

US EPA ARCHIVE DOCUMENT

P R O C E E D I N G S

1
2 -----
3 MR. SASLOW:

4 We are going to get started, if everyone
5 can please take their seats. We have exactly five
6 hours to run through this process, so without any
7 further hesitation or delay I'm going to introduce Mr.
8 Shawn Garvin, Regional Administrator for EPA.

9 MR. GARVIN:

10 Thank you. Good evening and welcome. My
11 name is Shawn Garvin. I'm the regional administrator
12 for the U.S. Environmental Protection Agency for the
13 Mid-Atlantic Region. As part of my job I am
14 responsible for overseeing EPA's efforts to protect
15 the environment for six states and the District of
16 Columbia. With me is John Pomponio who serves as the
17 Mid-Atlantic Region's director for the environmental
18 assessment and innovation division.

19 EPA is holding this hearing tonight in
20 connection with a proposal to use what is known as
21 EPA's veto authority under Section 404(c) of the Clean
22 Water Act to prohibit or modify discharges to water
23 associated with construction and operation of the
24 Spruce Number One Mine in Logan County. Our proposal
25 was announced on March 26th and published in the

1 Federal Register on April 2nd, 2010. Copies are
2 available on EPA's website and it's located in the
3 Logan County public library and the West Virginia
4 Library Commission. EPA's considering this proposal
5 because we are concerned that there may be
6 unacceptable, negative effects from the Spruce Number
7 One Mine to the nearby wildlife and water quality.
8 EPA recognizes that coal and coal mining is part of
9 the nation's energy scenario today and in the future.
10 However, EPA's responsible to prevent unacceptable
11 damage that comes from mining activities.

12 An important part of EPA's mission is to
13 ensure that the environment and public health are
14 protected to ensure their current and future
15 generations. The purpose of this hearing is to
16 provide an opportunity for EPA to receive comments
17 from you, the public, regarding a proposal to prohibit
18 or modify discharges from the Spruce Number One Mine.

19 We are hopeful that everybody who wishes
20 to speak tonight will have an opportunity to do so.
21 Adam Saslow is here to facilitate this hearing and
22 make sure it runs smoothly and he will explain the
23 ground rules and setting.

24 In addition to speaking tonight, you
25 should remember that there are opportunities for you

1 to provide your comments to EPA in writing.
2 Procedures for doing that are set forth in the Federal
3 Register, and I understand that there are flyers here
4 tonight explaining how to send your written comments
5 to EPA. I invite you to submit any comments you may
6 have by June 1st, 2010. EPA will consider and respond
7 to all public comments that we receive before making a
8 final decision.

9 There's a court reporter here today to
10 record your comments. Mr. Pomponio and I plan to stay
11 the entire public hearing to hear what you've got to
12 say. In closing I would like to thank the Charleston
13 Civic Center for hosting this event. I also would
14 like to acknowledge Congressman Rahall for being here
15 tonight as well as representatives from Senator Byrd's
16 office, representative of Capretto. I also want to
17 recognize State Legislator Ron Stollings and Virginia
18 State Senator Phil Puckett. With that I'll turn the
19 hearing over to Mr. Saslow. I look forward to hearing
20 your comments. Thank you.

21 MR. SASLOW:

22 Thank you, Mr. Garvin. And welcome to
23 all of you. My name is Adam Saslow. I'm the vice
24 president for Sustainability Programs for Plexus
25 Logistics International. My colleagues at the

1 registration table and helping speakers deliver their
2 comments tonight are all contractors to the United
3 States Environmental Protection Agency. We're in this
4 room tonight to hear from you, your thoughts and
5 feelings on the Spruce Number One permit at issue.
6 This decision touches everyone in this room in some
7 way, life, land, livelihood. One may think one is
8 more important than the other. It's not. These are
9 important values for all of us. These core values, no
10 one person's opinion is any more or less valid or
11 valuable than any other.

