

# **ALABAMA SURFACE MINING COMMISSION**

## **INFORMAL CONFERENCE**

SHANNON, LLC  
P-3959, MINE NO. 4  
PERMIT APPLICATION

### **DATE**

TUESDAY, OCTOBER 18, 2011  
9:00 A.M.

### **LOCATION**

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

HEARD BY: MILTON MCCARTHY  
ATTORNEY  
ALABAMA SURFACE MINING COMMISSION

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

This informal conference was held at 9:00 a.m. on the 18<sup>th</sup> day of October 2011, at the Alabama Surface Mining Commission Hearing Room, Pinnacle Bank Building 1811 2<sup>nd</sup> Ave, Jasper, Alabama 35501. The following is a transcript of the proceedings of said informal conference, including testimony and comments by the representatives and citizens.

## APPEARANCES

### FOR THE STATE OF ALABAMA:

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FOR THE PUBLIC:

SEE SIGN-IN CARDS

## INTRODUCTION

**MR. MCCARTHY:** Good morning everyone we are here today to take your comments regarding the application for surface coal mining permit of a company called Shannon, LLC for its proposed Shannon Mine No. 4, Alabama Surface Mining Commission Permit Application number P-3959. My name is Milton McCarthy; I'm actually the attorney for the agency. Robert Allen, who would normally presides at our conferences was taken ill and he called me last night and would not be able to be here, so I am subbing for him. So its been about 10 years since I've sat in this chair done one of these, so I am a little rusty at that so I apologize for that. I appreciate seeing smiling faces and a corporative audience so that means a lot. Thank you! A little bit about this mine operation that you all may know more about than I do. According to the permit application information from the proposed operator the mine is located in the Southwest of Jefferson County and the Northeast of Tuscaloosa County. It's approximately 1.3 miles northeast of Abernant. Its proposed to mine some two thousand and fifty three acres, there has been previous mining within and without the permit. As you would know there is current mining going on at other sites by the same company on adjacent land. Let me just kind of explain what this conference is, I don't know if any of you have ever been to one of our conferences before, but this conference is an opportunity for us, the State Surface Mining Commission to hear from you, the interested public about this application. The conference is not designed really for us to have a dialog with you and provide you with information. If you have specific questions you can call our office and ask for the permit manager who's responsible for reviewing this application and seeing that your questions get answered by the appropriate technical person. Our permit manager's name is Robert Armes, A.R.M.E.S. Robert Armes and if you have any specific

questions you could call Robert at 205-221-4130. You could look on the ASMC website get his email address, which it would be if you want to write it down I could give it to you if you want its robert.armes the symbol @ asmc.alabama.gov. robert.armes@asmc.alabama.gov. He is out of town this week and was not able to be here today. So, we're here to take your comments...and what will happen is your comments by law are required to be recorded, again I am Milton McCarthy this is our recording secretary...Ms. Ann Miles. She has the responsibility of taking all of this down. So, when I call you up and ask you to speak I think you can stay where you are, we just ask that you speak up and try to speak clearly and little more slowly than I tend to speak. Just speak clearly and let everyone else be quiet and listen. Again, the permit applicant has the duty under the state law to satisfy the Commission that its application meets the requirements for issuance of a permit. That burden is on the permit applicant. The reason these conferences are held is to give you a chance to have input, information that the Commission may not have, or may need to look into further, but the Commission is bound to issue the permit if the applicant meets the requirements of the state law. So, for someone who is opposed to the permit then you would have to provide some information that would allow the Commission to take a look at it and say that well here is something that does not comply with state law requirements. When I say state law I mean the Alabama Surface Mining Commission Reclamation Act and the regulations that we have to...to go by. If the mining company satisfies the requirements of law it doesn't really matter as far as whether the permit has been issued or not. It would not prevent the permit from being issued. If we just say the majority of the folks live within ten miles didn't like the permit. That's not a valid reason, but we will take the information you provide today. It will be typed up, transcript will be...will be preserved and that transcript will stay with this application if the appl...for the life of this application. If the application gets issued, it stays on record until

all mining is done and all reclamation is done. Its apart of the official record of the permit application. So, what you say just doesn't disappear and go away, it remains apart of the permanent record of this application. The information you provide will be taken and sent to the different reviewers in the application, that's a mining engineer, a hydrologist, who reviews the water quality issues, somebody who looks at the soil considerations and all of the other considerations that go into the mining process. As far as the time line, I cannot really give you a time line as to when a final decision will be made. The post card that you filled out, we use that and would provide you with specific notice of the decision on the application, which may happen in 30 days or 60 days, 90 days I can't say when that decision will be made whether to issued or deny the permit. If you fill out that card then you will get specific notice. Also, the decision will be put on the ASMC website. Which is simply...its easy to find these days. So...go to the ASMC website there's a link to permit decisions and it will be there. Again, we're available for phone calls to answer questions in that regard. Whatever decision is made whether to issue or deny the permit that is subject to being able to be appealed to an administrative hearing in front of what we call a hearing officer. Its sort of like a...would sit as a judge and could hear arguments as to hear whether the decision to issue or deny the permit was appropriate or not. So, the issuance of the permit is something that could be...or denial of the permit could be appealed by whichever party chose to. Again, we're here just to take your comments, we're here to listen. That information will be put in the hands of the proper person with the agency responsible for making sure that all areas of the application meet the requirements before a permit will be issued. So, before we get started are there any questions of general nature that I might could address.

