

US EPA ARCHIVE DOCUMENT

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1 litigation, negotiation.

2           These miners of Spruce One earn good  
3 wages. But the federal government is ready to hit  
4 these jobs, deny these miners and their children food,  
5 clothing, shelter, education, and quality healthcare.  
6 That is wrong. And it is un-American. If this permit  
7 is vetoed, the economic impact will reach far beyond  
8 the borders of Logan County. It will seek to Wall  
9 Street and be heard in investment in coal mining and  
10 capital improvements and program. It will tell these  
11 young people in coal country, leave their homeland to  
12 find work. If this permit is rescinded it will stand  
13 as testimony to the fact that the federal EPA has no  
14 regard for the working people of Appalachia.

15           We ask the EPA to get their priorities  
16 straight. Put working people first.

17           MR. SASLOW:

18           Thank you, sir. Myron Jones, Rish  
19 Equipment Company.

20           MR. JONES:

21           Good evening. My name is Myron Jones.  
22 On behalf of our employees, I'm here to support the  
23 Spruce Mine permit and surface mining of West  
24 Virginia. Rish Equipment Company depends on surface  
25 mining for 70 percent of our revenue. Two years ago

1 our company employed 310 people. Today our employee  
2 base is down to 260. Many of those laid off are still  
3 without work.

4           Issuance of permits like Spruce are  
5 essential for ways to bring our employees back.  
6 People desperately need to work. I've been personally  
7 associated with Arch Coal more than 20 years and have  
8 firsthand knowledge of the corporate philosophy,  
9 protecting the environment, mining within state and  
10 federal guidelines.

11           In today's economy, how can the EPA  
12 jeopardize even one job? How can EPA expect any  
13 company to make a substantial investment in West  
14 Virginia when the rules of the game are subject to  
15 change at any time? You're putting our people out of  
16 work and putting our state out of business. Our  
17 nation desperately needs low-cost energy to remain  
18 competitive on the world stage, and West Virginia can  
19 provide this low-cost energy. This is unconscionable  
20 for West Virginia resources. This Spruce permit must  
21 go on, and I implore you to do so. Thank you.

22           MR. SASLOW:

23           Mr. Jim King from Tire Centers. Number  
24 529, Rusty Rowe from JMT Holdings. Number 530, Donald  
25 Donell.

1                   MR. DONELL:

2                   That's correct.

3                   MR. SASLOW:

4                   Thank you. Please go ahead.

5                   MR. DONELL:

6                   My name is Donald Donell. I'm from  
7 Weirton, West Virginia, and I'm the president of  
8 Starvaggi Industries located both in Brooke and  
9 Hancock Counties, the northernmost counties in the  
10 State of West Virginia. We've been in business for a  
11 little over 92 years now in the construction, real  
12 estate, and coal mining operations.

13                   The proposed action by the EPA to revoke  
14 the Spruce Mining permit is obviously wrong. It will  
15 directly affect not only all of the employees of Mingo  
16 Logan Coal Company and Arch Coal, but has far  
17 reaching, catastrophic indications for all of West  
18 Virginia and the entire coal industry of central  
19 Appalachia.

20                   What started initially as an attempt by  
21 the EPA for further use of the mountaintop removal  
22 overburden is now developed into an outright assault  
23 against West Virginia and now against all forms of  
24 coal mining, surface or deep, in central Appalachia,  
25 whether in Hancock, Logan, or Mingo Counties.

1 Regarding water quality, the EPA has intentionally set  
2 standards for water quality for mine sites that are  
3 discriminatory and unattainable and virtually  
4 guarantee the elimination of coal.

5           The EPA in its assault against coal, you  
6 have actually taken a page from the comments by the  
7 impeached federal judge Albert Hastings, who is now a  
8 member of that illustrious body called the United  
9 States Congress, where a member of his --- a member of  
10 the House rules committee and chairman of a  
11 subcommittee. And he said in response, there ain't no  
12 rules around here. We're trying to accomplish  
13 something. Don't you understand? And when a deal  
14 goes down, all this talk about rules. We make them up  
15 as we go along.

16           Does that sound familiar? Please  
17 understand that the Spruce permit met every test that  
18 was handed down. Our northern panhandle from eastern  
19 Ohio has from our recommendation, parks of our  
20 communities, shopping centers, hospitals, high  
21 schools, grade schools, and junior colleges, and  
22 churches, ---.

23           MR. SASLOW:

24           Ten seconds.

25           MR. DONELL:

1 Thank you very much.

2 MR. SASLOW:

3 Vernon Haltom from Coal River Mountain  
4 Watch. 532, Tim Hopkins, Tri-State Bit and Drilling  
5 Supply.

6 MR. HOPKINS:

7 Hey, good evening. I'm Tim Hopkins,  
8 president of Tri-State Bit and Drilling Supply. We  
9 are located just 20 miles from this location in a  
10 small town called Clendenin, West Virginia. I want to  
11 speak briefly tonight with regards to the economic  
12 impact of permanently revoking our coal permit.

13 Once again, Tri-State is based out of  
14 Clendenin, West Virginia. From this location we  
15 service five different states. We are also in the top  
16 five in the tri-state area. Our tax revenue helped us  
17 to ensure importantly police protection, maintenance,  
18 and other things in our town.