12 U.S. EPA has asked me and my staff to
13 guide you through the next five hours. Our objective
14 here is to have as many people as possible come up to
15 microphones to share their thoughts and concerns.
16 We've designed a process that we hope to get well over
17 100 people to share their thoughts and concerns. You
18 were given a handout as a reminder of what we're going
19 to do and how we're going to do it. This hearing also
20 provides information on several other ways that you
21 may submit your comments to U.S. EPA. There's a very
22 real possibility that not everyone who wants to speak
23 tonight will be able to even if you're wearing a green
24 wrist band. City ordinance requires that this event
25 conclude at midnight. Therefore the last speaker will

1 be allowed to begin their remarks at 11:57 p.m.

2 We'll adhere to the following process for
3 our speakers. First when you registered tonight you
4 were asked if you wanted to speak at the microphone.
5 If you said yes, you were given a green wrist band
6 with a number. If you do not have a wrist band you
7 will not be able to speak tonight. If you do not have
8 a wrist band right now and you would like to speak,
9 please go see my staff at the registration table and
10 they'll be happy to provide you with one. Speakers
11 will be involved in a process based on the numbers on
12 their wrist band. Please know your number.

13 At 6:45 or so, 15 minutes ago the first
14 25 speakers were directed to the back of the
15 auditorium. My staff will review the process for
16 delivering remarks. In just a moment I will ask those
17 speakers to line up in sequence to the microphones in
18 the center if they have not already done so. At about
19 7:30 and about every 45 minutes thereafter a new group
20 of 25 speakers will be directed to the gold curtain in
21 the back of the room. Numbers 26 to 50, 51 to 75, and
22 so on. They will all be in the process of being
23 escorted to the microphones.

24 I will recognize each speaker by name and
25 organization before remarks are delivered. Each

1 speaker will have a maximum of two minutes to speak.
2 You see the clock in front of the room. Please watch
3 that clock. Please be on point. Be concise, and
4 please refrain from using unkind words or profanity or
5 anything like that.

6 I'm going to warn each speaker when there
7 are ten seconds left in their time. At two minutes
8 I'll say thank you. Speaker must then end their
9 remarks. Speakers who extend past that two-minute
10 mark will have their mikes cut off soon thereafter and
11 they'll be escorted back to their seats or out of the
12 Civic Center by one of our enforcement officials.

13 U.S. EPA is here to listen. I want to
14 make sure that you understand that they are not going
15 to respond to any comments or questions tonight. The
16 key to success tonight is how we conduct ourselves in
17 this room. Me and my staff, EPA, and all of you
18 should have very high expectations for good conduct
19 and very low tolerance for anything that isn't. High
20 expectations means that respected people will be
21 respectful of differences of opinion that we know
22 exist around the room. Today they need to exhibit
23 tolerance for these differences of opinion. By low
24 threshold is what I mean --- it basically means that
25 we have zero tolerance for behavior that slows this

1 hearing down or creates an unsafe environment for
2 anyone who is participating. This may sound silly and
3 I apologize. We ask that you conduct yourself tonight
4 with the manners that your mom taught you. We ask
5 that you respect each other by allowing everyone to
6 say their piece without interruption. If we can't
7 behave in a proper manner I am authorized to stop the
8 process for a few minutes and authorized to stop this
9 process in its entirety.

10 Last little ground rule. If you have a
11 cell phone, and most of us do, please put it on
12 vibrate. I'll ask to please make sure that it's
13 possible for everyone here to contribute their
14 thoughts to the U.S. EPA. Thank you in advance for
15 your participation, your civility, and your tolerance.
16 Will the first 25 speakers marked by wrist bands 501
17 through 525 step to the microphone if you haven't
18 already.

19 I'd like to welcome to the microphone Mr.
20 John McDaniel, from the Mingo Logan Coal Company Arch
21 Coal, Inc.

22 MR. MCDANIEL:

23 Thank you. I work for Arch Coal, the
24 parent company of Logan Coal Company. Mingo Logan
25 Coal feels it's necessary to operate the Spruce Mine.

