mountain Mine No. 2, which makes matters confusing. There is a Sloan Mountain Mine No. 2 (P-3913) located in Jefferson County. However, there is also a “Sloan Mountain Mine No. 2” with similar map coordinates and in substantially the same location as Reed No.5 that is identified in some of the earlier permit documents, which we assume is the mine referenced here.

findings. If this is the latest study that Reed Minerals has, it is six years old and stale. If Reed Minerals in fact completed a 2008 study, that study must be included in the permit file if that file is to be deemed administratively complete. Please notify us as to whether there is a 2008 study and, if so, when and where it will be available for review by the public.

What is particularly disturbing is that this mine *was* the subject of a previous application under another name (Sloan Mountain Mine No. 2) and several endangered species of concern were identified by USFWS at that time. *See* USFWS October 26, 2009 TAILS –Log Even Update (attached). That document identifies the following endangered species in the area of the proposed mine: the red-cockaded woodpecker (*Picoides borealis*); the flattened musk turtle (*Sternotherus depressus*); triangular kidneyshell (*Ptychobranthus greenii*); bald eagle (*Haliaeetus leucocephalus*); *finelined pocketbook* (*Hamiota altilis*); and ovate clubshell (*Pleurobema perovatum*). Just as important, this document identifies “[a]pproximately 14 acres of flattened musk turtle habitat along the Mulberry Fork.” Despite this report and the documented possible presence of these rare species in this area, according to the ASMC file Reed Minerals has not conducted the required species survey.

Given the lack of studies and information about endangered and sensitive species acknowledged by DCNR and USFWS at the location of the proposed mine, it is imperative that Reed No. 5 perform a detailed, meaningful species survey. Unless and until the permit applicant can document and demonstrate that a survey has been completed and that the identified endangered species are not present, the ASMC cannot and should not permit Reed No. 5.

Cultural Resources Assessment

According to the December 1, 2008 letter from Elizabeth Ann Brown, Deputy State Historic Preservation Officer at the Alabama Historical Commission, the cultural resource assessment conducted by P. E. LaMoreaux, identified a significant archaeological site at Reed No. 5. The area surrounding the archaeological site designated IWa249 in the assessment is “potentially eligible for the National Register of Historic Places and should be avoided. If avoidance is not feasible, Phase II testing proposals should be developed.” There is no indication in the permit file what, if any, steps Reed Minerals plans to take to protect this cultural resource during mining or whether Phase II testing proposals have been developed. The ASMC should require Reed Minerals to furnish this important information before issuing a permit to ensure that these cultural resources will be protected. Local residents of the Cordova area can attest to the presence of a significant and historic Native American shell mound at the site that must be protected and preserved.

Inconsistent and/or Incomplete Application Information

The permit application states in its Surface Water Hydrology assessment (Attachment II-G, p.2) and the Probable Hydrologic Consequences Determination that the Mulberry Fork has known use

classifications for F& W and PWS. While these are the classifications listed and recognized by ADEM, this area of the river is also commonly used for swimming, recreation, and fishing.

The permit application presents contradictory evidence of the mine's potential to create acidic drainage or runoff. Attachment II-H (p. 2) states "The drilling data at this site indicates that no zones of acid forming materials exist other than the coal seams." On the other hand, the Geology assessment (Attachment II-E, p.6) maintains "there is an interval directly above the New Castle coal seam that is potentially acid-forming and averages approximately five feet thick." While the acid-base account indicates that this acid-forming potential *should be* neutralized, that will only be the case if the acid-forming spoil is properly handled and stored. If the mining company is unaware, or unsure of where this spoil is located, it is likely that it will be mishandled and will create low-pH runoff. Which attachment is correct? Is there, or is there not a potentially acid-forming layer above the New Castel coal seam? And if there is, what assurance does the applicant provide that it will even be recognized, much less properly handled, when encountered if they cannot even make an accurate determination if it is present or not?

Finally, in addition to the missing engineering design plans and precipitation modeling, the permit application is without other essential components as well. For instance, the Reclamation Plan (Part IV, p.3) indicates that "land use letters are forthcoming" and that the Topsoil Variance Application is "forthcoming" (p.7). These letters have been "forthcoming" since we filed our original permit comments nearly one year ago, yet they still are not in the permit application file.

Conclusion

By law, the public participation process must start with "an administratively complete application." See Ala. Admin Code r. 880-X-8K-.05 (1)(a). The responsibility for ensuring the existence of this critical starting point for public participation belongs to the ASMC. See Ala. Admin Code r. 880-X-8K-.03(3). Regardless of whether or not all the identified deficiencies are major or minor components of the overall application, it is incumbent upon the ASMC to present the public with a *complete* permit application for consideration of public comments. Until the permit application has been completed *in its entirety*, the ASMC cannot and should not place the permit on notice for public comments, much less issue a permit to engage in surface mining activities.

This week, near the close of the public comment period, information is still missing from the permit file online at ASMC, and critical links within the permit application were not functional. Without access to all documents and studies required for this application, it is impossible for the public to be meaningfully informed about the mine or provide the kind of substantive comments on this coal mine that applicable regulations require. This lack of information and access shortchanges the ASMC process and renders public participation virtually meaningless. While the ASMC regulations may intend robust and informed public participation, sadly the promise of these regulations is unmet by the process

associated with the Reed No. 5 permit application. The failure to provide an administratively complete permit application and promised access to the permit file online represents a denial of due process for the many who are persons "having an interest which is or may be adversely affected by the decision on the application." See Ala. Admin Code r 880-X-8K-.05(2)(b).

In light of these documented deficiencies, which were the subject of extensive public comment at the informal conference last night, we asked the ASMC to extend the public comment period for an additional thirty days after the application is deemed complete. As a result of this request made by Riverkeeper and many others, the ASMC has agreed to extend the public comment period until September 10, 2012. While we appreciate this extension, please understand that it is of little benefit without a complete permit application.

We appreciate the opportunity to offer public comments through this letter and at the informal conference. We look forward to your response.

For the River,



Nelson Brooke
Riverkeeper



John Kinney
Enforcement Coordinator



Eva Dillard
Staff Attorney

cc: Joseph Pizarchik, Director
OSM

Ervin J. Barchenger, Regional Director
OSM Mid-Continent Region

Sherry Wilson, Director
OSMRE Birmingham Field Office

Duncan M. Powell, Chief
USEPA R4 Mining Section

Mark LaRue
USEPA R4 Mining Section

Glenda Dean, Chief
ADEM Water Division

Chip Crockett, Chief
NPDES Enforcement Branch

August 9, 2011

*Johnson
Chateaux
Mark*

THE BIRMINGHAM
WATER WORKS BOARD

Dr. Randall C. Johnson
Alabama Surface Mining Commission (ASMC)
P.O. Box 2390
Jasper, AL 35502-2390

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Services*

T. M. Jones, P. E.
Engineering and Maintenance

Michael Johnson, C. P. A.
finance and Administration

RE: Reed Minerals No. 5 Mine
ASMC Permit Application P3957

Dear Dr. Johnson:

The Water Works Board of the City of Birmingham (Board) would like to provide the following comments regarding the permit application for the Reed Minerals No. 5 Mine (ASMC P3957) located in Walker County. Water discharged from this mining operation would enter the Mulberry Fork, upstream from one of our surface water intakes, the Mulberry Intake. The Mulberry Intake has been in operation since 1989 and, as one of the Board's water sources, serves approximately 200,000 people in the Birmingham area. The Board submitted comments to the Alabama Department of Environmental Management (ADEM) regarding the Reed Minerals No. 5 Mine NPDES permit. We are concerned that this proposed mine has the potential to adversely impact the Birmingham area drinking water.

Our comments and requests for the permit application are summarized below:

- states that "Chemical analyses conducted to identify acid-forming or toxic-forming zones shall be made on a representative number of samples of the overburden within the permit area." It appears that only Acid Base Accounting (ABA) analyses were run on lithologic samples. ABA does not evaluate potential for "toxic-forming" compounds such as enhanced leaching of metals of exposed overburden materials. Evaluation of toxic-forming compounds should be conducted for each lithologic zone sampled.
- indicates that the baseline groundwater quality investigation is not sufficient. In addition to pH, Iron, Manganese, Acidity, Alkalinity, and Sulfate, a number of constituents should be added to the Groundwater Monitoring Parameters in Section V of the Hydrologic Monitoring Plan including: Aluminum, Arsenic, Copper, Mercury, Antimony, Zinc, Chromium, and Lead.