19 The impact of this permit being revoked  
20 costs roughly an annual amount of nearly \$300,000 in  
21 lost revenue. Our employees count on this mine to  
22 provide to their families. Not only that but the  
23 businesses in Clendenin would be affected by this as  
24 well. The gas station, as we line up in the morning  
25 to fill our trucks up with, the restaurants that my

1 employees stop at to get breakfast and so on. I have  
2 personally invested my money in this company to watch  
3 it grow. I have been living the American dream. I  
4 own the business. And this has been a dream of mine  
5 as long as I can remember.

6           One thing I have to say is that Arch Coal  
7 has always been a responsible member of this coal  
8 industry. Their reputation is outstanding. My  
9 comment is let Arch Coal do what they do best. And  
10 that's mine coal. Thank you.

11           MR. SASLOW:

12           Briana McElfish.

13           MS. MCELFLISH:

14           Good evening. I know everyone's  
15 struggling in this hard time. I'm sure that is the  
16 number one point in the forefront of everyone's mind  
17 here tonight. I want to say that this most of all is  
18 about people. I want to say that it's not just about  
19 words, about trees, about fish, plants, or even the  
20 oldest, most beautiful mountain that God has ever  
21 made. This is about our heritage, our home place, and  
22 most importantly, the very health of our community, of  
23 our children, my future children.

24           I'm not anti-coal. I'm actually pro-  
25 mining, pro-mining responsibly and not in the way that

1 endangers the health of West Virginia. The EPA has  
2 vetoed this permit because it agrees with concerns for  
3 environmental safety. Make no mistake. Environmental  
4 safety means your safety, too. As a woman born and  
5 raised in West Virginia, Mount Airy Community runs  
6 through my veins.

7 I oppose this permit because of the  
8 danger it presents to the health of West Virginia and  
9 our communities. West Virginians are the strongest,  
10 most resourceful, hard-working people in the great  
11 United States. I know that we can come up with better  
12 options. I ask EPA to maintain this veto and not  
13 sacrifice our health for fleeting profits. I believe  
14 in West Virginia, and I believe that we can get  
15 through this. Thank you and God bless.

16 MR. SASLOW:

17 John Spencer from Potesta and Associates

18 MR. SPENCER:

19 Good evening. Speaking as a resident of  
20 West Virginia, I believe that the most pressing public  
21 health issue associated with water in West Virginia is  
22 not a byproduct of mining activities. It's the  
23 presence of people coliforms and related pathogens in  
24 our water wells due to the negligence of our federal  
25 government to adequately protect our populace against

1 them. By your attempts you use select forces of the  
2 Clean Water Act to revoke the Spruce Number One  
3 permit. It's my judgment that the EPA is committing  
4 both economic treason and discrimination against  
5 landowners and mining concerns in the State of West  
6 Virginia.

7           Mining concerns spending millions of  
8 dollars to find solutions to problems you associate  
9 with water quality and contribute directly to them.  
10 Yet you fail to address the issues that have the most  
11 damaging affect on our populations that are your  
12 federally-mandated responsibility forever. This  
13 clearly demonstrates the basis of your action is not  
14 to ensure clean water. It's to do away with all coal  
15 mining in central Appalachia. You haven't fooled  
16 anyone.

17           Taking away the ability of landowners to  
18 enjoy their property for whatever use that is within  
19 the law and revoking a legally issued permit is not  
20 the equal protection that we are all ensured under our  
21 Constitution. It's discriminatory prosecution. A  
22 lawsuit rendered to be filed in the coming weeks  
23 addressing this. If all the environmental groups  
24 assembled here are not named Complainants in this  
25 suit, it will also expose your discontinuous efforts

1 as well. If you're not a Plaintiff in this lawsuit,  
2 it will prove just like the EPA, your true goal is not  
3 clean water at all. It is to shut down all the mining  
4 activities.

5           You may not want to be employed and  
6 contribute to society, but mining companies provide  
7 good jobs for those who do. They should be allowed to  
8 do so.

9           MR. SASLOW:

10           Danny Vance, Service Pump.

11           MR. VANCE:

12           Good afternoon. I'm Danny Vance,  
13 president of Service Pump. I grew up in the coal  
14 field. My grandparents all were coal miners. My  
15 uncles, my father. I've been associated with mining  
16 all my life. And I sit here and watch a lot of people  
17 come up and bad mouth coal. And a lot of young  
18 people. When I was young I believed in the Easter  
19 bunny and tooth fairy. When I got older I learned  
20 more. When I was 20 years old, I thought that rock  
21 would make for peace. I got a little older and I  
22 learned better than that.

23           And I've listened to very educated people  
24 tell me that for ten years Arch went through a process  
25 that you people put them through to get this permit.

1 And now after that you've changed your mind. Damn it,  
2 that's like a little kid that's playing ball and wants  
3 his own rules and if he can't have them he's going to  
4 take his ball and go home. This is ridiculous, you  
5 know.