1 EPA now wants to take the permit away from what
2 appears to be a political, not scientific reason. The
3 Spruce application was submitted over 13 years ago.
4 Finally in January 2007 they issued the mining permit.
5 We've been mining in restricted areas since the
6 issuance. Now only three years later EPA wants to
7 rescind the permit, claiming the potential for impacts
8 on fish, wildlife, and municipal water supplies.
9 These issues have been previously addressed.

10 The Spruce mine is not the largest mine
11 in West Virginia. With years of mining in the Spruce
12 watershed EPA acknowledges that there's a crowded land
13 population. That is not a problem associated with
14 this operation. The average concentration downstream
15 of the active area is 550 percent better than the
16 water quality. EPA now wants to consider the use of
17 scientific reports.

18 We proposed those in 2002, and EPA
19 expressly rejected it. When we agreed to sign the job
20 to eliminate signing agreements, EPA praised us for
21 progressive engineering. Public water in the vicinity
22 of Spruce Mine is dumped from the Elk River which is
23 right behind this building. Its intake is not
24 possible to be affected by our mine.

25 During discussions over the last nine

1 months EPA has failed to objectively respond to our
2 further concessions. Instead they insist in limiting
3 activities to one area before any additional
4 development could proceed. We then have to prove we
5 met their arbitrary threshold to protect this. We
6 cannot justify this to develop this mine if EPA can
7 revoke the permit at any time based upon subjective
8 ---

9 MR. SASLOW:

10 Ten seconds.

11 MR. MCDANIEL:

12 --- water quality standards. Two minutes
13 is not a long time to review ten years. We believe
14 that all of these issues that are addressed belong
15 together, and we are very disappointed that EPA is
16 considering to veto. Thank you.

17 MR. SASLOW:

18 Next, the Honorable Nick Joe Rahall.

19 MR. RAHALL:

20 Thank you. I want to thank the EPA
21 regional administrator and both of you for being with
22 us this evening. As it's hard for a politician to
23 speak within two minutes. I have submitted extensive
24 comments for the record.

25 I would like to point out a story that

1 appeared last Friday in the Washington Post. It was
2 reported that EPA administrator Lisa Jackson met
3 recently with Gulf Region residents to talk about the
4 drilling disaster. She was asked by a worried
5 fisherman when the leak would stop. Sir, we really
6 just can't say when you'd stop this leak, Jackson
7 responded. The fisherman began to cry. To further
8 quote Ms. Jackson, that's when it hit me, the
9 incredible, emotional pressure of not knowing what
10 will happen. Jackson said in that interview with the
11 Washington Post it is by telling him you will not make
12 a living, you're not going to feed your family, end
13 quote.

14 I oppose this veto because it will do to
15 our coal mines precisely what Administrator Jackson is
16 so concerned about doing to that fisherman in the Gulf
17 Region. It will keep our coal miners in an untenable,
18 emotional limbo. It would say to them you're not
19 going to make money. You're not going to feed your
20 family.

21 Pursuing this course will have a chilling
22 effect on the coal industry in the Appalachian Region.
23 It will send a message that investigating coal mines
24 is nothing but a high risk. It is an insult to the
25 mine permitting process. A veto is to harm all

1 efforts to establish clarity and certainty in the
2 permitting process and it will undermine the
3 credibility of the EPA. If the EPA can veto this
4 permit, a permit ten years in the making, that's a
5 subject to the only environmental impact statement
6 ever written for a surface mine, not a single,
7 solitary thing will then stand in the way of EPA or
8 some future EPA to decide for whatever reason to reach
9 back and veto a previously granted permit. Without
10 some degree of finality, the permitting process is
11 worthless.

12 I still believe in achieving a balance
13 between energy development and environmental
14 protection is a goal we can and must achieve. If it
15 has not been reached it is because the agencies
16 involved have not tried hard enough. I appeal to the
17 EPA to abandon its precedent setting veto effort. The
18 EPA must not fall into the corporate and enter its
19 mindset job losses are inevitable, the job for
20 protecting the environment. The coal miners in the
21 Appalachian Region deserve at least the same degree of
22 respect and concern that Administrator Jackson showed
23 to the fisherman in the Gulf Region. Thank you for
24 conducting this hearing.