- incorrectly identifies the use classification of the Mulberry Fork as Fish and Wildlife only. The Mulberry Fork is classified for Public Water Supply from its junction with the Sipsey Fork, upstream of the proposed mine, to its junction with the Locust Fork, downstream of the proposed mine. In fact, much of the proposed mine area falls within the Source Water Protection Area for the Mulberry Intake, located just downstream. This area defines the "critical, or special, area in the immediate vicinity of a surface water plant intake that is closely scrutinized for contaminant sources."
- The proximity of the proposed mining operation to such a major municipal water supply intake represents an incompatible use. This operation could result in the discharge of mining related pollutants directly to the intake. The NPDES permit and this permit application do not appear to have adequately considered the drinking water use, and are wholly inadequate to protect the Board and its customers from many pollutants commonly associated with mining activities. The attached comments provided to ADEM concern the impact of the mining operation on the water supply.
- No design information has been provided on the sedimentation ponds. These structures are the primary means of maintaining effluent water quality and should be carefully designed with respect to volume, dimensions, sediment storage, baffling, and structural integrity. These ponds, and other treatment systems, should be designed to the best available technology to prevent the additional contribution of settleable and suspended solids to the public water supply. Proposed sediment basin sizing in the applicant's NPDES permit filing does not meet ADEM's design guidance for sediment storage. We request that the ASMC, when reviewing the basin designs, increase the capacity of these structures.
- The permit application makes reference to the possible use of chemical treatment to control pH, metals, TSS. It is highly recommended to implement chemical treatment measures and to include them in the facility design, along with plans/measures to determine appropriate dosing rates. Such measures require careful planning and should not be left as afterthought only to be hurriedly implemented in the event that major problems are discovered.
- Sedimentation control structures are the primary control for surface waters leaving the property. These generally control the sediments, when well-designed, but may not reduce dissolved or ionic constituents that may be elevated due to mining activities. Constituents not controlled may include metals, explosive residue, sulfate from sulfide oxidation, etc. In addition, many trace contaminants in are not likely to be mitigated by settling ponds.
- should be revised to include sampling and reporting of all parameters, even when precipitation event exemptions will be applied for with ADEM. Further, the monitoring plan should be expanded to include the following parameters, sampled monthly at groundwater monitoring wells, the outfalls, and receiving stream: 1

Total Suspended Solids	Acidity	Copper (total)
Total Dissolved Solids or	Alkalinity	Chromium (total)
Specific Conductance	Aluminum (total)	Nickel (total)
pH	Arsenic (total)	Iron (total)
Temperature	Cadmium (total)	Manganese (total)
Rainfall	Lead (total)	Mercury (total)
Sulfate	Selenium (total)	Zinc (total)
Antimony	Ethyl benzene	Pyritic Sulfur
Bromide	Xylene	Strontium
Benzene	Lithium	Turbidity
Toluene	Molybdenum	Total Organic Carbon

The groundwater underlying the proposed Reed Minerals No. 5 mine is in direct hydraulic communication with surface water in the Mulberry Fork, which is designated for public water supply. Due to the nature of groundwater flow at this site, contaminants introduced to groundwater from mining operations will discharge to the Mulberry Fork. Further, the groundwater directly underlying the site is likely designated as an "Underground Source of Drinking Water" (USDW) by ADEM Admin. Code r. 335 Division 6 Regulations, defined as "an aquifer or portion thereof 1) which currently supplies drinking water for human consumption, or 2) in which the ground water contains fewer than 10,000 mg/L of total dissolved solids." Baseline ground water sampling and well surveys (municipal and private) should be completed to determine if these criteria are met.

Our Mulberry Intake will be used to provide drinking water to the Birmingham Metropolitan Area for many years in the future and this mine would negatively impact the drinking water supply. Given what is at stake, we feel that this mining permit should not be issued. If the permit is issued, we feel that all of the areas of concern noted above must be addressed in order for us to continue to provide the regions residents with safe drinking water at a reasonable price.

Please email me at djones@bwwsb.com or call 205-244-4404 if you have any questions or comments.

Very Truly Yours,

Darryl R. Jones, P. .
Assistant General Manager
Operations and Technical Services

cc: Mac Underwood, BWWB
Patrick Flannelly, Malcolm Pirnie, Inc.

From: David A. Ludder [<mailto:DavidALudder@enviro-lawyer.com>]
Sent: Saturday, September 03, 2011 3:41 PM
To: comments
Cc: swilson@osmre.gov
Subject: ASMC Permit Comments

Please accept this as a comment on each of the permit applications identified below.

A typical ASMC permit does not include a provision requiring compliance with the performance standards in Ala. Admin. Code Chap. 880-X-10C. However, Ala. Code s. 9-16-90(a) says "Any permit issued pursuant to this article to conduct surface mining operations *shall require* that such surface coal mining operations will meet all applicable performance standards of this article, and such other requirements as the regulatory authority shall promulgate." (Emphasis added). This is a mandatory duty imposed by the Legislature on the ASMC. Accordingly, I request that all initial permits, permit revisions, and permit renewals include a provision requiring compliance with all the standards in Ala. Admin. Code Chap. 880-X-10C.

[P3957 Reed Minerals, Inc, No. 5 Mine](#)- Walker County (Filed 7/5/2011)

[P3958 Cedar Lake Mining, Inc, Coal Valley East Mine](#)- Walker County (Filed 8/4/2011)

[P3959 Shannon LLC, Shannon Mine No. 4](#)- Jefferson County (Filed 8/5/2011)

[P3960 Cedar Lake Mining Inc, Bull Gap Mine](#)- Blount County (Filed 8/9/2011)

[P3961 Travis Creek Energy, LLC, Trafford mine No. 1](#)- Blount County (Filed 8/16/2011)

[P3962 Birmingham Coal & Coke Co. Inc, Old Union #2 Mine](#)- Winston County (Filed 8/26/2011)



From: Bill Lollar billl sssvalve.com
Sent: Wednesday, August 10, 2011 9:24 PM
To: comments
Cc: Jon Randall
Subject: Permit P3957 Reed Minerals, Inc. No 5 mine

I am writing to protest the granting of a mining permit for Reed Mineral # 5 mine. The entire community is against having a strip mine in their back yard. The environmental impact will be irreversible if this mine is allowed to begin production. The roads and bridges leading to and from this mine can not sustain the weight of coal trucks. These coal trucks will be a safety hazard for our children that have to ride the school buses on these same roads. The sediment run off from this mine will further damage the Warrior River and contaminate our drinking water. The Birmingham Water Works has an intake directly downstream from the proposed mine site and 200,000 citizens depend on this river for clean drinking water. The blasting of dynamite used at this mine will destroy our homes and churches in this community. I am asking that you deny this mining permit and I would ask for a public hearing so all of the concerned citizens can have a platform to voice their opposition.

Please consider my comments for Permit # P3957 Reed Minerals Inc, No 5 Mine.

Bill Lollar
898 Big Hollow Rd.
Cordova, Al. 35550
Cell # (205) 706-0604

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From: David A. Ludder DavidALudder enviro-lawyer.com
Sent: Saturday, September 03, 2011 3:41 PM
To: comments
Cc: swilson osmre.gov
Subject: ASMC Permit Comments

Please accept this as a comment on each of the permit applications identified below.

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[P3957 Reed Minerals, Inc, No. 5 Mine](#)- Walker County (Filed 7/5/2011)

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[P3962 Birmingham Coal & Coke Co. Inc, Old Union #2 Mine](#)- Winston County (Filed 8/26/2011)



Dr. Johnson

We wish to exercise our right to comment publicly on ASMC Permit Application P3957, Reed Mineral No.

5 Mine. We respectfully request that the Commission give very diligent

attention to issues raised by members of our impacted communities as summarized in this letter and

deny this permit because these issues cannot be mitigated with an adequate degree of certainty. These

concerns have been identified and discussed by citizens in regularly scheduled monthly meetings that

have been conducted since the Spring of 2006 and serve as a consensus of opinion by these citizens.

Further, we respectfully request a public hearing to discuss these concerns and other issues relevant to

this proposed project prior to a decision on this permit application. The majority of citizens concerned

about the consequences of this proposed mining operation have occupational or other commitments

during regular business hours therefore we request that such hearing be conducted in the evening, after

regular business hours, during the work week, at a location reasonably convenient to the impacted

communities, and at a time that will allow those citizens a reasonable amount of time to travel to the

conference site from their homes or work

Johnson, Randall

From: Alfred Rose [walfredrose1@hotmail.com]
Sent: Thursday, August 09, 2012 2:10 PM
To: Johnson, Randall
Subject: Reed #5 Mine, ASMC Permit # P-3957

Dear Dr. Johnson:

I am writing to oppose the granting of a permit by the Alabama Surface Mining Commission for Reed Minerals #5 Mine, ASMC Permit # P-3957.

I am writing as a resident of Jefferson County who uses water supplied by the Birmingham Water Works Board.

I oppose the granting of this permit for the following reasons:

One: according to the Birmingham Water Works, there would be a discharge by this activity from this mine 5 1/2 miles upstream from a primary water intake used by the Birmingham Water Works, which serves 200,000 customers in the Birmingham area, with the result , according to the Birmingham Water works, of "a high potential for adverse impacts to Birmingham drinking water".

Two: Any resulting increase in costs of water treatment would be paid for not by the mine company who caused these pollutants, but by the consumers of Birmingham water.

I DO NOT WANT TO PAY HIGHER WATER BILLS, especially on account of the activity of a private, for-profit entity!!!

Three: The long-term degradation of land on and near the Black Warrior river resulting from this surface mining would greatly impede and degrade any development of that land for recreation ---
and thus this economic impact would GREATLY OUTWEIGH any short-term employment resulting from this surface mining.

Thank you for considering these arguments for opposing the granting of said permit.