6 Yes, I am associated with the public, but  
7 I love West Virginia. And my dad was a coal miner and  
8 he loved flat land. He thought that mountaintop  
9 mining was the greatest thing that ever happened, and  
10 he was from Logan County. I was going to give 20  
11 seconds there left that you bad mouthed Rick for  
12 because he was going to talk about communists and  
13 stuff. But I'm going to leave you with ten. Thank  
14 you.

15 MR. SASLOW:

16 Next, Junior Walk, number 536.

17 MR. WALK:

18 My name's Junior Walk. I'm 20 years old.  
19 I was born and raised in West Virginia. I've lived in  
20 Whitesville my entire life. Come from four  
21 generations of the coal industry. I myself worked in  
22 the coal industry in Whitesville. I worked as a guard  
23 at a mine. And speaking to someone who has worked in  
24 the coal industry, I want to let you all know it's  
25 never too late to wise up and realize that what you're

1 doing to your neighbors with your planning.

2 I applaud the EPA for its veto of the  
3 Spruce Number One permit. And I really hope it's a  
4 sign of things to come. I mean, if we flatten all our  
5 mountains, how can we be mountaineers? And it's just  
6 common sense. I mean, that's what we are.

7 MR. SASLOW:

8 Mr. Walk, continue, sir.

9 MR. WALK:

10 Thank you. And I mean for my entire  
11 adolescence I grew up in industry. And it was just  
12 horrible and dangerous thing, I never want that to  
13 happen to anyone ever again. I'm just really glad the  
14 EPA has finally decided to stand up and be the  
15 Environmental Protection Agency instead of the  
16 Economic Protection Agency. Thank you all very much.

17 MR. SASLOW:

18 Thank you. Mr. Jason Webb. Jason Webb,  
19 537? 538, Diann Kisch, from Spruce Fort Community.

20 MS. KISCH:

21 Thank you. I have my notes here but  
22 after the things that I heard now I'm really fired up  
23 that somebody would be talking about the coal miners,  
24 our families, our heritage. I live within about three  
25 and a half miles from Mingo Logan Coal Company. I

1 played in those streams when I was little. When we  
2 didn't even have streams when it didn't rain. You  
3 can't talk about water. You don't know what you are  
4 talking about. I played in the coal dust, and I am  
5 healthy. I played in that black water. The next day  
6 there was still fish in it. Let me tell you, you do  
7 not know what you're talking about when you talk about  
8 the government control.

9           Mingo Logan brought more life to our  
10 community almost five years ago. We have a community  
11 organization within meeting each month. They cater it  
12 by the way. Tell us their problems, their vision for  
13 the community. They share with us. They are personal  
14 people. They are friends of ours. When you talk  
15 about coal miners, you're talking about my heritage,  
16 my grandpa. My granddad, when he came over on the  
17 boat from Italy and migrated to West Virginia to be a  
18 coal miner and raise his family. I'm proud to say I'm  
19 fourth generation. He fought for coal. I'm standing  
20 here talking for coal, for the mines.

21           You people, obviously you have no  
22 conscious that you can take away all we have. You  
23 don't live there. You don't know. And we're not  
24 ignorant people as you --- some say that we are, and  
25 don't know what we're doing. I'm a healthy mother,

1 grandmother. There has been more than three  
2 generations of coal miners in my family. Coal is the  
3 only source of powering. Don't you stop mining coal  
4 down here. I'm telling you, perishing on the streets.  
5 And by the way, drugs multiply as you close the ---

6 MR. SASLOW:

7 Ten seconds.

8 MS. KISCH:

9 --- mines.

10 MR. SASLOW:

11 Randall Maggard from Argus Energy WV,  
12 LLC.

13 MR. MAGGARD

14 My name is Randy Maggard. I work with  
15 over 335 employees right here in mining country  
16 located in southern West Virginia. We are all opposed  
17 to the proposed veto of Spruce Number One Coal permit  
18 by the U.S. EPA. This action is unprecedented and  
19 illegal. To rescind a permit of a company two years  
20 after it has been issued is ridiculous. The U.S. EPA  
21 published in the Bell Register on September 25th, a  
22 notice to form an SAB, a science advisory board, on  
23 the ecological impact associated with mountaintop  
24 mining. I luckily was nominated and selected to be on  
25 that board in November 2009. Do you know what I've

1 heard from the U.S. EPA regarding this board?

2 Absolutely nothing.

3           They've published their proposed veto to  
4 the Spruce permit on April the 2nd, 2010. They also  
5 published their new so-called water quality guidelines  
6 on April 1st, 2010. And as of this date I still have  
7 not heard from U.S. EPA regarding the viewpoint of the  
8 science advisory board. Why hold this hearing? U.S.  
9 EPA's decisions are not based on science. They're  
10 based on politics. U.S. EPA wants to end coal mining,  
11 Lisa Jackson wants to end coal mines. Gerald Browner  
12 wants to end coal mines. Nancy Sutton wants to end  
13 coal mining.

14           And you know what? None of those people  
15 are elected officials but they are nominated by  
16 people, by the way. In closing, we at Argus Energy  
17 are opposed to EPA's proposed veto action. And  
18 remember, we will vote in November.