**MR. GREG COTTIS:** You mentioned a hearing...on the final decision of the permit...is there a...or will that date be issued.

**MR. MCCARTHY**: There would be a...there would only be a hearing after a decision is made to issue or deny the permit and someone would have to file a request for a hearing. But everyone...but everyone here who has asked to receive a copy of the decision you would get a copy of the actual permit decision and at the bottom of that its just a paragraph in it explains that process of how you can take it further. Again, if you get that, there's a thirty-day period from when you get that notice...to act on that and if there are any questions you can give me a call at the 221-4130 number or you can send an email. Again I am going to call you one by one, I think you can sit where you are and again, just please give us the information that you're here to speak and we will go from there. I am going to ask you... I am going to call your name if you would just tell us your name the community that you live. Again, that's an assistance to our permit reviewers and all that information stays in house. It becomes apart of the permit file but it stays in house, you know we don't give it to anyone else. So, let me start... I am going to go down the list that... and again let you speak. So the first name that I have is Greg Cottis.

**MR. GREG COTTIS**: That's me.

**MR. MCCARTHY**: Okay, Mr. Cottis we'll let you have the floor.

**MR. GREG COTTIS**: My name is Greg Cottis...I live in Adger community we are not against coal mining. My wife comes from a coal mine family...I am sorry her granddad was a...he dug coal with a pick before any of us was ever born. Now, that her other grandfather was the mine superintendent for Black Diamond Mines in Johns, Alabama. Her dad worked for Black Diamond. Both of her brothers were employed at Jim Walters. So, she comes from a coal mining family. We're not against it. Wha...we're trying to protect our environment and our community is what we are after. In our community right now, there's...if this mine gets approved there would be 4 operating coal permits within a ten mile area. That's a lot of environmental impact in

a small area. You understand this increase traffic, this increase dust, heavy metals coal dust being admitted even the...all this Earth moving equipment that they use burns a high sulfur diesel fuel and that's polluting our air. That's a high concentrated area with that much equipment running polluting our area. They're some residents in our community that have respiratory problems. My sister-in-law lives down the street from me, its already affecting her from the dust from the coal trucks. Now, with this area there's numerous underground abandoned underground works....Black Diamonds one of them as a matter of fact. Each one of these mines that are abandoned that's got that sulfuric acid called acid mine run off are in these. They have to pump this stuff out and it has to go somewhere and the closest creek it runs to is Blue Creek. Blue Creek runs into Valley Creek since runs into Warrior River and that's where we get our drinking water from...are you....guys that are on the river water authority. So, there's a pollution issue also. We also deal with the offsite impacts. A little small Johns Road is not a big road. A lot of traffic on there already, this would be even more traffic on a small road. There's more coal dust more heavy metal dust and its again affecting people with respiratory issues. There's increased noise as it is now....I sleep with my television on because of the mine noise that I have at my house. There's someone that has to sleep in their basement because of the excessive noise already running at nighttime, that's another offsite impact. Of course there's increased blasting to... well you know everybody denies that the blasting causing issues, which other people can tell you differently...can show you in a photograph that there's been a difference in the blasting issues. You know there's health concerns to. I didn't know this, but the drop drillers and strip mines who drill rock for twenty years, they have a 61% chance of contracting silicosis, which is "black lung," 61% that is pretty high. I wouldn't want to drill rock for that very reason, you know that. University of West Virginia did a study found that residents who lived close to strip

mines have an increased chance of developing COPD (Chronic Obstructive Pulmonary Disease), Hypertension and Kidney Disease. Offsite impact affects our health also. So, we're asking that the...I would like to see some of the other mines be completed and reclaimed before they start another one. Just for the pure impact of our communities. Thank you very much.

**MR. MCCARTHY**: Mr. Cottis, thank you. My secretary...recording secretary reminded me that we're required to ask that you also give your address for the record.

**MR. COTTIS**: I live on 7351 Johns Road. Also, might I add to is that the strip mining also causes decrease of property values to. That's something we're all having to deal with right now. You know, I've been looking to relocate to south Alabama, I've got my house for sale and I'm not sure if that's the reason it hasn't sold. Because of the tornado 17,000 homes were destroyed and people have been looking for homes to move into and not many people have looked at my house. Is it because of the strip mines? You got to realize they're new miners to come and work for these mines, they haven't come to look at my house for sale. They drive by my house going to... down there. Mr. Ingle has drove by my house numerous times going down to Abernant...to their buildings down there. So, is that the reason my house isn't sold because of the...an effect of the strip mines. So, thank you very much.

**MR. MCCARTHY**: Yes, thank you Mr. Cottis. The next person on the list is Carrisa Allen.

**MS. CARRISA ALLEN**: That's me.

**MR. MCCARTHY**: Okay, can you tell us your address as well Ms. Allen?

**MS. ALLEN**: ...yes, my...I'm Carrisa Allen. My address is 1880 Lakeside Drive and I'm in McCalla. I'm in the Rock Mountain Lake subdivision and my...our concern is that we don't deal with the trucks running our roads or things like that, we have the blasting.