Sincerely,

William Alfred Rose
3904 Memory Brook Circle
Birmingham, AL 35213



Alabama Rivers Alliance
Water Is Life

August 9, 2012

Dr. Randall Johnson, Director
Alabama Surface Mining Commission
P. O. Box 2390
Jasper, AL 35502-2390

Re: Reed Mineral No. 5 Mine ASMC Permit Application P-3957

Dear Dr. Johnson,

The Alabama Rivers Alliance respectfully submits these comments regarding the Reed Mineral No. 5 Mine ASMC Permit Application P-3957. The Alabama Rivers Alliance is a statewide, nonprofit organization working to protect and restore the rivers of Alabama through public policy advocacy, citizen organizing, and education. We represent over 1,200 individual members statewide and support a network of over 50 grassroots organizations.

The Alabama Rivers Alliance is concerned about the proposed Reed Mineral No. 5 mine because of the potential adverse effects on the water quality of the Mulberry Fork of the Black Warrior River. Mining this area will diminish wildlife habitat, water quality, and quality of life in the surrounding communities and the Mulberry Fork Watershed.

Additionally, the proposed 506 acre mine will have 23 wastewater discharge points which will discharge upstream from the drinking water intake of the Birmingham Water Works. This impacts the drinking water for over 200,000 people in the Birmingham area by reducing water quality and potentially increasing the cost of treatment.

As an environmental organization created to protect rivers, we oppose the ASMC Permit No. P-3957 for the reasons listed above. We also support the more detailed comments submitted by Black Warrior Riverkeeper.

We appreciate your time and consideration of these comments.

Respectfully,

Cindy Lowry
Executive Director

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August 30, 2011

Dr. Randall Johnson, Director
Alabama Surface Mining Commission
P. O. Box 2390
Jasper, AL 35502-2390

Re: Reed Minerals No. 5 Mine
ASMC Permit No. P-3957

Dear Dr. Johnson:

Thank you for the opportunity to provide comments with regard to the permit application by Reed Minerals, Inc. (Reed Minerals) to surface mine coal at Reed No. 5 Mine. We are writing to provide comments on behalf of Black Warrior Riverkeeper, a nonprofit organization whose mission is to protect and restore the Black Warrior River and its tributaries.

Reed No. 5 Mine, if permitted, will discharge to unnamed tributaries of the Mulberry Fork and to the Mulberry Fork of the Black Warrior River classified for Fish & Wildlife (F&W) and Public Water Supply (PWS) in Walker County. As proposed, Reed No. 5 joins a cluster of three other large coal mines on the Mulberry Fork that are reclaimed or currently in reclamation: Horse Creek Mine, Red Star Mine and Quinton Mine. Horse Creek Mine is just across the Mulberry Fork from the Reed No. 5 site. The Shepherd Bend Mine, currently permitted, is approximately 3 miles from Reed No. 5 at their closest points; the Birmingham Water Works Board Mulberry Fork drinking water intake is about 5.4 miles downstream of the southernmost portion of Reed No. 5. Shepherd Bend also is permitted to discharge to portions of the Mulberry Fork designated PWS. Despite the number of coal mines on the Mulberry Fork, there has been no consideration or study of the cumulative impacts of these mines on water quality, which is an issue of great concern to us.

We request that a public hearing be held in close proximity to Reed No. 5 Mine after normal business hours in order to accommodate the numerous hard-working individuals who wish to weigh in on the proposed permit. We further request that this hearing include ASMC staff familiar with the application and informed representatives of Reed Minerals who can respond to substantive questions about the application and the proposed operation.

Water Quality Impacts

Like the proposed Shepherd Bend Mine, Reed No. 5 will discharge to the Mulberry Fork immediately upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB). That drinking water intake serves approximately 200,000 customers of the BWVB every day. According to the BWVB, Reed No. 5 has a “high potential for adverse impacts to the Birmingham drinking water supply.”

We have serious concerns about how the ASMC will oversee the development and implementation of the necessary engineering measures to ensure that Reed No. 5 will not cause or contribute to a violation of water quality standards through its wastewater discharges. The draft NPDES permit that the Alabama Department of Environmental Management (ADEM) issued to Reed No. 5 Mine appears to have been developed from federal effluent guidelines which only address typical coal mining operations, *see* 40 CFR part 434, not the present situation where the mining occurs in such close proximity to the public water supply. A review of these guidelines reveals that protection of the public drinking water supply is neither considered nor addressed, perhaps because (as the BWVB has observed in the past) surface mining operations and drinking water withdrawals are such incompatible uses.

As a result, the iron and manganese limits in the draft NPDES permit are not protective of water that is designated PWS. The permit’s generally applicable discharge limits include daily average total iron concentrations of 3.0 mg/L (with a daily maximum of 6.0 mg/L); daily average total manganese concentrations of 2.0 mg/L (with a daily maximum of 4.0 mg/L); daily average TSS of 35.0 mg/L (with a daily maximum of 70.0 mg/L); and pH ranging from 6.0 to 9.0. The permit provides that the total manganese limits are *not* applicable if pH is 6.0 or higher and total iron is less than 10 mg/L. Even if Reed No. 5 Mine, under the direction and supervision of the ASMC, meets all the requirements of the ADEM NPDES permit we still believe that the operation of the mine will cause or contribute to a violation of water quality standards.

The Safe Drinking Water Act contains secondary maximum contaminant levels (MCLs) for total iron of 0.3 mg/L and total manganese of 0.050 mg/L. The levels allowed by the draft NPDES permit are 10 times the MCL for iron and 40 times the MCL for manganese. By comparison, the BWVB points out that the 2007 daily average raw water concentrations for iron and manganese at the Mulberry Fork’s Western Filtration Plant were 0.057 mg/L and 0.079, respectively. Thus, the NPDES and ASMC permits would allow significant degradation of current source water quality. Iron and manganese can cause serious aesthetic problems with drinking water, including taste and staining of clothes or basins. The BWVB states that the permitted increase in iron and manganese levels (as well as sediment) can lead to greater demands on treatment operations as well as increased treatment costs. Typically, these costs must be passed on to consumers.

In addition to iron and manganese, there are many other contaminants of concern associated with coal that can affect source water, drinking water quality and treatment costs. The BWWB points to arsenic, sulfur, salinity, mercury, lead, zinc, copper and cadmium (among others) as elements that are associated with Alabama's coal deposits, specifically those near the Mulberry Fork and the drinking water intake. If iron and manganese are present in concentrations that greatly exceed recommended levels for safe drinking water, the BWWB states that it is also reasonable to expect that these other toxic pollutants associated with coal mine drainage will also greatly exceed levels protective of aquatic life and water quality. The BWWB comment letter incorporates extensive data about the possible impacts of mining on aquatic resources and the public water supply. That letter is available on ADEM's "eFile" system (<http://edocs.adem.alabama.gov/eFile/>) under NPDES Permit No. AL0079936. We ask the ASMC to seriously consider these points in evaluating whether to issue an ASMC permit for Reed No. 5 Mine.

Even the applicant acknowledges in the application (Attachment II-H, pp. 3-4) that both groundwater and surface waters downstream of the mine could experience negative impacts from mining activities stating "Any (water quality) changes that may occur to the receiving stream are expected to be short term and should return to near pre-mining levels after reclamation." While the Probable Hydrologic Consequences Determination ultimately predicts that the effects on surface water will be minimal and temporary, it should be noted that this is only a prediction, not a guarantee, which fails to account for unforeseen circumstances and is possibly based on misinformation.

In determining the mine's potential contribution of sediment to the receiving stream (Attachment II-H, p.8), the applicant states "The Sediment Basins have an average trap efficiency of 94.3%" and applies a trap efficiency of 93%, perhaps in an effort to be conservative, to the Universal Soil Loss Equation. However, even 93% trap efficiency is an extremely high estimate that will likely never be achieved by any of the sediment basins in practice. According to Dr. Robert Pitt's assessment of the performance of temporary sediment ponds (http://rpitt.eng.ua.edu/Class/Erosioncontrol/Module6/Module6.htm#_Toc75310372)¹ at construction sites, using rainfall data for Birmingham, Alabama, the annual particulate solids removal rate should be closer to 75.9%. In essence, even according to the applicant's extremely optimistic prediction, mining activities will cause temporary changes in surface water quality that will potentially necessitate alterations to the BWWB's treatment processes.

In the worst case scenario, a sediment pond dam failure in the middle of summer when water demand is high and river flows are low (which the applicant fails to recognize as a potential scenario), mining activities could devastate a major source of water for the city of Birmingham. In the most likely scenario, the mine will contribute much greater concentrations of solids than predicted to the receiving stream, increasing the BWWB's costs of treating water from the Mulberry Fork. In any of these cases,

¹ While we are aware that conditions may be slightly different at construction sites as opposed to coal mines, the estimates provided by Dr. Pitt's research should be a fairly accurate approximation of sediment pond performance at coal mines as well.

the threat to the water quality of the Mulberry Fork and the city of Birmingham's drinking water supply greatly outweighs any putative economic benefits that the proposed mine may provide.

Perhaps even more critical is the fact that neither the applicant nor the ASMC can actually, accurately predict the effect the mine will have on water quality without evaluating site-specific, detailed engineering plans and drawings for all of the potential sediment basins. This is especially true where, as here, ADEM's water quality assessment for this part of the Mulberry Fork demonstrates that typically this segment harbors increased sediment loads. Currently, the application only contains "typical" impoundment drawings, which can be taken from any erosion and sediment control textbook. It is impossible to evaluate the effectiveness of sedimentation basins without knowing the exact dimensions of those basins, and how those dimensions will fit within the site specific topography at each proposed location. Just as importantly, ADEM cannot meaningfully review and approve a PAP plan that will protect water quality if that plan contains none of the necessary details about how the treatment ponds will function at the site.