19           MR. SASLOW:

20           Mr. David McCormick from McCormick's.  
21 Number 541, Mr. Bill Price of Sierra Club.

22           MR. PRICE:

23           Good evening. My name is Bill Price.  
24 I'm with the Sierra Club Justice program in central  
25 Appalachia. I want to thank the EPA for moving

1 forward with the Clean Water Act to revoke Spruce  
2 Number One Mine. I want to thank you for protecting  
3 the community around Spruce Fork. I want to thank you  
4 for protecting the streams in that area.

5           For too long the members of that  
6 community and communities all throughout Appalachia  
7 have suffered from the impacts of mountaintop removal  
8 coal mining. It confirms our commitment to sound  
9 science. And it confirms many to the protection of  
10 water of the whole Appalachia.

11           My father was a coal miner. My brother  
12 was a coal miner. I worked in that industry also.  
13 And I have to say that this is not my father's coal  
14 mine. This is not the type of coal mining my  
15 grandfather did or my brother did. What is happening  
16 today is absolute annihilation of an area and of  
17 streams and of water, precious water.

18           This veto was the right decision to make.  
19 Now is the time to finalize that veto. Stopping the  
20 annihilation of Spruce Fork will save seven miles of  
21 pure, pristine, needed streams. The science is clear.  
22 The industry cannot meet the burden that it needs to  
23 meet that says there will not be significant impacts  
24 for this mining. Thus this veto is necessary.

25           You've heard a lot tonight about jobs. I

1 have to say that coal mining jobs versus the  
2 environment. But before you realize prosperity, we  
3 need to transition from a resource that is depleting.  
4 Common sense tells me and tells you that you cannot  
5 rely on a depleted resource for our future. Thank  
6 you.

7 MR. SASLOW:

8 Joseph Stanley.

9 MR. STANLEY:

10 My name is Joe Stanley, and I'm a native  
11 born and raised West Virginian. I was born and raised  
12 in Mingo County and currently live in Wayne County.  
13 I'm a retired UMWA coal miner.

14 I'm here tonight to ask the EPA to choose  
15 to prohibit that discharge that is associated with  
16 Spruce Number One project. This project was very  
17 sudden. One and a half miles of water that streams  
18 under six valley hills contaminate downstream surface  
19 water with pollutants from the mining operation  
20 including selenium, conductive --- significantly  
21 impacted by previous mining activities resulting in  
22 the deforestation of 2,278 acres of productive  
23 forestland, impacting water quality degradation and  
24 contaminating fish and wildlife. EPA is correct in  
25 vetoing Spruce Number One Mine that's currently

1 authorized. It could result in the adverse effects to  
2 fish and wildlife resources.

3 EPA in that statement used corrective  
4 force of action by issuing the public notice of a  
5 proposed determination to restrict or prohibit the  
6 discharge affiliated with Spruce Number One Mine  
7 project, citing under section 404(c) under the Clean  
8 Water Act. EPA's concerned that the project will  
9 result in unacceptable and adverse affect on  
10 particularly for fish and wildlife resources and water  
11 quality based on the science reports that have been  
12 made available over the last two years. I believe  
13 that this affect is a direct assumption based on the  
14 science. There are numerous other mining under  
15 construction or proposed to the coal that are  
16 contributing to the cumulative loss of water quality  
17 resources. Thank you.

18 MR. SASLOW:

19 Thank you. Number 543 is Ms. Debbie  
20 Thompson, private citizen.

21 MRS. THOMPSON:

22 Hello. I'm the wife of a strip miner,  
23 the daughter of a coal miner. I'm here because I too  
24 see now water where it's black. The water is much  
25 better now. This is the same old song and dance. And

1 --- he was employed at Charpman's (phonetic) Coal  
2 until the closing of the mine. And you don't think it  
3 will affect the people? Just read the Logan paper. I  
4 would like to talk to you about my neighbor, Sandy  
5 Deal. Sandy is a very good neighbor. He works at  
6 Mingo Logan. If Sandy loses his job he won't be able  
7 to pay his bills. And I'm sure he will lose a lot  
8 like so many others. Help Sandy to pay his bills.  
9 Give this permit back.

10           It will cause a domino effect. I'm  
11 employed at the Logan County Board of Education. And  
12 it will affect me and my coworkers eventually. These  
13 extremes, it has nothing to do. So I have a proposal.  
14 They have so much time on their hands, we need school  
15 bus drivers, drug free. They can come and see  
16 firsthand what it does when they lose their job.  
17 Don't threat. We run on bio diesel. It's  
18 environmentally clean.

19           In closing I would like to say save  
20 trees, save the spotted lizard, save the trees. Let's  
21 save an endangered species. Let's save a coal mine.

22           MR. SASLOW:

23           Thank you. I do need people wearing  
24 wrist bands 551 to 575 to collect in the back by the  
25 gold curtain slowly over there. And as you do that,

1 Mr. Mike Castle from Strategic Solutions, LLC.

2 MR. CASTLE:

3 Thank you. My name is Mike Castle. I've  
4 come on behalf of my company, Strategic Solutions, and  
5 a member of the Coal Associates. If there's a Clean  
6 Water Act to restore and maintain the nation's water  
7 and a policy to achieve this great state of toxicants  
8 nor discharges in water quality standards. The Clean  
9 Water Act states that the water quality standards are  
10 established --- fish and wildlife, recreation  
11 purposes, and agricultural, industrial, and other  
12 uses. So it's a standard of living that relies on  
13 shelter, food, reliable electricity, jobs, consumer  
14 goods including goods made from steel. But the Clean  
15 Water Act objected.