We...generally they blast everyday between the hours of 3 and 4 o'clock and they blast so hard that it shakes the walls on our house. The doors no longer close well, I've got cracks in my concrete, I've got cracks in my brick. My sheetrock....now my house is 3 years old. I've got sheetrock cracking, all the corners have popped off and my neighbors around me...numerous neighbors are having the same issues. For example the house next door to me that's approximately thirty years old that should be completely settled has now got cracks in their basement walls. This blasting is very hard and it's very disruptive. We hear the back up horns on the trucks all night long. We hear them running all day long, all night long. It seems to get much louder in the evenings, because it gets quieter outside. Which is...which is really bad because you know you have to sleep with this and deal with the horns backing up. You know that's my main concern and I know my president will talk here in a second. We've got 5 lakes in our subdivision all of which have dams. That...I can't feel...but the blasting would be having an impact...if it's cracking my concrete is it not messing with the integrity of our dams as well. But...ah...you know...that's.... In relation to health issues, I have no idea if it's related but I'm going to mention this...in the past year I've had 3 sinus surgeries. I've never had sinus issues at all...ever! I've had...had to have 3 different sinus surgeries and you know...is...my question is...is it impacting...is does...I mean I've seen what its doing to Adger. When they pull out on the road is this dust affecting me. My property backs up to the U.S. Steel property and with this new proposed mine...the ones previously were...you know further away. These are actually closer. What's going to happen to my house? What's going to happen to my house value?

**MR. MCCARTHY:** Yes, mam. We appreciate your comments very much, very much.

**MS. ALLEN:** Thank you!

**MR. MCCARTHY:** Yes, mam. Bobby Owens.

**MS. BOBBIE OWENS:** Good morning everybody, I'm Bobby Owens. I am...a retired coal miner.

**MR. MCCARTHY:** Ms. Owens can you give us your address to satisfy this lady here please.

**MS. OWENS:** Okay, I live at 5909 Sunset Lane, Adger. I'm in the...this new mine they're talking about opening would be right across the street from me. I'm concerned about pretty much everything everybody else is. I'm not against coal mining because I'm a coal miner myself, but my property...I'm passing by areas everyday on the Bessemer Johns Road where it's already a lot of dust and stuff that's being accumulated. All the time as you going through, I'm passing by all these trucks all the time. At night as she said I hear more of the backing up, the noise of the machines running, because I'm not that far away. The...all the mines that they are talking about that's opened and to be opened... I'm right in the central location of it. You know, so my property value has been changing along. At first I didn't know a lot about what was going on. I'm glad to be into this now, but now with one about to open up right in the front door...you know, I have a big concern about property, repairs to the streets and roads and the accumulation to the dust that I see in the other areas that I pass through, which is coming right to my front door now. I'm not against the mining company itself; I just have a big major concern about the property value... what....ideal in the community.

**MR. MCCARTHY:** Ms. Owens, when you say your front door, do you have an idea of actually how close the mine boundary would get to your property line.

**MS. OWENS:** Well where they are talking about opening up...I'm just...you come into the community and I'm like right on top of the hill. Across from it...so, you know its going to be very close.

**MR. MCCARTHY**: Yes, mam. I appreciate your comments as well. Lollie Williams.

Would you like to speak...yes, mam?

**MS. WILLIAMS**: My name is Lollie Williams. I live at 9186 Weller Sumpter Road, Adger, AL. Also, I live in that area...down there where the mine is going to be. Where you are proposing to put it now, it's going to be very close to me and already like everybody is saying we are having problems with our homes. Where you put down concrete sidewalks and its cracking and it hasn't been a year yet that its been put down. You put siding around your house and the bricks and things are cracking. So, we are feeling the results of it already...and then like we go up and down the road all the time, where these trucks come out that dust come out and you be behind them or you're meeting them where they come out that road...all that dust come up...it gets on your car, it gets in you. I don't have sinus problem. Now all of a sudden I am having sinus problems. At night I'm having drainage. I'm waking up coughing, I'm coughing now, but all of this right here is since...you know...all this started. So...and the roads got holes in them. They come and put a few...a little drop of tar in it and when the trucks come back it just knock it right back out. So, you still go that hole that you got to run over. So, you know these holes in the road can tear up your car.

**MR. MCCARTHY**: Yes, mam. Yes, mam...anything else. I want to assure you... everyone that your comments will be considered and your comments will be addressed. You're not just speaking to the air. I will give you that promise. Let's see Carolyn Culpepper.