The application also states in its surface water hydrology assessment (Attachment II-G, p.3) that "no [precipitation] modeling methods are employed at this time." Aside from detailed design plans, precipitation data is the most important aspect of evaluating sediment basin efficiency. Without detailed design plans and precipitation modeling, the applicant's conclusion that the mine will have only minor, temporary effects on surface quality is nothing more than a baseless assumption. Without this critical information, the ASMC cannot determine whether or not the mine will adversely affect surface water quality, and therefore cannot determine that the application to engage in surface mining activities is complete.

It is also inappropriate to send the application to public notice without this information as it is vital to the public's ability to properly assess the potential impacts of the mine and whether or not it will affect them personally. ASMC Director, Dr. Randall Johnson has indicated via email that the detailed engineering designs (and presumably the precipitation modeling) are generally submitted during the review process because the ASMC and Army Corps of Engineers need to agree on the locations of the sediment basins. This process needs to change so that these decisions are made earlier allowing the applicant to submit all relevant information with its application. Otherwise, neither the ASMC nor the general public can make an informed decision regarding the potential impacts of the mine.

Endangered Species and Critical Habitat

The information furnished by the permit applicant about the presence or protection of endangered species or critical habitat is inaccurate, outdated and incomplete. While the Fish and Wildlife Enhancement and Protection Plan maintains that "[t]he Alabama Department of Conservation and Natural Resources (DCNR) listed no endangered species as occurring in proposed permit area," that is not an accurate representation of what the attached DCNR letter says. To the

contrary, that letter states “[o]ur database indicates the area of interest has had no biological survey performed at the delineated location, by our staff or any individuals referenced in our database. *Therefore we can make no accurate assessment to the past or current inhabitancy of any federal or state protected species at that location.* A biological survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities.” (Emphasis added.) Pointing out that the area has not been properly surveyed for endangered species and that as a result an accurate assessment is not possible is a far cry from concluding that there are no rare or endangered species.

The U.S. Fish and Wildlife Service (USFWS) lists the red-cockaded woodpecker and bald eagle as endangered or threatened animal species or their critical habitat possibly existing within the proposed permit area or nearby which could be directly or indirectly impacted by the proposed mining operation. Although the Fish and Wildlife Enhancement and Protection Plan refers to a 2008 survey for the red-cockaded woodpecker and the bald eagle, there is no such survey in the permit file. The only “wildlife studies” appended to that plan is a cursory January 4, 2006 letter from E. S. Lyle about studies for Sloan Mountain Mine No. 2.² In this letter there is no report, no mention of the author’s qualifications or credentials, no methodology as to how he reached the conclusions contained in the letter, no described location of the area surveyed and no support for his findings. If this is the latest study that Reed Minerals has, it is over five years old and stale. They must perform a detailed biological survey. If there is a detailed and complete 2008 species study and it was omitted in error, Reed Minerals should include it in the permit file so the public can review the study.

What is particularly disturbing is that this mine *was* the subject of a previous application under another name (Sloan Mountain Mine #2) and several endangered species of concern were identified by USFWS at that time. *See* USFWS October 26, 2009 TAILS –Log Even Update (Attached). That document identifies the following endangered species in the area of the proposed mine: the red-cockaded woodpecker (*picoides borealis*); *the flattened musk turtle (sternotherus depressus)*; triangular kidneyshell mussel, (*ptychobranthus greenii*); bald eagle (*haliaeetus leucocephalus*); *finelined pocketbook mussel (hamiota altilis)*; and ovate clubshell mussel (*pleurobema perovatum*). Just as important, this document identifies “[a]pproximately 14 acres of flattened musk turtle habitat along the Mulberry Fork.”

Despite this report and the documented possible presence of these rare species in this area, according to the ASMC file Reed Mineral has not conducted the required species survey. Unless and until the permit applicant can document and demonstrate that a survey has been completed and that the

² Several of the documents in the Reed No. 5 permit file reference Sloan Mountain Mine # 2, which is very confusing. Sloan Mountain Mine #. 2 (P-3913) is located in Jefferson County. However, there is also a “Sloan Mountain Mine No. 2” with similar map coordinates and in substantially the same location as Reed No.5 that is identified in some of the earlier permit documents. There is no explanation for this apparent discrepancy, but our files indicate that the current Reed No. 5 Mine was originally proposed by another operator under the Sloan Mountain Mine # 2 name.

identified endangered species are not present, the ASMC cannot and should not permit Reed No. 5 Mine.

Cultural Resources Assessment

According to the December 1, 2008 letter from Elizabeth Ann Brown, Deputy State Historic Preservation Officer at the Alabama Historical Society, the cultural resource assessment conducted by P. E. LaMoreaux, identified a significant archaeological site at Reed No. 5 Mine. The area surrounding the archaeological site designated IWa249 in the assessment is “potentially eligible for the National Register of Historic Places and should be avoided. If avoidance is not feasible, Phase II testing proposals should be developed.” There is no indication in the permit file what, if any, steps Reed Minerals plans to take to protect this cultural resource during mining. The ASMC should require Reed Minerals to furnish this important information and ensure that an adequate plan for protection of this site is in place before issuing a permit to ensure that these cultural resources will be protected.

Inconsistent and/or Incomplete Application Information

The permit application erroneously states in its Surface Water Hydrology Assessment (Attachment II-G, p.2) that “the known uses of surface water on Mulberry Fork are considered to be fish and wildlife as classified by the Alabama Department of Environmental Management.” However, the Mulberry Fork at the location of the proposed mine is actually also classified for use as a Public Water Supply (PWS). The fact that the applicant mislabeled the actual use classification of the Mulberry Fork is not surprising as they seem to have mostly ignored the competing use of the surface water as a source for the BWWB’s drinking water intake. Neither the Probable Hydrologic Consequences Determination nor the Surface Water Hydrology assessment mentions the competing use or the proper use classification indicating that these portions of the application were based on inaccurate information and do not properly assess the mine’s potential to affect water quality as it pertains to the actual uses of the receiving water. The applicant needs to resubmit these portions of the application after first taking proper consideration of the Mulberry Fork’s use as a public water supply by evaluating the potential effects based on ADEM’s water quality criteria for PWS (not F&W) as well as EPA’s drinking water MCLs.

The permit application also presents contradictory accounts of the mine’s potential to create acidic drainage or runoff. Attachment II-H (p. 2) states “The drilling data at this site indicates that no zones of acid forming materials exist other than the coal seams.” On the other hand, the Geology assessment (Attachment II-E, p.6) maintains “there is an interval directly above the New Castle coal seam that is potentially acid-forming and averages approximately five feet thick.” While the acid-base account indicates that this acid-forming potential *should be* neutralized, that will only be the case if the acid-forming spoil is properly handled and stored. If the mining company is unaware, or unsure of where this spoil is located, it is likely that it will be mishandled and will create low-pH runoff. Which

attachment is correct? Is there, or is there not a potentially acid-forming layer above the New Castle coal seam? And if there is, what assurance does the applicant provide that it will even be recognized, much less properly handled, when encountered if they can't even decide whether or not it's there?

Finally, in addition to the missing engineering design plans and precipitation modeling, the permit application is missing numerous other components as well. For instance, the Reclamation Plan (Part IV, p.3) indicates that "land use letters are forthcoming" and that the Topsoil Variance Application is "forthcoming" (p.7). Regardless of whether or not these are major or minor components of the overall application, it is incumbent upon the ASMC to present the public with a *complete* permit application for consideration of public comments. Until the permit application has been completed *in its entirety*, the ASMC cannot and should not place the permit on notice for public comments, much less issue a permit to engage in surface mining activities.

We thank you for the opportunity to offer these public comments and we look forward to your response.

For the River,



John Kinney
Enforcement Coordinator



Nelson Brooke
Riverkeeper



Eva Dillard
Staff Attorney

cc: Jodie Smithem
Karen Marlowe
USFWS

Helen Hamilton Rivas
2723 Niazuma Avenue South
Birmingham, AL 35205
hhrivas@earthlink.net

August 9, 2012

Alabama Surface Mining Commission,
PO Box 2390
Jasper, AL 35502-2390
Via Randall.Johnson@asmc.alabama.gov

Re: Reed No. 5 Mine, ASMC Permit No. P-3957.

I strongly oppose granting of a mining permit to Reed Mine No. 5 for multiple reasons:

. As a resident of the City of Birmingham and consumer of water coming from the Locust Fork, I do not want to ingest more toxic chemicals nor have to pay extra for the additional water-treatment costs.

The use of coal in energy generation has led to unhealthy pollution of our air, land and water. That is not the kind of inheritance to leave for those who come after us.

There are better alternatives and the use of coal-fired plants is diminishing. We should be investing more time and effort into finding and implementing better ways to produce electrical energy. Coal-dependent communities should be transitioning to greater dependence on other sources of revenue and employment. Also, those profiting from this industry have focused upon opposition to efforts to reduce the toxic pollution created by their industry and have shifted responsibility for dealing with the messes to the people.