16 The purpose is to provide the coal,  
17 electricity, and steel necessary to develop and meet  
18 the needs of mankind. You must achieve this balance.  
19 You're the threshold balance, unacceptable adverse  
20 effect on municipal water supplies, shellfish,  
21 fisheries, wildlife, and recreation areas.

22 You make this determination by hopefully  
23 relying on perceived adverse effects on water quality  
24 or biological quality in the water, and thus the  
25 violation is there. So the end result is that you

1 think incorrectly --- you change the conductivity as  
2 far as to determine whether the designated water  
3 quality is being met versus the Clean Water Act. It's  
4 just a change. God bless America and God bless the  
5 coal mines.

6 MR. SASLOW:

7 Mr. Brad Lewis from ADDCAR Highwall  
8 Mining Systems.

9 MR. LEWIS:

10 My name's Brad Lewis. I'm a West  
11 Virginia native. I'm a mining engineer. Graduated  
12 from West Virginia University. I'm a registered  
13 professional engineer, and I'm also a West Virginia  
14 property owner. My entire career is dedicated to the  
15 coal mining industry, and this is good work in West  
16 Virginia. I love the natural beauty of the coal-  
17 producing states as much as anyone in this audience.

18 My comments this evening and our personal  
19 views, I want to thank the EPA for organizing this  
20 quorum and allowing this evening's speakers to voice  
21 their opinions and concerns, a fundamental  
22 Constitutional right of this great country.

23 My top ten reasons for requesting EPA to  
24 sign the permit, this current issue is Number One mine  
25 is specially protected from below. Reason number ten,

1 this mine brings approximate 250 jobs paying an  
2 average salary of \$62,000 at a time when we are  
3 experiencing some of the worst economic conditions  
4 since the Second World War. Number nine, coal  
5 provides 50 percent of our energy supply of America  
6 and it is among the lowest cost fuels for electricity  
7 generation and it is incredibly reliable, in good  
8 supply.

9                   Number eight, America does not have an  
10 economic alternative of coal at this time. Nuclear,  
11 wind and others, they all welcome as far as I'm  
12 concerned. However, they are not yet economical.  
13 Until they are we need coal in order for us to  
14 continue with our low-cost electricity supply.  
15 American energy is dramatically shifted in global  
16 economics and global political strife that led to many  
17 wars in the Middle East. Continuous development in  
18 the coal extraction is a major part of energy  
19 independence. Our local university, West Virginia and  
20 Virginia Tech have graduating mining engineers 30 to  
21 40 each this spring. Those people are coming with new  
22 ideas and a passion for coal. The coal industry is  
23 not in the headlines with catastrophic environmental  
24 problems.

25                   Number four, Arch Coal is a reputable,

1 outstanding coal company. Number five, there are  
2 Americans that rely on the source of coal. And we  
3 forget what it takes to make that happen. Number two,  
4 the majority of residents in West Virginia  
5 overwhelmingly are in favor of the coal industry. And  
6 finally, the number one answer is a deal is a deal.  
7 Thank you.

8 MR. SASLOW:

9 Number 546, Mr. Tom Simpson, CH2M Hill.

10 MR. SIMPSON:

11 Thank you. My name is Tom Simpson, vice  
12 president of CH2M Hill in Atlanta, Georgia. I'm here  
13 tonight to present the results and interpretation of  
14 ongoing studies we are undertaking of the Mingo Logan  
15 Coal Company, Incorporated, operator of the Spruce  
16 Mine. This statement is based on the results and  
17 comparisons of biological and water chemistry data  
18 we've collected this past fall and winter in reference  
19 streams in areas that show no signs of either mining  
20 activity or exhibit any characteristics. And previous  
21 mining activity or otherwise were impacted by mining  
22 activity in the last 11 years.

23 In short, we're evaluating the biological  
24 --- and differences between unmined and mined streams.  
25 Our studies have found that coal mine areas may

1 reflect changes in new construction. These streams  
2 still provided suitable water quality to support  
3 diverse communities. Our studies have shown the  
4 following. There is an increase along with sulfates  
5 and streams. There also is a shift observed including  
6 insects. Community in the mine stream are more  
7 sensitive, more tolerant insect species as compared to  
8 reference streams.

9           However, the diversity of the communities  
10 in the previous mine streams remain relatively high in  
11 abundance of the overall converted community is almost  
12 identical between the reference streams and mine  
13 streams. Therefore, albeit the shift in species  
14 indicate some water quality impact that may be  
15 effecting change, the availability of the species as a  
16 food source for fish and any other wildlife who may  
17 depend upon these appear to be unaffected.

18           Other analyses that we conducted include  
19 the application of the West Virginia Stream Condition  
20 Index through this date. While we know some water  
21 shifted along the mine streams ---

22           MR. SASLOW:

23           Ten seconds.

24           MR. SIMPSON:

25           --- The significant note I want to state

1 is the previous fundamental values for throughout the  
2 1,000 mine streams ---.