25 MR. SASLOW:

1 The Honorable Senator Ron Stollings, not
2 present. We move to Danny Chiotos for the West
3 Virginia Youth Action League.

4 MR. CHIOTOS:

5 You know, I never really figure out what
6 I'm going to say at these things. I'm not a
7 scientist. I don't know science. But what I am is an
8 American. I'm a West Virginian. I'm a resident of
9 Charleston. I'm a young person in West Virginia who
10 is going to put 110 percent of my life into a state
11 where I can stay and I can find a job now. My kids
12 can find a job. Their kids can find a job. And I
13 want to thank everybody who's come out, everybody on
14 all sides who agree with me and don't agree with me
15 for standing up here and speaking for a piece of West
16 Virginia because we're all standing up for a piece of
17 West Virginia. Whether it's the mountains, our jobs,
18 and our families, we're standing up for West Virginia.

19 I myself, I want to thank the EPA for
20 your --- for taking steps to revoke this permit, for
21 taking the steps to have a sane public hearing where
22 we can hear each other and talk about these things.
23 That's incredible. I want to thank you for that.

24 But we're not going to be able to have a
25 West Virginia where my kids are going to be able to

1 have a job and we're not going to be able to have a
2 job in 50 years if we blow up the mountains,
3 especially if we're not developing the sites. They
4 might be able to find a decent job in Logan County but
5 most of these sites are not being reclaimed. We're
6 not developing new sites. What we're going to have is
7 a flat West Virginia. My family's not going to be
8 here anymore. It is going to be --- the state slogan
9 is going to be mountains that I remember.

10 You know, this is not the West Virginia
11 that I know. This is not the West Virginia I want to
12 live in. What we have got to do is develop
13 alternative economies, more jobs for the coal fields.
14 We can beat a situation of yelling because there's too
15 few jobs, because our representatives, our politicians
16 aren't doing a good enough job developing those
17 economies, those good paying jobs across the coal
18 fields.

19 West Virginians can do it. West
20 Virginians are the hardest people that work, and the
21 hardest working people in this country. We can
22 develop the economies. West Virginia can do it. And
23 I thank the EPA for hopefully rejecting this permit.

24 MR. SASLOW:

25 Thank you. Number four on the list is

1 Ms. Giardina of St. Johns Episcopal Church.

2 MS. GIARDINA:

3 Thank you. I'm from St. John's Episcopal
4 Church, and I'm a deacon in the Episcopal Church. I'm
5 also a native of the southern West Virginia coal
6 fields and grew up in Kanawha County. As a Christian,
7 I believe in God's promise that someday there will be
8 a new heaven and a new earth. I also expect that when
9 the Lord calls we'll be part of that new heaven and
10 new earth, but we can't trash this one.

11 It seems the presence of coal is the only
12 reason necessary to destroy a mountain and its
13 surroundings. I ask this panel if coal were found
14 underneath Mount Sinai where Moses received the Ten
15 Commandments, would you issue a permit to flatten it?
16 Jesus gave his sermon on the mount. Would you allow
17 them to destroy the mountain there?

18 There's a reason God gave us a man on top
19 of a mountain and spoke as the incarnate Son of God
20 from mountain. Mountaintops throughout the human
21 history have always been the places where we meet God,
22 where we go to look out over God's beautiful creation
23 and stand as close as we shall be in this life to
24 heaven.

25 Spruce Mountain and the other mountains

1 being destroyed in West Virginia and Kentucky are the
2 oldest mountains, the first that God made. For
3 centuries people have lived on this mountain. They
4 built houses upon them and raised crops on them. And
5 now for the sake of the most greedy and destructive
6 industry that I believe has ever existed, they're
7 killing animals, demolishing plant life, destroying
8 streams, devastating communities, and murdering people
9 with cancer from toxic chemicals. Mountaintop removal
10 is the greatest environmental atrocity in modern
11 history. I beg that we stop this madness. Thank you.