I urge that Alabama Surface Mining Commission protect the broader public interest and reject this permit.

Helen H. Rivas

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August 10, 2012

Dr. Randall Johnson, Director
Alabama Surface Mining Commission
P. O. Box 2390
Jasper, AL 35502-2390

**Re: Reed Minerals No. 5 Mine
ASMC Permit No. P-3957**

Dear Dr. Johnson:

Thank you for the opportunity to provide additional comments with regard to the permit application by Reed Minerals, Inc. (Reed Minerals) to surface mine coal at Reed Minerals No. 5 Mine (Reed No. 5). We are writing on behalf of Black Warrior Riverkeeper, a nonprofit organization whose mission is to protect and restore the Black Warrior River and its tributaries.

As you may recall, we filed permit comments earlier on August 30, 2011 when the Reed No. 5 permit application was first submitted. Unfortunately, most of the concerns identified in our earlier comments are still relevant nearly a year later.

Reed No. 5, if permitted, will discharge to unnamed tributaries of the Mulberry Fork and to the Mulberry Fork of the Black Warrior River classified for Fish & Wildlife (F&W) and Public Water Supply (PWS) in Walker County. As proposed, Reed No. 5 joins a cluster of three other large coal mines on the Mulberry Fork that are reclaimed or currently in reclamation: Horse Creek Mine, Red Star Mine and Quinton Mine. Horse Creek Mine is just across the Mulberry Fork from the Reed No. 5 site. The Shepherd Bend Mine, currently permitted but inactive, is approximately 3 miles from Reed No. 5 at their closest points; the Birmingham Water Works Board's Mulberry Fork drinking water intake is about 5.4 miles downstream of the southernmost portion of Reed No. 5. Shepherd Bend also is permitted to discharge to portions of the Mulberry Fork designated PWS. Despite the number of coal mines on the Mulberry Fork, currently there is no study of the cumulative impacts of these mines on water quality or source drinking water, which is an issue of great concern for us and for many members of the community.

Water Quality Impacts

Like the proposed Shepherd Bend Mine, Reed No. 5 will discharge to the Mulberry Fork immediately upstream of a primary drinking water intake for the Birmingham Water Works Board (BWVB). That drinking water intake serves approximately 200,000 customers of the BWVB throughout the greater Birmingham area. According to the BWVB, Reed No. 5 has a “high potential for adverse impacts to the Birmingham drinking water supply.”

We have serious concerns about how the ASMC will oversee the development and implementation of the necessary engineering measures to ensure that Reed No. 5 will not cause or contribute to a violation of water quality standards through its wastewater discharges. The draft NPDES permit that the Alabama Department of Environmental Management (ADEM) issued to Reed No. 5 appears to have been developed from federal effluent guidelines which only address typical coal mining operations, *see* 40 CFR part 434, not the present situation where the mining occurs in such close proximity to the public water supply. A review of these guidelines reveals that protection of the public drinking water supply is neither considered nor addressed, perhaps because (as the BWVB has observed in the past) surface mining operations and drinking water withdrawals are such incompatible uses.

As a result, the iron and manganese limits in the draft NPDES permit are not protective of water that is designated PWS. The permit’s generally applicable discharge limits include daily average total iron concentrations of 3.0 mg/L (with a daily maximum of 6.0 mg/L); daily average total manganese concentrations of 2.0 mg/L (with a daily maximum of 4.0 mg/L); daily average TSS of 35.0 mg/L (with a daily maximum of 70.0 mg/L); and pH ranging from 6.0 to 9.0. The permit provides that the total manganese limits are *not* applicable if pH is 6.0 or higher and total iron is less than 10 mg/L. Even if Reed No. 5, under the direction and supervision of the ASMC, meets all the requirements of the ADEM NPDES permit we still believe that the operation of the mine will cause or contribute to a violation of water quality standards.

The Safe Drinking Water Act contains secondary maximum contaminant levels (MCLs) for total iron of 0.3 mg/L and total manganese of 0.050 mg/L. The levels allowed by the draft NPDES permit are 10 times the MCL for iron and 40 times the MCL for manganese. By comparison, the BWVB points out that the 2007 daily average raw water concentrations for iron and manganese at their Western Filter Plant, which treats water drawn from the Mulberry Fork Intake, were 0.057 mg/L and 0.079, respectively. Thus, the NPDES and ASMC permits would allow significant degradation of current source water quality. Iron and manganese can cause serious aesthetic problems with drinking water, including taste and staining of clothes or basins. The BWVB states that the permitted increase in iron and manganese levels (as well as sediment) can lead to greater demands on treatment operations as well as increased treatment costs. These costs are paid by consumers, not the mine(s) which create or contribute to the problem.

In addition to iron and manganese, there are many other contaminants of concern associated with coal that can affect source water, drinking water quality and treatment costs. The BWWB points to arsenic, sulfur, salinity, mercury, lead, zinc, copper and cadmium (among others) as elements that are associated with Alabama's coal deposits, specifically those near the Mulberry Fork and the drinking water intake. We know that the Warrior Coal Field has locally elevated concentrations of mercury, as well as elevated levels of arsenic, molybdenum, selenium, copper and thallium. See Gold, Dielhaber and Hatch, *Modes of Occurrence of Other Trace Elements in Coals from the Warrior Field, Black Warrior Basin, Northwestern Alabama* (April 27, 2004). The presence of these and other toxic elements associated with coal mining in an area where local residents drink water, swim, and fish make it imperative that any permits issued for Reed No. 5 protect both human health and the environment.

If iron and manganese are present in concentrations that greatly exceed recommended levels for safe drinking water, the BWWB states that it is also reasonable to expect that the other toxic pollutants associated with coal mine drainage will also greatly exceed levels protective of aquatic life and water quality. The BWWB comment letter incorporates extensive data about the possible impacts of mining on aquatic resources and the public water supply. That letter is available on ADEM's "eFile" system (<http://edocs.adem.alabama.gov/eFile/>) under Permit No. 0079936. We ask the ASMC to seriously consider these points in evaluating whether to issue an ASMC permit for Reed No. 5.

Even the applicant acknowledges in the application (Attachment II-H, pp. 3-4) that both groundwater and surface waters downstream of the mine could experience negative impacts from mining activities stating that "[a]ny (water quality) changes that may occur to the receiving stream are expected to be short term and should return to near pre-mining levels after reclamation." While the Probable Hydrologic Consequences Determination ultimately predicts that the effects on surface water will be minimal and temporary, it should be noted that this is only a prediction, not a guarantee, which fails to account for unforeseen circumstances and is possibly based on misinformation.

In determining the mine's potential contribution of sediment to the receiving stream (Attachment II-H, p.8), the applicant states "The Sediment Basins have an average trap efficiency of 94.3%" and applies a trap efficiency of 93%, perhaps in an effort to be conservative, to the Universal Soil Loss Equation. *However, even 93% trap efficiency is an extremely high estimate that will likely never be achieved by any of the sediment basins in practice.* According to Dr. Robert Pitt's assessment of the performance of temporary sediment ponds at construction sites, using rainfall data for Birmingham, Alabama the annual particulate solids removal rate should be closer to 75.9%.¹ In essence, even according to the applicant's extremely (and unrealistically) optimistic prediction, mining activities will cause temporary changes in surface water quality that will potentially necessitate alterations to the BWWB's treatment processes.

¹ This study is available at http://rpitt.eng.ua.edu/Class/Erosioncontrol/Module6/Module6.htm#_Toc75310372. While we are aware that conditions may be slightly different at construction sites as opposed to coal mines, the estimates provided by Dr. Pitt's research should be a fairly accurate approximation of sediment pond performance at coal mines as well.

In the worst case scenario, a catastrophic release or dam failure in the middle of summer when water demand is high and river flows are low (which the applicant fails to recognize as a potential consequence), mining activities could devastate a major source of water for the city of Birmingham. In the most likely scenario, the mine will contribute much greater concentrations of solids than predicted to the receiving stream, decreasing source water quality and increasing the BWWB's costs of treating water from the Mulberry Fork. In any of these cases, the threat to the water quality of the Mulberry Fork and the city of Birmingham's drinking water supply greatly outweighs any putative economic benefits that the proposed mine may provide.

Perhaps even more critical is the fact that neither the applicant nor the ASMC can actually, accurately predict the effect the mine will have on water quality without evaluating site-specific, detailed engineering plans and drawings for all of the potential sediment basins. Currently, the application only contains "typical" impoundment drawings, which can be taken by anyone from any erosion and sediment control text book. It is impossible to evaluate the effectiveness of sedimentation basins without knowing the exact dimensions of those basins, and how those dimensions will fit within the site specific topography at each proposed location.