3 MR. SASLOW:

4 Thank you. I'm going to call number 547,  
5 Jamie Summers Brown with Bricks Without Straw.

6 MR. SUMMERS-BROWN:

7 Thank you. My name is Jamie Summers  
8 Brown. Fourth generation in my family that mined coal  
9 here in West Virginia. I'm here today on behalf of my  
10 state, the people who reside here every single day.

11 The permit for the Spruce Mine to be  
12 revoked at this point sets off alarms in the industry  
13 and communities and our homes. These actions show an  
14 administrative change can take back in a time of  
15 severe economic disturbance. I believe that to  
16 suspend this permit would further this statewide not  
17 only in West Virginia poorly but disable the nation.  
18 The cavalier actions of this presidential  
19 administration have all of West Virginia at risk.

20 Coal's important to our state. It has  
21 been proven it cannot only benefit us in West Virginia  
22 economically but I believe it can provide several  
23 benefits in major technology. Carbon dioxide --- we  
24 know carbon dioxide can be recycled since 1912. And  
25 converts CO2 to methane.

1           A contractor sold multiple patents for  
2 converging CO2 to liquid fuel. Technology exists to  
3 convert CO2 into synthetics that also produce similar  
4 materials. What coal can do is constantly hidden from  
5 the world. The technology is available today and  
6 proven to work. So get out of the way and let us work  
7 and let us take this nation into the future. Thank  
8 you.

9           MR. SASLOW:

10           Number 548, William Durbin from Walker  
11 Machinery.

12           MR. DURBIN:

13           I'm William Durbin from Walker Machinery.  
14 I grew up in a little town in southern West Virginia.  
15 I've been around mining almost all my life. And as a  
16 young teenage boy, I drove most of the mountains, a  
17 lot of the area in Logan, Mingo, Wyoming Counties. I  
18 fished almost all of the streams down there. As a  
19 young teenage boy there were no fish. You might catch  
20 a catfish on occasion, but that was about it because  
21 we had a lot of sewage pumping into the river.

22           But today you can take those same rivers,  
23 they're catching four and five-pound small-mouth bass  
24 that are beautiful. And we have more deer. We have  
25 turkey. I never saw much deer growing up. Today the

1 woods are full of them.

2           There's a lot of smoke in air out there.  
3 Being told about mountaintop removal it is an  
4 improvement to the environment. Now, I grant you  
5 there might be better ways in doing some of it. And  
6 we are working towards that goal. And I think as the  
7 EPA, if you will give strict guidelines on how you  
8 want it done and you put it in hard copy writing, it  
9 can be accomplished. But you have to give us  
10 guidelines. If you want something different you have  
11 to give us those ideas.

12           And as an actor once said, our  
13 politicians need to look at the EPA and the federal  
14 government and say we're mad as hell and we're not  
15 going to take it anymore. We're going to stand up for  
16 our West Virginia miners because they're true and  
17 human. Thank you.

18           MR. SASLOW:

19           Thank you. Number 549, Mike Moore,  
20 International Coal Group, Inc.

21           MR. MOORE:

22           Thank you. My name's Mike Moore. I'm  
23 president of Maryland Coal Association. I drove over  
24 four hours today to show my support for West Virginia  
25 coal miners, their families. Like every other miner

1 here I'm appalled at EPA's decision to revoke the most  
2 scrutinized permit in West Virginia history. If we  
3 allow this to happen what's going to stop them from  
4 doing that in Kentucky or in my state of Maryland?  
5 EPA and radical environmentalists and some of the  
6 other nonworking class that take a government check  
7 every month care more about salamanders and bugs than  
8 they do about hard-working West Virginia families.

9           EPA's action's not just directed at  
10 mountaintop mining. They're directed at all surface  
11 mines. Working at the behest of President Obama they  
12 plan to eliminate surface coal mines. They want us to  
13 believe that they're just after the mountaintop mines.  
14 They quote some of the anti-mining newspapers in this  
15 state, use explosives to blow mountaintops into  
16 streams. What they call streams, the gutters on your  
17 house would classify as streams by the federal  
18 definition. EPA's trying to close coal mines in six  
19 states to meet the dry water quality standards and  
20 other types of mining, other industries and  
21 municipalities.

22           EPA and some of these out-of-state  
23 radical environmentalists have little regard for West  
24 Virginia mining families. They either don't know or  
25 don't care about the fact that 35,000 people in the

1 state are employed in this industry. Pay over \$400  
2 million in severance taxes and help support the state.

3 All of us here tonight, those of us that  
4 have real jobs play by the rules, pay our taxes, and  
5 want better lives for our kids, realizing that mining  
6 operation is much like housing developments,  
7 interstate highways, and shopping centers will have  
8 impact on the economy. It's impossible to have zero  
9 impact. Everybody in this room has some impact on the  
10 environment. Most of the anti-mining has a subzero  
11 impact. Not surprising these guys don't have any  
12 solution to our energy crisis.