12 MR. SASLOW:

13 Thank you. Julian Martin from the West
14 Virginia Highlands Conservancy.

15 MR. MARTIN:

16 My name is Julian Martin. I am the
17 eighth generation that has been born on Big Coal River
18 Valley. My father, uncles, grandfather, were
19 underground coal miners. My grandfather and his
20 brother were in the Battle of Blair Mountain on the
21 side of the United Mine Workers. I am in favor of the
22 Environmental Protection Agency's proposal to veto the
23 Spruce Number Nine mining permit.

24 Concerning the stream and water quality
25 and the effect on the Spruce community, I'll quote

1 from the testimony of Doctor Robert Palmer of the
2 University of Connecticut. The streams that are
3 buried in rocks and dirt dumped from the side of the
4 mountain to the valleys below are gone forever. There
5 is no evidence today that litigation actions can
6 compensate for this lost natural resources and
7 ecological functions to the steams that are being
8 destroyed. Further, water quality impacts from the
9 mining in valley fields running it downstream such
10 that many streams are not recognized by the mining
11 activities are biologically impaired. Selenium levels
12 in streams down below fields are as high as the levels
13 go cause major deformities, toxicity, and reproductive
14 failure of fish. Conductivity levels in some streams
15 below valley fields are like seawater. Fish in rivers
16 and reservoirs below fields have deformities and
17 reproductive failures due to selenium exposure.

18 In another report Doctor Palmer, Doctor
19 of Duke University, said that impacts from watersheds
20 exceed by ten percent area by diversity in water
21 quality from streams decline. Yet some watersheds in
22 West Virginia, 25 percent of that area are covered
23 with surface mine permits. In 2002 one of the
24 streams, stream channels have already buried valley
25 fields are directly harmed by mines. The operation

1 persists forever ---

2 MR. SASLOW:

3 Ten seconds.

4 MR. MARTIN:

5 --- and it will take centuries to
6 reestablish the soil and the forest and restored at
7 present. Thank you.

8 MR. SASLOW:

9 Richard Martin, a private citizen.
10 Richard Martin is not here. Robert Russo of
11 Christians for the Mountains. No. Sarah Vekasi,
12 Christians for the Mountains. No. Wilma Zigmond,
13 superintendent of Logan County Schools.

14 MS. ZIGMOND:

15 I would like to address two issues
16 tonight. First and foremost, I am addressing the
17 financial aspect. The property tax on coal and coal-
18 related industries in Logan County generates
19 approximately \$7.5 million in excess levy tax revenue
20 for Logan County Schools. This revenue provides and
21 it's not limited to over a million dollars for
22 textbooks, academic travel for students, and school
23 libraries; \$260,000 for bands, groups, student
24 accident insurance policies and mini grants; \$300,000
25 for technology equipment, wiring and supplies; over \$1

1 million in construction, security, and repairs;
2 \$360,000 of playgrounds, public libraries, county
3 health departments; \$4,981,000 in service and
4 professional salaries.

5 Not only do the coal industries pay these
6 taxes, employees of these industries work and live in
7 our communities, and they support our schools with
8 their personal property taxes as well. What cannot be
9 overlooked when we discuss the financial impact of
10 levy tax revenue is the personal dimension to this
11 discussion for our school system, the emotional
12 devastation that occurs when coal and the families who
13 are dependent on coal no longer have a viable income.
14 This devastation results in dramatic changes in the
15 home, drastically affects each child, and ultimately
16 destroys our schools.

17 Historically the coal and the coal-
18 related industries have provided higher paying jobs
19 resulting in a higher standard of living and greater
20 access to a better education. Unemployment brings
21 despair, depression, abuse, and the list goes on and
22 on. Consider the losses both financial and emotional,
23 and the impact this will have on Logan County School
24 System and our families. Remember, coal keeps the
25 lights on and our schools running.