Pollution Abatement and Prevention Plan

Just as concerning, the ASMC similarly cannot review and determine the efficacy of the pollution abatement and prevention (PAP) plan for Reed No. 5. The Reed permit application has no specific details for the PAP plan, just generic design requirements. It does not even bear an engineer's signature. For comparison, we attach a copy of the Dolcito Quarry draft NPDES permit, which is an example of what a PAP plan is supposed to be, with specific pond dimensions (length vs. width vs. depth) and orientation and calculations of runoff volume, storage capacity, design flow rates, and outlet structures. (The Dolcito Quarry PAP plan is found at pp. 58 - 84 in the attached draft permit.) This plan is illustrative of the kind of PAP plan that should be required by the ASMC, as opposed to the off-the-rack generics generally offered in permit applications like the one for Reed No. 5. The PAP plan is supposed to be a road map of how pollution will be minimized, managed and contained at the site. How can the ASMC evaluate the efficacy of this plan, which it must do according to the April 13, 2009 Memorandum of Understanding with ADEM, if there are no specifics provided?

The failure to require a detailed and specific PAP plan and who actually bears regulatory responsibility for reviewing and implementing this plan is a source of longstanding frustration with the ADEM and ASMC permitting process for coal mines. The ASMC and ADEM purport to share authority in administering the NPDES permitting system for coal mine operations. ADEM sets the targets in their NPDES permits and it is the ASMC's responsibility to see that these targets are met during the operation of the mine. However, instead of double regulation, there is a dangerous vacuum of regulation where PAP plans are concerned. According to ADEM regulations, surface mine operators "shall provide the Department with a pollution abatement and/or prevention plan" under Ala. Admin. Code § 335-6-9-.03. Moreover, permits "shall be based on a determination by the Department that the

pollution abatement and/or prevention plan and accompanying data submitted by the applicant is adequate to provide for protection of water quality.” Under the April 13, 2009 Memorandum of Understanding, this important responsibility of evaluating whether the plan is adequate supposedly shifts to the ASMC.

The PAP plan should contain actual designs for all sediment ponds and other pollution abatement measures that reflect the topography, hydrology, and soil conditions of the mine site. However, there is no actual PAP plan with this information for Reed No. 5 filed with either ADEM or the ASMC. The generic engineering plan and environmental resources information contained in the ASMC file are not an adequate substitute for a detailed PAP plan, especially where, as here, there is justified public concern about the environmental impact of the proposed operation and its possible effects on the public drinking water supply.

Under ADEM’s April 13, 2009 Memorandum of Understanding with the ASMC, the duty to ensure that the discharges of wastewater from Reed No. 5 will not cause or contribute to violations of water quality standards falls squarely on the shoulders of the ASMC. However, in its application on file with the ASMC, Reed Minerals has not provided enough information for the ASMC to properly evaluate its pollution abatement structures to ensure that they will comply with water quality standards.

Without a detailed PAP plan in the permit file, neither the ASMC nor the public can evaluate the effectiveness of the PAP plan or ensure that the designs are adequate to protect water quality standards. In the absence of this critical information, the ASMC cannot and should not issue a surface mining permit.

Surface Water Hydrology

The application also states in its Surface Water Hydrology assessment (Attachment II-G, p.3) that “no [precipitation] modeling methods are employed at this time.” Aside from detailed design plans, precipitation data is one of the most important aspects of evaluating sediment basin efficiency. Without detailed design plans and precipitation modeling, the applicant’s conclusion that the mine will have only minor, temporary effects on surface quality is nothing more than a baseless guess. Without this critical information, the ASMC cannot determine whether or not the mine will adversely affect surface water quality, and therefore cannot determine that the application to engage in surface mining activities is complete.

It is also inappropriate to send the application to public notice without this information as it is vital to the public’s ability to properly assess the potential impacts of the mine and whether or not it will affect them personally. ASMC Director Dr. Randall Johnson has indicated via email that the detailed engineering designs (and presumably the precipitation modeling) are generally submitted during the review process because the ASMC and Army Corps of Engineers need to agree on the locations of the sediment basins. This process needs to change so that these decisions are made earlier allowing the

applicant to submit all relevant information with its application. Otherwise, neither the ASMC nor the general public can make an informed decision regarding the potential impacts of the mine.

Rare, Threatened and Endangered Species

The information furnished by the permit applicant about the presence or protection of endangered species or critical habitat is inaccurate, outdated and incomplete. While the Fish and Wildlife Enhancement and Protection Plan maintains that “[t]he Alabama Department of Conservation and Natural Resources (DCNR) listed no endangered species as occurring in proposed permit area,” that is not an accurate representation of what the attached DCNR letter says. To the contrary, that letter states “[o]ur database indicates the area of interest has had no biological survey performed at the delineated location, by our staff or any individuals referenced in our database. *Therefore we can make no accurate assessment to the past or current inhabitancy of any federal or state protected species at that location.* A biological survey conducted by trained professionals is the most accurate way to ensure that no sensitive species are jeopardized by the development activities.” (Emphasis added.) Pointing out that the area has not been properly surveyed for endangered species and that as a result an accurate assessment is not possible is a far cry from concluding that there are no endangered species.

DCNR identifies the Alabama map turtle (*Graptemys pulchra*), a sensitive species, as occurring approximately 4.2 miles from the Reed No. 5 site. However, according to the permit application file, Reed Minerals performed no survey for the map turtle. This state protected species lives in riverine-riparian systems and associated floodplain lakes, ponds, and sloughs. They often nest on sandy banks or sand bars, but sometimes up to about 100 meters from water. Threats to this state protected species include habitat alteration and the sediment, metals and other pollutants that will be discharged by Reed No. 5, yet there is no evidence that Reed Minerals even considered the possible presence of the map turtle.

Similarly, the U.S. Fish and Wildlife Service (USFWS) lists the red-cockaded woodpecker and bald eagle as endangered or threatened animal species whose critical habitat possibly exists within the proposed permit area or nearby, which could be directly or indirectly impacted by the proposed mining operation. Although the Fish and Wildlife Enhancement and Protection Plan refers to a November 2008 survey for the red-cockaded woodpecker and the bald eagle, there is no such survey in the permit file. The only “wildlife studies” appended to that plan is a cursory and incomplete January 4, 2006 letter from E. S. Lyle about studies for Sloan Mountain Mine No. 2.² In this one page letter there is no report, no mention of the author’s qualifications or credentials, no methodology as to how he or she reached the conclusions contained in the letter, no described location of the area surveyed and no support for his

² Several of the documents in the Reed No. 5 permit file reference Sloan Mountain Mine No. 2, which makes matters confusing. There is a Sloan Mountain Mine No. 2 (P-3913) located in Jefferson County. However, there is also a “Sloan Mountain Mine No. 2” with similar map coordinates and in substantially the same location as Reed No.5 that is identified in some of the earlier permit documents, which we assume is the mine referenced here.

findings. If this is the latest study that Reed Minerals has, it is six years old and stale. If Reed Minerals in fact completed a 2008 study, that study must be included in the permit file if that file is to be deemed administratively complete. Please notify us as to whether there is a 2008 study and, if so, when and where it will be available for review by the public.

What is particularly disturbing is that this mine *was* the subject of a previous application under another name (Sloan Mountain Mine No. 2) and several endangered species of concern were identified by USFWS at that time. *See* USFWS October 26, 2009 TAILS –Log Even Update (attached). That document identifies the following endangered species in the area of the proposed mine: the red-cockaded woodpecker (*Picoides borealis*); the flattened musk turtle (*Sternotherus depressus*); triangular kidneyshell (*Ptychobranthus greenii*); bald eagle (*Haliaeetus leucocephalus*); *finelined pocketbook* (*Hamiota altilis*); and ovate clubshell (*Pleurobema perovatum*). Just as important, this document identifies “[a]pproximately 14 acres of flattened musk turtle habitat along the Mulberry Fork.” Despite this report and the documented possible presence of these rare species in this area, according to the ASMC file Reed Minerals has not conducted the required species survey.

Given the lack of studies and information about endangered and sensitive species acknowledged by DCNR and USFWS at the location of the proposed mine, it is imperative that Reed No. 5 perform a detailed, meaningful species survey. Unless and until the permit applicant can document and demonstrate that a survey has been completed and that the identified endangered species are not present, the ASMC cannot and should not permit Reed No. 5.

Cultural Resources Assessment

According to the December 1, 2008 letter from Elizabeth Ann Brown, Deputy State Historic Preservation Officer at the Alabama Historical Commission, the cultural resource assessment conducted by P. E. LaMoreaux, identified a significant archaeological site at Reed No. 5. The area surrounding the archaeological site designated IWa249 in the assessment is “potentially eligible for the National Register of Historic Places and should be avoided. If avoidance is not feasible, Phase II testing proposals should be developed.” There is no indication in the permit file what, if any, steps Reed Minerals plans to take to protect this cultural resource during mining or whether Phase II testing proposals have been developed. The ASMC should require Reed Minerals to furnish this important information before issuing a permit to ensure that these cultural resources will be protected. Local residents of the Cordova area can attest to the presence of a significant and historic Native American shell mound at the site that must be protected and preserved.

Inconsistent and/or Incomplete Application Information

The permit application states in its Surface Water Hydrology assessment (Attachment II-G, p.2) and the Probable Hydrologic Consequences Determination that the Mulberry Fork has known use

classifications for F& W and PWS. While these are the classifications listed and recognized by ADEM, this area of the river is also commonly used for swimming, recreation, and fishing.