13 In conclusion, I urge the EPA to  
14 reconsider the veto to the Spruce permit. Thank you.

15 MR. SASLOW:

16 Mike Oliverio, State Senator.

17 SENATOR OLIVERIO:

18 Thank you. I'm State Senator Mike  
19 Oliverio, a Democratic nominee for Congress in the  
20 First Congressional District. I'm joined here by  
21 colleagues in the state legislature, and I want to  
22 tell you that as a grandson of an Italian immigrant  
23 who mined coal in Logan County, I know that my  
24 grandfather would want me to be here tonight.

25 I want to share with you the West

1 Virginia legislature without during this legislative  
2 session setting the current resolution number 61, and  
3 I'd like to read that resolution to you. Urging U.S.  
4 EPA to not veto the permit issued by the U.S. Army  
5 Corps of Engineers for the Spruce Mine in Logan  
6 County. Whereas the U.S. Army Corps of Engineers  
7 issued a permit for the Spruce Mine in Logan County,  
8 West Virginia. After years of intensive review,  
9 including a conclusion and fully documented impact  
10 statement, whereas in the course of its deliberation  
11 regarding the Spruce Mine the U.S. EPA has raised  
12 concerns regarding water quality and implementation of  
13 West Virginia's water quality standards is the  
14 responsibility of the West Virginia Legislature. And  
15 the West Virginia DEP, who has previously determined  
16 the Spruce mine complies with the water quality  
17 standards, including the narrative standards approved  
18 by the legislature and implemented by the West  
19 Virginia EPA, and whereas the permit has been in place  
20 for two years, the mine has become operational and  
21 employees have been hired.

22                   Whereas if the permit issued by the U.S.  
23 Army Corps of Engineers is vetoed by the U.S. EPA,  
24 loss of jobs and investments at Spruce Mine Company in  
25 Logan County, West Virginia will have a major impact

1 not only to Logan County but will further impact the  
2 financial stability of the State of West Virginia in  
3 an unsustainable economy, therefore as a result by the  
4 legislature of West Virginia that the legislature  
5 hereby urges the U.S. EPA to not veto the permit  
6 issued by the U.S. Army Corps of Engineers for the  
7 Spruce mine in Logan County, West Virginia, and  
8 further resolve and hereby directed to forward a copy  
9 of this resolution to ---

10 MR. SASLOW:

11 Ten seconds.

12 SENATOR OLIVERIO:

13 --- EPA, the West Virginia delegation of  
14 Congress, and to the President of the United States.  
15 This is your state legislature speaking here.

16 MR. SASLOW:

17 Thank you, sir. Now we go to number 551,  
18 Bryan Brown.

19 MR. BROWN:

20 Thank you. My name is Bryan Brown. I'm  
21 here representing more than 60,000 members of the  
22 Federation of American Coal Energy Security, also  
23 known as the FACES of Coal. I ask you as the  
24 Environmental Protection Agency to end this more than  
25 year-long assault on the Appalachian mining industries

1 and people's jobs. This hearing tonight is just one  
2 on a growing list of mining.

3           The Spruce mine was one of the most  
4 thoroughly reviewed operations in the history of  
5 mining. It has an approved permit. However, due to  
6 the regulatory --- in its way it is an example of  
7 unrealized potential. Unrealized potential for  
8 several hundred direct jobs, numerous supporting jobs,  
9 additional investment in the company and  
10 infrastructure and the taxes that help West Virginia  
11 run.

12           However, EPA says it's only concerned  
13 with making the environment better and that it's not  
14 its job to consider the economic impact of its  
15 policies. That sounds like something out of a David  
16 Copperfield magic show. You see, Mr. Copperfield was  
17 in Charleston this past weekend, wowed the crowd with  
18 his slight of hand. I met him myself and that  
19 believed EPA ---.

20           As I understand, we have four mining  
21 permits that have been issued in West Virginia since  
22 EPA announced an enhanced review process. We have to  
23 wait and see what happens to Appalachian mining,  
24 people's quality of life hang in the balance. I  
25 respectfully ask that EPA discontinue veto of the

1 Spruce mine permit ---.

2 MR. SASLOW:

3 Thank you, sir. Number 552, Ms. Mary  
4 Elizabeth Eckerson from the Works for Congresswoman  
5 Shelley Moore Capito.

6 MS. ECKERSON:

7 I'm speaking on behalf of Congresswoman  
8 Shelley Moore Capito, and I would like to read an  
9 abbreviated version of her letter which I hope was  
10 entered to the Federal Register. I want to thank you  
11 on behalf of your hosting tonight's hearing and giving  
12 West Virginia coal fields the opportunity to speak  
13 directly to those in Washington whose decisions are  
14 threatening jobs and livelihoods. I am writing to  
15 express my grave concern over the Environmental  
16 Protection Agency's proposal to veto the Spruce Number  
17 One surface mine.

18 The permitting process for the mine began  
19 in 1997. Various agencies including the EPA worked  
20 together to review the pending permit, and this is one  
21 of the most carefully reviewed permits which included  
22 the development of an environmental impact statement,  
23 the first ever for a permit in eastern coal fields.  
24 In order to address the environmental concerns, the  
25 original mine design and production levels were

1 substantially reduced.