1 MR. SASLOW:

2 Thank you. Richard Patrick, a private
3 citizen. Richard Abraham, I'm sorry.

4 MR. ABRAHAM:

5 Thank you. Richard Abraham, Omar, West
6 Virginia. There's no coal in the Holy Land and
7 there's no oil either and that's why my family moved
8 to West Virginia, to mine coal, and I'm proud of it.
9 What we are doing here to a lot of the facts and
10 figures I'm going to talk about tonight is take our
11 turn, no need to do it.

12 I watched Erin Ohler (phonetic) for two
13 weeks on every talk show talk about the border in
14 Arizona, their new wall and how racist and how it
15 discriminates. Two weeks, every talk show. Only find
16 out in front of or what was under --- another vote in
17 Congress who never read. Yesterday Hilary Clinton's
18 assistant Secretary of State apologized to the
19 Communist Chinese for our violation of human rights.
20 The United States stood idly by and watched the
21 Iranian seated on the Council of Women's Rights in the
22 United Nations. And now yesterday Libya gets a seat
23 on the Human Rights of the United Nations.

24 I know you don't answer questions but I
25 have to ask, has the EPA looked at anything in denying

1 these permits? It seems that the Obama administration
2 is full of incompetence, and people who don't even
3 understand scientific data. Let me remind you it was
4 only a couple weeks ago folks that BP meant beyond
5 patrol. Now it's British Patrol. God bless those
6 heroes that lost their lives on that roof. We don't
7 hear anything about them because of the oil spill and
8 the environmental impact. But those people that lost
9 their lives, they're indispensable, just like the coal
10 mine.

11 MR. SASLOW:

12 Ten seconds.

13 MR. ABRAHAM:

14 I want to talk about not conductivity but
15 conductivity. Those are those white --- products ---

16 MR. SASLOW:

17 Thank you sir.

18 MR. ABRAHAM:

19 --- Logan County that EPA should be
20 worrying about instead ---.

21 MR. SASLOW:

22 There are going to be things tonight that
23 are said that you agree to the point where you want to
24 get out of your chairs and clap as loud as you can.
25 There are going to be moments when you want to get out

1 of your chairs and do the opposite. Every time you do
2 that, you stop the speaker. I dare say that the last
3 gentleman, Mr. Abraham, probably had about 20 more
4 seconds of material he wanted to offer. He lost his
5 time. If we continue to do this throughout the night,
6 people will lose time and many people will lose the
7 opportunity to speak.

8 I urge you to refrain from expressing
9 yourself in that way. Just let these people speak and
10 you'll get your turn, too. Next I need to call Wayne
11 Coleman from Walker Machinery Company.

12 MR. COLEMAN:

13 Good evening. My name is Wayne Coleman.
14 I'm the foreman at the machinery company, the
15 Caterpillar dealer in south central West Virginia.
16 And I've seen many ups and downs in the West Virginia
17 coal industry over the years.

18 I'm here tonight because in my 31 years
19 I've never seen coal come under such heavy attacks and
20 I'm deeply concerned about the 700 employees at Walker
21 Machinery Company that rely on the coal industry. I'm
22 deeply concerned of all of the men and women that rely
23 on the simple life of the coal industry to provide for
24 their families.

25 And let's make no mistake what's at

1 stake. If Arch Coal after 14 years of trying and
2 trying again after being held to the highest level of
3 scrutiny, after passing a thorough environmental
4 impact study, and at long last getting the Spruce
5 permit approved only to have the EPA review what was
6 already reviewed, and finally vetoing the permit, that
7 if this stands and is not reversed it will be
8 virtually impossible for any permits to be approved in
9 the central Appalachian.

10 And lastly I'm here tonight out of
11 concern for this country and the decision making in
12 Washington that affects all of us. In a time when our
13 country is struggling to come out of a deep recession,
14 at a time when good jobs and good companies are the
15 exception and not the rule, while we continue to be
16 captive, a captive customer to Saudi oil interests,
17 and while our energy needs continue to grow in this
18 country, we're here tonight to try to protect good
19 jobs, to keep the lights on for this country. When
20 did common sense become so uncommon?