The permit application presents contradictory evidence of the mine's potential to create acidic drainage or runoff. Attachment II-H (p. 2) states "The drilling data at this site indicates that no zones of acid forming materials exist other than the coal seams." On the other hand, the Geology assessment (Attachment II-E, p.6) maintains "there is an interval directly above the New Castle coal seam that is potentially acid-forming and averages approximately five feet thick." While the acid-base account indicates that this acid-forming potential *should be* neutralized, that will only be the case if the acid-forming spoil is properly handled and stored. If the mining company is unaware, or unsure of where this spoil is located, it is likely that it will be mishandled and will create low-pH runoff. Which attachment is correct? Is there, or is there not a potentially acid-forming layer above the New Castel coal seam? And if there is, what assurance does the applicant provide that it will even be recognized, much less properly handled, when encountered if they cannot even make an accurate determination if it is present or not?

Finally, in addition to the missing engineering design plans and precipitation modeling, the permit application is without other essential components as well. For instance, the Reclamation Plan (Part IV, p.3) indicates that "land use letters are forthcoming" and that the Topsoil Variance Application is "forthcoming" (p.7). These letters have been "forthcoming" since we filed our original permit comments nearly one year ago, yet they still are not in the permit application file.

Conclusion

By law, the public participation process must start with "an administratively complete application." See Ala. Admin Code r. 880-X-8K-.05 (1)(a). The responsibility for ensuring the existence of this critical starting point for public participation belongs to the ASMC. See Ala. Admin Code r. 880-X-8K-.03(3). Regardless of whether or not all the identified deficiencies are major or minor components of the overall application, it is incumbent upon the ASMC to present the public with a *complete* permit application for consideration of public comments. Until the permit application has been completed *in its entirety*, the ASMC cannot and should not place the permit on notice for public comments, much less issue a permit to engage in surface mining activities.

This week, near the close of the public comment period, information is still missing from the permit file online at ASMC, and critical links within the permit application were not functional. Without access to all documents and studies required for this application, it is impossible for the public to be meaningfully informed about the mine or provide the kind of substantive comments on this coal mine that applicable regulations require. This lack of information and access shortchanges the ASMC process and renders public participation virtually meaningless. While the ASMC regulations may intend robust and informed public participation, sadly the promise of these regulations is unmet by the process

associated with the Reed No. 5 permit application. The failure to provide an administratively complete permit application and promised access to the permit file online represents a denial of due process for the many who are persons “having an interest which is or may be adversely affected by the decision on the application.” See Ala. Admin Code r 880-X-8K-.05(2)(b).

In light of these documented deficiencies, which were the subject of extensive public comment at the informal conference last night, we asked the ASMC to extend the public comment period for an additional thirty days after the application is deemed complete. As a result of this request made by Riverkeeper and many others, the ASMC has agreed to extend the public comment period until September 10, 2012. While we appreciate this extension, please understand that it is of little benefit without a complete permit application.

We appreciate the opportunity to offer public comments through this letter and at the informal conference. We look forward to your response.

For the River,



Nelson Brooke
Riverkeeper



John Kinney
Enforcement Coordinator



Eva Dillard
Staff Attorney

cc: Joseph Pizarchik, Director
OSM

Ervin J. Barchenger, Regional Director
OSM Mid-Continent Region

Sherry Wilson, Director
OSMRE Birmingham Field Office

Duncan M. Powell, Chief
USEPA R4 Mining Section

Mark LaRue
USEPA R4 Mining Section

Glenda Dean, Chief
ADEM Water Division

Chip Crockett, Chief
NPDES Enforcement Branch

Johnson, Randall

From: Julia Mortenson [hikingsipsey@yahoo.com]
Sent: Thursday, August 09, 2012 1:20 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC Permit No. P-3957

I am opposed to this permit due to damage to water supplies.

Thank you.

Julia Mortenson, Birmingham, AL

Johnson, Randall

From: Caitlin McClusky [caitlin.mcclusky@gmail.com]
Sent: Tuesday, August 14, 2012 4:04 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC Permit No. P-3957

Dear Dr. Johnson,

I am emailing you regarding the Reed Mineral No. 5 mine as a concerned citizen and as a member of CASE (Coalition of Alabama Students for the Environment).

How will this mine affect me?

Well, in all honesty, besides the fact that I often drink water in Birmingham - not a lot. Not a lot in comparison to people that live in Dovertown, anyways.

The passing of this permit will probably have more impact on my time, because I refuse to stop telling people about this issue, or organizing students and Birmingham residents around it, until the permits are denied/the mining proposal is thrown out the window.

I would rather be fighting industry than agency, but until y'all decide that strip mining along the Black Warrior - the CUMULATIVE effects of all of the strip mines that have pending permits, or are reclaimed, or not reclaimed, or have pending land/mineral rights use (Shepherd Bend) - is unhealthy for not just the river, but thousands of people in multiple communities and their economies, I will have to continue to bring more and more people to your public hearings and informal conferences. Encourage more and more emails and letters. More and more media surrounding the issue.

In short, I'm not going to give up.

I know that coal mining in its entirety isn't going away any time soon in this state. Believe me. I AM realistic. Although I am an environmentalist, I do understand the importance of coal mining in Alabama. I'm not saying stop mining altogether.

But the placement of ANY mine so close to a drinking water intake is idiotic. Yes, idiotic. Regardless of protective measures. We MUST protect our freshwater resources, Dr. Johnson. It has to be the BIGGEST priority.

We can live without coal, but we absolutely cannot live without freshwater. I know such a sentiment sounds elementary. But I feel like I have to constantly repeat it, because people become so blinded by short-term economic ups and downs (which will ALWAYS be changing, always fluctuating) that they forget that there are certain resources we CANNOT, SHOULD NOT take for granted: air and water. The only necessities for life.

Please give some thought to the long-term. My children, my children's children, are going to have to live with the decisions of today.

Thank you. I'll see you at the next hearing.

--

Campaign Coordinator
State Organizer,
Steering Committee Member & State Recruitment Coordinator



Johnson, Randall

From: Paige Klein [jpk616@gmail.com]
Sent: Wednesday, August 22, 2012 5:35 PM
To: Johnson, Randall
Subject: Reed No.5 Mine, ASMC Permit No. P-3957

Dr. Randall,

Please do not move forward with the mining: Reed No.5 Mine, ASMC Permit No. P-3957. Instead, please protect our drinking water as well as our rivers/streams/natural landscape. Thank you for listening.

Sincerely,
Paige Klein, concerned Birmingham citizen

Johnson, Randall

From: Justine Goetzman [jgoetzma@gmail.com]
Sent: Friday, August 10, 2012 3:03 PM
To: Johnson, Randall
Subject: citizen letter: Reed No. 5 Mine, ASMC Permit N. P-3957

Dear Mr. Johnson,

My name is Justine Goetzman. I am a resident of Birmingham and a student at the University of Alabama at Birmingham. I oppose the proposed Reed No. 5 Mine. The mine is to be built only a short distance away from a Birmingham Water Works intake that supplies over 200,000 residents in Birmingham. The Birmingham Water Works Board has already stated that, if built, the discharge from the mine would require additional purification that would increase Birmingham water expenses for residents.

Discharge from mines has been shown to have high levels of many toxic chemicals such as arsenic, lead, manganese, and other heavy metals. Not only will people be exposed to toxic mining discharge chemicals from the water, but they will also have to suffer increasing expenses to make the water safe enough to drink. This affects the residents of Cordova, Doverton, and the 200,000 Birmingham residents who get their water from the Black Warrior River.

Citizens of Birmingham can not afford to suffer these rate increases because of a temporary mine that, once built, will only provide about 20 jobs and only last until the land has been stripped of everything. The impact of this temporary mine have a the long terms effects of destroying the ecosystem, ruining potential development sites for the residents of Cordova and Doverton (sites that could bring in long term economic prosperity for residents), and damaging the integrity of drinking water for over 200,000 people.

As a former resident of Walker county, I plead for the residents of Cordova and Doverton, because I have lived in a community where the mines came in and homes were destroyed because the blasting damaged the the house foundations. People who could not afford it had to pay for busted water pipes, roofs caving in, and accidents that would not have occurred if the mines had not been built there. Others simply had to live in those conditions because there was no way for them to pay to fix it.

The mines usually only operated for a few years, then they left the land destroyed and people could not develop the land because it had been stripped bare and was not stable enough to be used for construction. The only thing the mines did was destroy the communities it entered. The only person benefiting form the mine is the mine owner.

This particular site is atrocious because of its proximity to the waterway. Water travels. This will not only damage the local communities, but will affect communities downstream. Birmingham suffers because this is our water supply. Other properties downstream will suffer because waterfront property will be devalued when unsafe levels of discharge chemicals are exposed to the public.

The citizens of our beautiful state should be the number one priority for any elected official and companies have a responsibility to the communities to enter, whether or not they acknowledge it. It is my hope that you will consider the lives affected by the decision to allow this mine, and what legacy it will leave on our state.

My name is Justine Goetzman, and I oppose the Reed No. 5 Mine, ASMC Permit N. P-3957.

Sincerely,
Justine Goetzman

Johnson, Randall

From: Ted Gemberling [tgemberl@yahoo.com]
Sent: Thursday, August 09, 2012 4:22 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine

Mr. Johnson,
I agree with the statement below by Helen H. Rivas.

Ted Gemberling, Birmingham citizen

Alabama Surface Mining Commission,
PO Box 2390
Jasper , AL 35502-2390
Via Randall.Johnson@asmc.alabama.gov

Re: Reed No. 5 Mine, ASMC Permit No. P-3957.