**MS. CAROLYN CULPEPPER**: I'm Carolyn Culpepper. I live at 4808 Big Oak Trail, Adger, AL and thank you. Shannon, LLC mines, they are not good neighbors. They have not taken responsibility for damaging our homes. They don't take responsibility for the health issues of COPD that is documented by our elderly people in our community and the asthma problems

they are currently having due to the...mine and their drilling. The water in our community does not have the same quality. The wells are now having coal products coming through it. Some of the wells are drying up. Our ponds where we used to could enjoy and fish out of at our homes are now drying up. The fish is coming up to the top dying in our ponds. The blasting to our homes are causing problems to our basement, where I normally sleep these days because of the hours of operation and the heavy equipment and the blasting during the day. I'm now having problems with flooding because of the cracks that's coming to my foundation. The traffic on our road is just terrible. Driving here today, I was afraid because of the mining trucks just zooming, they've slowed down some in Adger because we have complained to our Sheriff...and our neighborhood watches out...watch and more...but as you past Adger and go on through Oak Grove and coming out to 269 it is terrible. I can see that staring all over again. The noise with the blasting...there gotta be some kind of barrier or control that can be put in place to stop some of that noise that's coming into the community. As it was stated by Greg earlier, before another mine come up...let's repair...let's finish what we're doing. We don't want to stop you all from working. We say that over and over again. We want you to work but we want you during the same hours that our neighbors work. We want you to work from 6 or 7 in the morning until 5 or 6 at night...or until dark and allow us to sleep at night peacefully during the night and you start your work hour again. We want to be good neighbors if you listen to us, and you work with us. We can be the good neighbors that Shannon Mine told us they were going to be to us and if they are going to come into our community they should do something for our community. We don't have a community center...all of these things that were put in Brookwood from Drummond Mines...nothing has been offered to our community. Nothing but tearing up our roads, which tear up our cars. Closing if they are approved, please have them to actually go out and do

assessments of the homes before they start blasting and not tell those individuals that they...that the problem was at their home before they came into the community. You can't find that many bad homes in one community if the mines are not causing those problems. Thank you.

**MR. MCCARTHY**: Yes mam. Thank you very much. Elizabeth Parrish.

**MS. ELIZABETH PARRISH**: I'm Elizabeth Parrish. I live at 9160 Weller Sumpter Road, Adger, AL. I'm concern because of the fact that...what everybody else has stated plus the fact that...Shannon has wanted to vacate or close Blue Creek Road. I think that...you know I have a feeling that they are going to wanna close Lawson Road and that's our only outlet if anything happens between where I live at the end of Bell Sumpter Road and our Saint James cut off road. If anything happens there our only outlet if those roads are closed is to go all the way to Tuscaloosa County, drive across to 216, drive back up to interstate 20 and get on the interstate, drive to Bessemer and then back to come in...you know...instead of you know...the way we do have which is Lawson Town Road onto Blue Creek Road onto and coming out at Valley Creek. That's my big concern. My other concern is also; my home has been damaged...okay. We lost our home in 2002 in a tornado and we had a manufactured home put in. Okay, I remember...its like 2004 or 5, they were doing some type blasting and I requested that the assessment...I don't remember the name of the company, but it's the same as the company operating down there now, but I requested they come and...you know examine my home since other...I...other homes were being notified and I was told that...I was asked first rather...what type home that I had. I said it's a manufactured home and the person that I spoke to told me, your was made to move. Okay, that same home that I'm in now that was made to move...okay now, which it started early on this year that I noticed that my doors did not stay open prior to now, I would open my door and it would stay open. Now I open my door and it would come almost half way shut. Okay, in the

closet in my walk in closet, the ceiling this home that was not...that was made to move, the ceiling is cracked. So, I'm concerned is...and I know that my home is not the only one. There are other homes that I know that...ah...you know...newer than mine and they are having problems and it should not be.

**MR. MCCARTHY**: Thank you, Ms. Parrish. I've got a nice signature here but I cannot read the name...is it a Steve or is it a Grace Flowers....it's a P....sorry, last name starts with a P. Anyone...

**MR. STEVE RUSSELL**: Russell....Steve Russell.

**MR. MCCARTHY**: Steve Russell...why sure it is. I'm sorry Mr. Russell.

**MR. RUSSELL**: Yeah...I'm sorry. That's fine. I'm just kind of surprised...my signature is usually pretty good.

**MR. MCCARTHY**: Well its very impressive. I just couldn't read the name. So you have the floor Mr. Russell. Tell us where you live.

**MR. RUSSELL**: Since I retired I get in a hurry when I do ...

**MR. MCCARTHY**: That's okay.

**MR. RUSSELL**: Yeah...I'm the president of the Rock Mountain Landowners Association.

**MR. MCCARTHY**: What's your address please.

**MR. RUSSELL**: My address is 1133 Victoria Drive, McCalla. I live in Rock Mountain Lakes.

**MR. MCCARTHY**: Yes, sir.

**MR. RUSSELL**: Back during the 50's and 60's there was a lot of heavy mining...of course we all know that Black Diamond and quite a few other mines that did coal mining and