21 We have the coal. We have the men and
22 women in this great State of West Virginia whose work
23 ethic is unsurpassed. Let us continue to provide this
24 country with this valuable energy source. Thank you.

25 MR. SASLOW:

1 Thank you. Next, Sarah Cowgill.

2 MS. COWGILL:

3 I had to bring my daughter tonight. My
4 name is Sarah Cowgill. I'm a seventh generation
5 American from West Virginia, back to the olden
6 dominion. And I believe that this country was based
7 on a set of checks and balances. And the EPA is here
8 not about our poverty, not about our political
9 corruption, not about our jobs, not about the loss of
10 our jobs, and it's not about shutting it down. It's
11 just about the reality of the vital importance of
12 clean water.

13 There is no question whatsoever that in
14 MDR mining processes are environmentally devastating
15 and catastrophic to every community it touches
16 extending into the entire state, the country, and
17 planet. Cease and desist. I implore you to veto the
18 mine permit immediately. And I call for the impromptu
19 action to close down every mine currently operating
20 with outstanding environmental violations for a full
21 and scrutinizing investigation. I ask you to please
22 request the resignation of the officials at the DEP
23 who have tolerated these violations and appoint
24 someone who will uphold the water quality standard set
25 forth by the EPA in the State of West Virginia.

1 I would be much obliged if you gather the
2 evidence and prosecuted to the fullest extent of the
3 law the companies that have intentionally disregarded
4 the safety of our environment. West Virginia has
5 watersheds flowing out to every part and direction.
6 And 78 percent of our surface area which I believe is
7 bigger than the State of Texas. Now, Texas is very
8 upset about me saying that so just pretend like it's
9 California. And 78 percent is highly --- it's covered
10 with highly oxygen-producing forest. I'm embarrassed
11 that we need EPA to come down here, and I hope that
12 you're going to do the right thing.

13 MR. SASLOW:

14 Ten seconds.

15 MS. COWGILL:

16 And I pray God have mercy on us all
17 because I know it's not going to be pretty.

18 MR. SASLOW:

19 Thank you. Next, number 513, John Gidsen
20 of Nelson Brothers. John Gidsen? No? Austin Hall,
21 Appalachian Voices. Arthur Kirkendoll, a Logan County
22 Commissioner.

23 MR. KIRKENDOLL:

24 Thank you. Before I make some comments,
25 for the past 30 years, I'm in my 30th year, I've had

1 the distinct opportunity to be a county commissioner
2 for Logan County. I serve as president now. And I
3 can remember back in 1981 when we took control of our
4 county as far as trying new things the public needed.
5 Thank goodness we had coal companies that would go in
6 and provide the taxes and revenue and jobs that
7 enabled us to do that.

8 When I first started, 15 percent of the
9 people in Logan County had palpable water. As we
10 speak today, 99 percent have it. We started our
11 second phase, our main sewers in southern West
12 Virginia, and Logan County. We're way behind the rest
13 of the nation and way behind the rest of the state.
14 Please don't take the industry that will give us the
15 revenue to get to that next level. It's
16 inappropriate. It can't be done.

17 One gentleman talked about land. We
18 don't do anything with it. Well, I don't know what
19 they do in the rest of the country, but in Logan we're
20 on a sloped area. Each side. We have an airport, an
21 industrial park, a regional jail, a wood products
22 plant, a recreation center among other things because
23 we took this land and did the right thing with it
24 after the extraction of coal.

25 Now, I'm going to tell you, I don't know

1 about the rest of America. We cannot compete without
2 some flat land. We have to have it. We have the
3 number one ATV in the same mountain called Hatfield
4 (phonetic) in the same mountain. We run the steel
5 industry out. We outsource some manufacturing jobs.
6 In the city you had to drive. Don't take the proud,
7 energy coal miner and outsource it, too. God forbid
8 that ever happens.