I strongly oppose granting of a mining permit to Reed Mine No. 5 for multiple reasons:

. As a resident of the City of Birmingham and consumer of water coming from the Locust Fork, I do not want to ingest more toxic chemicals nor have to pay extra for the additional water-treatment costs.

The use of coal in energy generation has led to unhealthy pollution of our air, land and water. That is not the kind of inheritance to leave for those who come after us.

There are better alternatives and the use of coal-fired plants is diminishing. We should be investing more time and effort into finding and implementing better ways to produce electrical energy. Coal-dependent communities should be transitioning to greater dependence on other sources of revenue and employment. Also, those profiting from this industry have focused upon opposition to efforts to reduce the toxic pollution created by their industry and have shifted responsibility for dealing with the messes to the people.

I urge that Alabama Surface Mining Commission protect the broader public interest and reject this permit.

Helen H. Rivas

Johnson, Randall

From: Philip Foster [ptfoster@bellsouth.net]
Sent: Wednesday, August 22, 2012 3:26 PM
To: Johnson, Randall
Subject: Reed Mineral No. 5 Mine, ASMC Permit No. P-3957

Dear Dr. Johnson,

I am writing to you today to provide public comments about Reed Mineral No. 5 Mine, ASMC Permit No. P-3957.

I request that this permit be denied, on the grounds that it will introduce dangerous pollutants into the drinking water supply for the largest city in Alabama, and that it will have detrimental effects on the fish and wildlife found in and near the Mulberry Fork of the Black Warrior River. I canoe, kayak, and fish in this part of the Mulberry Fork, as do many other people. It's a precious natural resource which should not be spoiled for the financial gain of one corporation.

Additionally, any pollutants or chemicals discharged into Birmingham's water supply will have to be cleaned up at great cost to the Birmingham Water Works Board and it's hundreds of thousands of customers. As you are no doubt aware, we (BWWB customers) are already saddled with huge fees associated with water and sewage, and can ill afford further increases as a result of mismanagement of the Mulberry Fork watershed.

I would also like to request the ASMC hold an informal conference for public input after the September 10th comment deadline, to insure that all voices are heard before a costly (both financially and medically) decision is made.

Sincerely,

Philip Foster
1452 Milner Crescent
Birmingham, AL 35205

Johnson, Randall

From: Jennifer Davidson [jldavidson@crimson.ua.edu]
Sent: Tuesday, August 14, 2012 1:41 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC permit No. P-3957

Mr. Johson,

My name is Jennifer Davidson, and I am writing to you in opposition to the proposed Reed Mine No.5 on behalf of the citizens of Cordova and Birmingham. I firmly believe that this mine should not be constructed.

Any supposed economic gains would be far outweighed by the human and environmental health problems that would inevitably result from it.

The Birmingham Water Works Board, which supplies drinking water for 200,000 Birmingham residents, has said that the mine has a "high potential for adverse impacts to the Birmingham drinking water supply." The pollution of the Mulberry Fork water would have to then be moderated by the water treatment plant at the cost of the consumers.

I stand with the Black Warrior Riverkeeper by saying that any permits issued by the ASMC and/or ADEM need to take into consideration cumulative impacts of multiple mines on the local ecosystem. As a resident of North Alabama, I am concerned by the precedent this permit would set for other cases in Alabama if it was issued. If someone can build a strip mine with 23 wastewater discharge points 5 1/2 miles upstream of a drinking water intake, what next? Where can we draw the line? People's health needs to be protected at all costs.

Thank you for taking the time to hear my and others' comments on the mine proposal. I trust that you will take our concerns into consideration.

Sincerely,
Jennifer Davidson

Johnson, Randall

From: Bridget Benson [bridget51992@gmail.com]
Sent: Wednesday, August 22, 2012 10:46 PM
To: Johnson, Randall
Subject: Reed No. 5 Mine, ASMC Permit No. P-3957

To Dr. Randall Johnson:

First, I would like to thank the Alabama Surface Mining Commission for extending the comment period for the Reed Minerals No. 5 Mine proposed to be built on the Mullberry Fork of the Black Warrior River, and for hearing public comments on the mine last night (August 9, 2012) at Beville State Community College. I was present at the informal conference as a representative for the Coosa Riverkeeper, Coalition of Alabama Students for the Environment (C.A.S.E.), and the University of Montevallo Environmental Club.

I am in extreme opposition of the construction of the Reed Minerals No. 5 Mine, in conjunction with the above referenced groups. Firstly, the informal conference on August 9 was not adequate, since the public was not properly informed of the event. There is supposed to be a notification in the newspaper for four weeks leading up to the event, and that was not the case. Second, the full Reed Minerals No. 5 Mine permit was unavailable online, so the public was expected to make comments on a permit that they could not study in its entirety. Still, for those community members who were able to learn about the event, attend, and speak their views, there was tremendous opposition to the mine; no persons spoke in favor of it. Because of this strong community opposition, and because the greater public was unaware of the informal conference and unable to view the permit, there should be a formal hearing for community members to again speak their opinions on the mine at the end of this comment period, and to be properly informed of the event this time.

My main concern is for the 200,000 Birmingham residents who receive their drinking water from the intake five and a half miles downstream of the land where the coal mine would be built. I have spent this past summer as an intern for the Coosa Riverkeeper, and have seen some extremely foul effluents discharged into the river from coal-fired power plants, increasing the amount of filtration processes required for that water to be drinkable by citizens. The cost of those added filtration systems is incurred by residents, not the industry and polluter. The pollution from strip mining on the Black Warrior river has already solidified the river as one of America's Most Endangered, according to American Rivers. Sediment laden with heavy metals will flow into the river and destroy any wildlife or hopes for recreation, while increasing the cost of water filtration processes for citizens of Cordova and Dovertown, and risks to public health.

I have family and friends in Birmingham, and often make trips up to enjoy the area. I would like to know that I can safely drink the water in the city, and know that my loved ones and the other 200,000 citizens who drink the water from the Cordova intake are safe.

Bridget Benson

Johnson, Randall

From: Johnson, Randall
Sent: Thursday, August 09, 2012 8:08 AM
To: Stockman, Nancy (Nancy.Stockman@asmc.alabama.gov); Woodley, Mark
Subject: FW: Public Hearing for Reed Minerals No. 5

From: Aaron Traywick [<mailto:traywickaaron@gmail.com>]
Sent: Thursday, August 09, 2012 12:30 AM
To: Johnson, Randall
Subject: Public Hearing for Reed Minerals No. 5

Dear Mr. Johnson,

I am a student environmental advocate representing the University of Montevallo ENvironmental Club and C.A.S.E.- Coalition of Alabama Students for the Environment organizations. Our groups have a firm interest in supporting Mr. Randall "Frog" Palmer and the hundreds of concerned citizens opposed to the Reed Minerals No. 5 Mine in the Cordova, Dovertown, and Barney communities.

Recently, our group's members made an attempt to assist Mr. Palmer and his group in conducting permit review of the Reed Minerals No. 5 facility, in order to better preapre for the "public comment" section of the hearing scheduled for tomorrow. Unfortunately, we have been completely unable to access this permit from the eFile database; it appears that the links are completely dead. With no way to review the proposed permit, we are concerned that both ourselves and others are being denied the right to due process guaranteed by Clean Water Act guidelines enforced by the EPA.

Additionally, Mr. Palmer has expressed concerns that the public hearing was not properly publicized in daily newspapers, having only one public announcement made in the Daily Mountain Eagle; as we understand it, there is a requirement for public hearings to be announced once per week in the four weeks prior to any scheduled public hearing related to ADEM permitting, particular wastewater discharge permitting in a waterway certified as (PWS) Public Water Supply) by ADEM. If this information is incorrect, please do not hesitate to let us know!

I and our members appreciate your taking the time to hear our concerns in this matter, look forward to hearing from you in relation to this matter, and hope to see you at tomorrow's meeting.

Respectfully,

[334.318.6151](tel:334.318.6151)
traywickaaron@gmail.com

Infrastructure:
University of Montevallo Environmental Club

Projects Coordinator:
ValloCycle Recreational Board and Bike-Share Program
James Wylie Shepherd Observatory

~Dr. Hollie Cost for Mayor of the City of Montevallo~

August 28th, 2012

Our first concern deals with the unsuitability of this area for surface coal mining.

1. The proposed mine site is too close to the Warrior River and will discharge sediment and polluted water into a public drinking water supply source.
2. In the permit language, Reed confirms that there is an acidic layer of overburden above the New Castle seam of coal and when disturbed they are not sure how that will be neutralized before discharging into the River.
3. The well water survey that was conducted, is incomplete. They stated in their permit application that most of the names on their list were not at Home?
4. The cumulative effects of multiple strip mines along the Warrior River has never been addressed and the River is already listed as Impaired.
5. The previous mines have already blocked access to many sloughs and any future mines will certainly add to this silt problem.
6. The BWWB has publicly announced their opposition to any mining up stream of their Mulberry Fork intake facility.

We respectfully ask that this permit be denied and any future mining permits be disallowed when it will be discharging directly into the Warrior River.

Bill Lollar

Cell # (205) 706-0604