everything and its...actually was a rock mine lake next to where rock mountain lake is now. Since that period of time, we have now 402 residents that live in this area. We have developed our subdivision and we have 5 beautiful lakes...that the association spends an awful lot of money each year maintaining and keeping up...some of the best fish you gonna find anywhere is in those lakes. My concern I came here today with is that...the new operation that will be coming in...and U.S. Steel...you know all that property joins where the Big lake and Alice Lake and Swim Lake all three lakes. This will bring this closer...my understanding about 3 quarters a mile possibly closer to our subdivision. This last set of blasting that they had...we had a lot of residents like Carrisa and quite a few others that has had minor structural damage and the assessor has come out and I don't know exactly...because the landowners hadn't really got involved...because its more...been an individual type of complaint, but if this operation increases and there's more expansion and its coming in closer...especially the blasting. The three lakes that we have on this side of the mountain, which is the Big Lake, Alice Lake and Swim Lake, they all feed into the Big Lake. So if the dam integrity...is compromised by any of the blasting or any work that is being done out there and that dam breaks...we've got big problem...big trouble...because you've actually got three lakes...that bleed out somewhere. That's the main concern we have is our residents are concerned not only structural damage. The noise at nighttime is...tremendous. You can actually hear the trucks, hear the operation going even times...sometimes during the day...when you have like winter time...when the trees are out and you don't really have a whole lot of buffer there. You have a lot of sound...lot of...coming from there. Most of it is that those residents that are on that side of that lake and that operation coming in this close is going to create some serious problems. I want to go on

record and...notify...you know that we have a very big concern as to the integrity of our property, lake and stuff we have worked so hard to build. So, I think that covers what I've got.

**MR. MCCARTHY**: Mr. Russell, can tell me when those lakes were built.

**MR. RUSSELL**: Actually, the original lakes were Big Griffin and Little Griffin, which is on the other side as you come in to rock mountain lakes. It was done in the 60's. Then the association went over the mountain and that is when they built the section 3, which is where the big lake Alice Lake and Swim Lake are... so, they were done...when do you think Bruce...in the 70's (Mr. Russell asked the gentleman next to him) (Mr. Bruce answered...mid late 60's.) May late 60's. Mr. Russell asked the gentleman did we build the big lake in the late 60's. They've been there for quite a few years. They've been there for about 30 years and we've...the side of the mountain where these 3 particular lakes are...it's the ones that are going to be impacted more so than the others on the other side of the mountain...but we do have a buffer...we have a mountain in between our subdivision. These people that live there...you know have a lot of concerns there. I've told them that I would be glad to...as an association...landowner association, be glad to represent them in any problems they might have.

**MR. MCCARTHY**: Thank you very much. Jennifer Parsons.

**MS. JENNIFER PARSONS**: I'm Jennifer Parsons. I live at 7108 Parsons Lake Road, Adger. I would like to say that I am not against ya'll mining...I don't have a problem that. My son is a coal miner, but I'm asking that when you come into my community...I'm asking you to be respectful. We come...we've talked to ya'll three different times or someone will come into our home...and looking at it and taking pictures. Three different appointments nobody never acknowledge it...so a couple of months ago, we had two other gentleman come when I'm home...well you drop the ball and then you gonna tell my husband, I'm interested over the

phone ...when I've never told you that. Be respectful of other people in the community. Don't come to our elderly people when they're showing you damage that they did not have...and say oh this has been here. Because our people take care of our homes...we don't have anything else we have to do. We're asking you not to close any more our roads, take into consideration the people that live in those communities and how far you're going to make them go out of their way for any kind of emergency service. That's not that hard. If you were to close Blue Creek Road, your gone run those people 20 some miles out of their way to go....one trip to take. Just one...just...you know if you can run a hall road...make you another road. You're already using Johns Road put a cut through it. We don't mind. Our houses are not leveled now. I live in a doublewide mobile home one side of my mobile home has a lot more damage than the other. All I'm asking you to do is be respectful, keep our roads open and repair our homes.

**MR. MCCARTHY**: Thank you very much. The last name that I have is Earnest Parrish.

**MR. EARNEST PARRISH**: Good morning, I'm Earnest Parrish. I live at 9160 Weller Sumpter Road, AL. I also live in the Bell Sumpter Community. This makes the second round that Bell Sumpter has gone through this. I remember some years ago, it was the same company that they did the surface coal mining in the community. With the blasting...and the noise of equipment...go to sleep at night...sounds like every time the cellar opens its coming through the bedroom. Also, I'm a retired coal miner; I used to work for Black Diamond Minerals. I forget the week and day it was, but when it was blasting a rock came away from over the top of the trees about the size of a car tire. My kids and nephews, nieces where outdoors in the yard playing just so happy they weren't in the area where the rock fell at, but if they were someone could have gotten killed. I am concerned about the blasting, the noise, the dust everything that will effect our