2           Violate water quality standards from the  
3 previous to significant degradation of water of the  
4 United States. They also issued the permit and it is  
5 operating today on a restricted basis pending the  
6 outcome of lawsuits. It is amazing that EPA now  
7 prohibits Mingo Logan Coal Company's further use of  
8 this permit by announcing its intent to veto the  
9 existing 404(c) valley hill permit. The EPA --- since  
10 1972, but never for a previously operating permit.  
11 The EPA had ample opportunity to review its comment on  
12 the permit before it was issued. Instead it waited  
13 until the coal miners were hired and work was underway  
14 to use its veto authority. The only aspect that was  
15 changed at the time the permit was issued is the  
16 political leadership at EPA.

17           I strongly support ---

18           MR. SASLOW:

19           Ten seconds.

20           MS. ECKERSON:

21           --- environmental review of all the  
22 mining permits, but this is another attack by the  
23 administration on coal. The Spruce permit is  
24 currently operational and needs to create great  
25 uncertainty for any industry interested in investing

1 in West Virginia, not just West Virginia coal mining.

2 MR. SASLOW:

3 Thank you. Next we have Thomas Jones.

4 MR. JONES:

5 Yes. The mere impact concerning the  
6 revoking of an existing permit is an outrageous  
7 action. Once a permit is issued and the company's  
8 committed to a project are underway, to stop an  
9 operation should require the EPA to replace insurance  
10 for the financial security of those investors,  
11 employees, and contractors, from arbitrary and  
12 capricious decisions by nonelected officials. This  
13 action brings into question any document required by  
14 government permits that could be revoked once the  
15 decision has been made.

16 Severe actions as being considered needs  
17 to be supported so conclusive that it leaves no doubt  
18 as to the clarity of the cause or effect and the  
19 severity of the consequences in the minds of the  
20 regulator and the industry in discussion. This rash  
21 action on the part of the EPA in this case of rank  
22 data to fulfill a political agenda. The sample-sized  
23 geographic area, the like-minded reviewers, the  
24 arbitrary control boards all support this rash action.

25 During the drafting of the 1977 Mining

1 Reclamation Act, it was understood that impacts would  
2 occur but would be minimized, not permitted. And this  
3 law was written after the Clean Water Act was passed.  
4 The promulgation of new regulations that you are  
5 attempting to do should be clearly spelled out as a  
6 matter of law both the representatives of the people  
7 by the way of discussion and debate by both  
8 legislatures and the entire industry over an extended  
9 period of time. Those actions not specifically stated  
10 in the law should be clearly reserved for the industry  
11 and the people and protected from the frivolous legal  
12 action and not the matter of a policy change or no  
13 elected officials or judges.

14 In addition, your attempt to strong arm  
15 the Army Corps of Engineers, additional site work is  
16 misguided.

17 MR. SASLOW:

18 Number 554, Scott Sheppard, Tramco  
19 Services/Kanawha Electric and Machine Co.

20 MR. SHEPPARD:

21 Yes. My family business, I'm the fifth  
22 generation. It was started in 1946. The permit was  
23 issued by the DEP in 2007. That was a ten-year  
24 permitting process that included a full environmental  
25 impact study. I want you to think about that. The

1 EPA was involved in this process. EPA not only  
2 participated in all other areas but also praised Arch  
3 for their efforts in the application of the permit.  
4 Now, correct me if I'm wrong but wouldn't such praise  
5 indicate the EPA had no problem with the permit?

6           This would only be 14 times that the EPA  
7 has pulled the permit. To pull this specific permit,  
8 one that has already been issued, where our company is  
9 in production, and when people are working, and has  
10 already been mobilized, would at best be an  
11 unprecedented act by a federal bureaucracy. The  
12 federal bureaucracy has an opinion. At worse, such an  
13 act reinforces the appearance of the bureaucracy, one  
14 whose focuses lean more to a political game plan than  
15 to the best interests of the people it serves and in  
16 the design for which it was intended.

17           Nonetheless, in my humble opinion, EPA's  
18 affecting the State of West Virginia's economy and the  
19 livelihood of the citizens in the moral pursuit of an  
20 active State of West Virginia. As our state's  
21 governor Joe Manchin stated, our government should be  
22 a facilitator and a partner, not a hindrance to  
23 Americans working to obtain the American dream. I  
24 fail to understand even the premise and attempt the  
25 EPA even would consider a relentless attack on the

1 mining industry.

2 MR. SASLOW:

3 Ten seconds.

4 MR. SHEPPARD:

5 Particularly in light of the fact that  
6 their attacks are centered upon permits that are  
7 already improved now.

8 MR. SASLOW:

9 Thank you, sir.

10 MR. SHEPPARD:

11 The EPA revokes its permit, it will  
12 forever cast a doubt.

13 MR. SASLOW:

14 Thank you. Next, 555, Marilyn Mullens.

15 MS. MULLENS:

16 Good evening, everyone. My name is  
17 Marilyn Mullens. I am a West Virginian. Spent most  
18 of my life here except for the time when I served my  
19 country. Yes, I'm a taxpayer. I'm a mother. I'm a  
20 soldier for 21 years.

21 And I'm here to oppose. I've heard a lot  
22 tonight about jobs and money, and I understand that.  
23 But when does money and jobs come before life? What  
24 is the first thing we do when we hurt? A family  
25 member, a coworker, anybody we care about has a house