homes and the community, the bodies, the health wise. I worked in a crawl mine, with Black Diamond where we used dynamite to blast the coal. One day they was blasting but the coal mine...the top of what they are doing now...I have to tell them they be using to much powder, because the windows in the house would shake, things would fall off of the shelf, the pictures fall down. When I went down there and told them about it...they sort of quieted down a little bit, but I feel like we are small fish in a sea of sharks and regardless of what the small fish try to do...try to get out the way...but the sharks are much bigger and they are going to do what they want to do anyway. Regardless of how the small fish feel. So I feel that...you know...I'm not trying to stop men from working the mine...I know that everybody need a job, but consider...you know the community and the people that live in the community. I know that when they say that when they get through mining everything it supposed to be recovering...put the ground back like it was, smooth it out and everything, plant trees, grass... whatever, but when all of that is done....making it beautiful on the outside, you would have already done the damage. They come around...some say well we're not responsible for it, but yes you are...it wasn't like that before and this is happening now, you're responsible for it. Its like will...you...I hear you talking...but I...we'll gonna get back with you...don't call us; we'll call you...that never happened. They never fix anything. So, just concerned about what everybody else is concerned about...you know. The roads...the coal trucks coming, you have to get on the other side...some over the yellow line...on your side of the road, going into the curves. It seems like they are big coal trucks...you got to get out of the way because you don't want to run into them...your not going to hurt them but they won't respect the people that is driving on the road the same way they are. They are making potholes. Someone say you may use a little bit of cement or asphalt to patch the potholes but the coal trucks are much heavier than a car. When you put it in there...in a

couple of days its back out again. They're not going to fix your front end, they are not going to do...they are not going to fix your car or anything. So, that's my concern about the overall...you know...like I said just feel like a fish...small fish in a sea of sharks.

**MS. MARILYN BENNETT**: Excuse me... I didn't have my name on the list...can I speak.

**MR. MCCARTHY**: Yes, mam...you finish Mr. Parrish.

**MR. PARRISH**: Yes, sir.

**MR. MCCARTHY**: Thank you. Yes, mam. So, if you would just...might get you to spell your name and give your address.

**MS. MARILYN BENNETT**: M.A.R.I.L.Y.N. BENNETT...B.E.N.N.E.T.T., 8930 Christian Loop. Now my father before he retired, he did 40 plus years...you know with the mine and I would see him come home at times and he said they had already taken a shower but he still had some of the crud from the mine on his face and that was up close. A few days ago last week or so. I started out and when I go to Johns Road at the stop sign coming off of Christian Loop, I sit there and say LORD, is there anybody coming. Then I sit there again to determine. Then I sit there again and try to see if I should come...cause I know if I see one truck, there's really going to be three and they are going to be right there together. So one day I don't know if it had rained or what... but crud was on the road and I was driving when I got behind this truck...the crud was falling back on my windshield, which clouded my vision. I put the washer on wash didn't take long before I had to wash it again. I had to wash with just a bit of few feet of each other. Keep cleaning my windshield so I could see how to drive. Then I went to church and they looked at the car and said where have you been. What is...that crud coming from...I said its coming from the road. They say the road and I say yes, the road...and I...now imagine that being your

grandmother...no your grandfather...they wouldn't have had the nerves like I did...and I didn't have any...cause when I got to where I was going I was shaking so from what I was afraid of...going under one of the trucks, which I'm still looking to see. It's going to be a catastrophe there if nothing is done. Its going to be major, because those trucks are so close together no way they can stop if another one has to stop suddenly. So, if you don't think of anything else, you think about the older people, because I know how I felt when I'm driving. Like I said as I look I say okay....I don't want to get between them. You know like one ahead...then the other one gotta wait until I pass before the other one come behind me, now I feel like I'm sandwiched in. So, I really feel they can do something better than that, because as they stated whenever you did any kind of work you always finish that job that you started first. You don't start another job without finishing the first one...and this is what they should do.

**MR. MCCARTHY**: Thank you, Ms. Bennett. Anyone else...

**MS. CARRISA ALLEN**: Can I just follow up real quick?

**MR. MCCARTHY**: Yes...mam. Yeah as long as we're not repeating...yes mam you certainly may...you surely may...just so...we thought...

**MS. CARRISA ALLEN**: No, I'm not... My name is Carrisa Allen again. I just wanted to also say that...because I know I've heard them mention that they don't mine the mines they just want it to be a good neighbor, I've gotta say I don't want them to come in. I do not want them to get this permit...because it's going to be another few years before I can actually fix my house. My house looks terrible inside for a three-year-old house from the cracks and things. I do not want another couple of years for this blasting...I have fixed my ceiling where boxes have shifted in my attic from the vibration, where I had a box to fall through. That was just a month ago. I had another box that I have found on my floor in the hall way that actually fell another

direction over...on to my attic door and fell out. I mean...so, its pretty substantial...I don't want them to come in...I don't want another few years of this.

**MR. MCCARTHY**: Yes, mam...I ya'll loud and clear.

**MS. CULPEPPER**: Ummm...she...we need to correct that record...I didn't say I wanted them to come....wait I want the record to reflect...

**MR. MCCARTHY**: Okay now you are...lets see...Cary...

**MS. CAROLYN CULPEPPER**: I am Carolyn Culpepper.

**MR. MCCARTHY**: Yes, mam Ms. Culpepper.

**MS. CULPEPPER**: I don't want to see them in my neighborhood either, but if they are going there I want them to be good neighbors. I don't want them in my neighborhood, but they got to work and I just want them to be respectful if they're going to work. I just wanted the record to reflect that.

**MR. MCCARTHY**: Thank you. We understand that...anything else from anybody...and just tell me...Is there anything else that you want to say...any new comments or whatever and let you have just say...30 seconds each, because you've been a very respectful, well presented and I wanted to let you have your say...you came this distance this morning and I appreciate that and respect that...so, we'll just go around the room one time...how about that. Do anybody wants to add anything else at this one time. I will start back with you and again...

**MS. PARSONS**: Jennifer Parsons...

**MR. MCCARTHY**: Yes, mam.

**MS. PARSONS**: I would just like to know, I received a notice inviting me to come to your meeting...my husband and I both received one. I would like to know why everyone in our community did not receive that letter.

**MR. MCCARTHY**: Well that letter was probably not sent by our office...and we don't initiate all the...the mining commission can only what its allowed to do by law...and so by law...the proposed coal operator has to publish notice in...newspaper...the general circulation, which is gonna be...The Birmingham News in this case, that an application has been filed and then has to send actual letters to adjoining property owners that actually have land that butts up or touches the mining area...

**MS. PARSONS**: I don't touch it...I'm a half of mile from it.

**MR. MCCARTHY**: Well...that's all they have to do... and publish that notice. I understand there may been some...you know somebody that's in this room may have actually generated notice, which is fine...I don't know, but the way we got here today is the notice in the paper and the notice the company would have sent out to adjoining property owners is going to say...here's this application, its been filed and you have an opportunity to comment and you can submit those comments up to the Alabama Surface Mining Commission in Jasper. The States nor the coal company is responsible or does try to send notices to everybody; we don't do that...because its something that we are not allowed to do.

**MS. PARSONS**: So you just randomly...it just goes to a computer and randomly...in that area mails too...

**MR. MCCARTHY**: No mam....I don't know where that would have come from. All I'm saying is the coal company put the add in the paper and then also they had to send notices to adjoining property owners...so, that is specific that is not random and then the rest of it is sort of word of mouth. Yes mam. Let me...I'm going to call on Mark Woodley. Who is a permit manager for the Commission, who is sitting at the door...he can correct me on this.

**MR. MARK WOODLEY**: If you got a letter telling you about this meeting, is because ya'll written in a complaint about the mine...I am assuming that ya'll sent a letter into the Commission saying that it wanted...or what ever reason...people actually send us comment letters when this...this right here happens. We actually do send ya'll letters saying that our informal conference...some of ya'll may have just made a comment on it...some of ya'll made a comment and requested an informal conference on it. If you requested it, then you did get the letter. Now, I don't know if you and your husband both written in a comment or both of ya'lls name was on the letter that's the reason both of ya'll got one.

**MR. MCCARTHY**: Thank you Mark. I think we actually...in the file that I inherited from Mr. Allen, who's sick today...there were nineteen written requests for the meeting...made by the public. I guess many of you are here and a few of you that aren't here...and as Mr. Woodley said "when we get that request", then we have your name on our...database and we have responsibility to directly communicate with you in writing as to...the...you know...the date of the hearing or any other meeting or action that we take. So, I hope that answers your question Ms. Parsons. No one...no one...we do not intentionally try to...you know...not provide information. We want to be as conclusive as we can possibly be. So...yes, mam you wanted to speak again.

**MS. REBECCA COTTIS**: Yes, my name is Rebecca Cottis. I live at 7351 Johns Road...and yes, my family...all that were miners and I am proud of that, but I do need to ask you, was there a hearing such as this to the beginning of this whole operation in our community.

**MR. MCCARTHY**: I don't know the answer to that Ms. Cottis...the general answer would be here is there would only be one if it was requested by someone in the public.

**MS. COTTIS**: Well let me say here and now in front of all of you people... there should have been one, because had there been one, I would have most certainly been here. Because we had damage to our home...just like every...all the points that have been made. This is what's happening to our community and it's a shame that the Alabama Surface Mining Commission has no more control than what you do, because there's a lot of people suffering in our community because of either your lack of concern or your lack of action. Because these people, this coal company should not be able to get by with what they're doing to our community.

**MR. MCCARTHY**: On that point...

**MS. COTTIS**: Many...many...

**MR. MCCARTHY**: Yes, mam...

**MS. COTTIS**: Many of us are very upset. Everything that we've worked for...hard...we're not a very affluent community, but we have hard working people and there should be somebody to be shameful for all of this. So, what my question is...if there was a hearing I was not notified and the feeble attempt by this coal company to notify us is just ridiculous. We received...did not receive some certified or registered letters that had resident with two addresses...our post office will not deliver. It is public information of who lives in that house...my address...who we are, but we were not notified. Very feeble attempts and I had no idea that this operation was going on. Even sitting in my kitchen, I wished I had written down the day, but there was blast that scared me to death, in fact I fully expected to turn the television on and see that some major oil company had blown up because of the impact of that blast...that initial blast. It was during the afternoon sometime in September or October, but my point is you guys here need to know more of what's going on because there should have been some kind of

hearing such as this. Because it doesn't effect you sir, it effects us...it doesn't effect them, it effects us.

**MR. MCCARTHY:** Yes, mam. Well I appreciate that...I understand your feelings and your emotions.

**MS. COTTIS:** I don't know that you do.

**MR. MCCARTHY:** Well, all I can say is I think I do...but...your right. I don't live in your home so, I'm not going to say...that I feel exactly what you feel, but I have been around this for twenty-eight years and I've been in many coal mines and I've been in many communities where mining has gone one. So, I do understand a little bit about the process. As far as...we'll conclude the hearing in just...the meeting in just a minute...this document is not something that would have been sent by our office that cover sheet about the urgent meeting, so that would have been sent by...perhaps one of you or someone else in your community who just wanted to spread the word, which there is nothing at all wrong with that...at all. You obviously...you all got the word because you are here and let me just say this... that the law requires...and again I am not making apologies...I'm just telling you the facts...the Mining Commission can only do what the law requires. The law is made by the State Legislature and basically the mining law in Alabama is compel to mining law in most every other state because there is a federal law that sets a floor if you will...and it says your mining regulations have to be at least at this level, so no one can go below that...so our law is equivalent to what the federal government would insist on...the State can only enforce the law that exist...and we're here...our office our inspectors and our permit staff are here to do our best to enforce the law as it is written...and to the extent that there is active mining going on already...in your community...if you have a problem with that then you are welcome to communicate with us, ever how you want...telephone, email, writing and we will

look into your complaints and will respond to you. I want to...and I am going to go ahead and close the meeting...and I do want to compliment you...I've been in a number of these before and you were well presented, you were respectful of each other's time...no one tried to shout down anyone else...and you came well prepared and that's very helpful. So, what we're going to have going forward is...we're going to have a very clear record of your concerns that you have...in a very elegant way. I think each of you have expressed those concerns and that would be very helpful in the process going forward. So, lets just hold on for a minute...I don't know what the time frame is going to be...all of this will be transcribed...parceled out to the six or seven permit reviewers of our office...who will go over this and they will try to incorporate it in to their recommendations on whether this permit goes forward or not...and once the decision is made...you all will receive that notice and then you will receive an explanation of...what recourse there is from that. Let me just say this one thing further...I hear your concerns, I really do...certain things the Commission can take into account...certain things we cannot, but we will try to take your concerns and let those be reflected in the final product. As far as...concerns over road closings, you probably already know this but you are talking about a county road...that decision is in the hands of the county authority...of the county. Also, as far as the truck traffic...the sheriff and who ever has to police those roads. Existing coalmines...if you continue to have problems...blasting, dust, other things...you contact our office and let us have the inspector go and try to evaluate that and act on that. So, before we close anything else on that...yes, sir...

**MR. BRUCE RUSSELL:** I have one quick thing...I'm Bruce Russell. I live in Rock Mountain Lakes...1118 Rock Christian Drive and I haven't been impacted that drastically by this and the last couple of months I have felt some of the blasting that my neighbor across from

mine had been complaining for a good while now...but my question is...I listen to all of these concerns and all of these problems...is there a committee...do you guys monitor after you issue...that this mine can't go into operation. Who monitors the blasting? You just told me one answer that the counties got to control the trucks, which I used to go back and forth to the river and there is not much control over these coal truck drivers... its pretty pitiful situation and I sympathize with these folks having to deal with it. The blasting...I know without a doubt that they sometime slip in extra charges...is there anything on site that registers this or is it up to us to...time, date and call you guys to follow up on it...what's in the future if this is granted.

**MR. MCCARTHY:** Let me try to answer that Mr. Russell then we're going to close and then if you have any other questions I will be here to try and answer those after we're closed, but yes, the blasting of course is regulated by the Mining Commission, again they are allowed to blast within the limits set by State law. There are different ways they monitor for blasting...the blasting records are checked at least monthly by our inspectors and they are evaluated. Now...and if they are found to have exceeded their allowed limits they are written a violation...sometimes a...there's for each blast there's someone designated as a blaster in charge and the blaster themselves are regulated independently by our office, they have to go to...a class...and take a test and get a State Certification from our office...and those certifications are subject to being suspended or revoked if the blasters repeatedly violate standards. We have probably four or five blaster review hearings every year...and you know...egregious situations such as if a blaster has...what we call a flyrock...a big piece of rock that escapes a...mine, then that blaster would be subject to having his... blasters card either revoked or suspended if he is founded at fault of that...so that is a very important part of the operation that our office is in charge of reviewing and enforcing. So, we do that on a regular basis...yes, sir. We are going to

go a head and close the hearing and I appreciate very much the orderly fashion in which you presented yourself. You were well spoken and I hope that...we can go forward and feel like...like little fish in a big pond with sharks around us. I know you've got the coal mining and I know it's not pleasant...I do know that. Please give time and lets see how the process works and again, this is a State Agency...you're part of the public...you have the right to contact us anytime you want to...and our obligation is to respond to you...tell you what we can do...and again thank you very much for coming...any of you want to stay around and ask questions then I will be glad to try and respond to those...but we'll conclude the meeting. Again thank you very much.

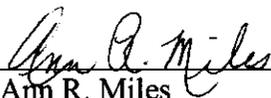
**C E R T I F I C A T E**



**STATE OF ALABAMA        )**

**WALKER COUNTY         )**

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

  
\_\_\_\_\_  
Ann R. Miles  
Hearings Reporter