9 I never thought in 2010 as the president
10 of the County Commission I would spend 80 percent of
11 my time with the uncertainty of whether people know on
12 Monday if they have a job next week. That's not
13 America. When we stand up and we're energy dependent,
14 let's not import this coal and raise people's energy
15 rates from \$250 a month to \$750 because I will not
16 --- the poor people can't pay it. Thank you. God
17 bless West Virginia and America.

18 MR. SASLOW:

19 Appreciate that. If you are wearing a
20 wrist band with the numbers 526 through 550, I need
21 you to very slowly get up and go to the gold curtain.
22 526 through 550 slowly make your way up to the back.
23 Thank you. I would like to call the next number, 516.
24 Mr. James Milam, Logan Coal Vendor's Association and
25 Walker Machinery.

1 MR. MILAM:

2 I'm James Milam. I'm president of the
3 Coal Vendor's Association. To let everyone know these
4 coal miners is believed to continue to subsidize the
5 coal in the past year issued in 2007. We coal miners,
6 this is our way of life. To stop coal mining in West
7 Virginia, eastern Kentucky, western Virginia will be
8 all bad. All communities would cease to exist without
9 mining. The coal miners and spin-off jobs that are
10 generated by coal operators and coal miners. We are
11 the largest in the state when it comes to mining. The
12 cycle of life in our region depends on coal. Our jobs
13 outnumber the mining jobs five to one to the barber
14 shops, beauty shops, service stations, schools,
15 communities, hospitals, and colleges in West Virginia.

16 So you can see, to stop coal mining the
17 beauty salon in our area could well be --- it would be
18 the beginning of the end. Let's continue our way of
19 life, and once again the coal operators and the miners
20 because the coal operators go hand in hand in the coal
21 operators and the miners. The coal operators make
22 their investments to do their jobs. Don't take it
23 away. Please allow us to continue our way of life.
24 Thank you on behalf of the Coal Vendor's Associates.

25 MR. SASLOW:

1 Our next speaker, Patrick Graney,
2 Petroleum Products, Incorporated.

3 MR. GRANEY:

4 Thank you very much for being here
5 tonight to hear from some related businesses to coal
6 mining and the potential impact this decision could
7 have on my life. As mentioned earlier, I am Pat
8 Graney, president of Petroleum Products, and I'm very
9 proud of this gathering of our hard-working men and
10 women who have been associated with miners and their
11 families in this audience. And many of my employees
12 are here as well. This group represents a heritage of
13 hard work and productivity and success in our region.

14 Now, others have talked about their
15 involvement in West Virginia. Well, I was raised in
16 Mount Hope, West Virginia in Fayette County, and my
17 family has lived here for over 100 years. And I'm
18 very proud of West Virginia and I'm proud of our great
19 state. And I'm proud that I've had the opportunity to
20 live here, to work here, to raise a family, and to
21 build a business. Our company is a prime vendor to
22 many of the industries in this region.

23 One of those industries is coal mining.
24 We sell diesel fuel and lubricants, gasoline, which
25 fuels the equipment on many of the jobs including in

1 these past years some of our coal jobs. We've been
2 serving mining companies in this area for over 35
3 years. I represent 500 employees and their families
4 and they're proud of what they do. They work hard
5 each day and I'm humble about what they do and how
6 hard they work.

7 Now, this region has led the nation in
8 many economic issues over the last several months.
9 And this is based in no sort of event on our important
10 energy production. We need to make sure that this
11 story of success is correctly told throughout the
12 nation and in our central government in Washington. I
13 hope that the officials at this meeting will get a
14 real clear message that we are proud of our hard-
15 working group. We must not create the uncertainty as
16 has been mentioned earlier about permits that are
17 necessary for coal mining.

18 MR. SASLOW:

19 Ten seconds.

20 MR. GRANEY:

21 My employees and other related business
22 owners are here because we are scared, we are worried,
23 we are uncertain about our future because of this
24 unprecedented action. Thank you for listening.

25 MR. SASLOW:

1 Thank you. Our next speaker is John
2 Rose. Okay. Linda Torre from Decota Consulting
3 Company.

4 MS. TORRE:

5 My name is Linda Torre, and I'm in a
6 small consulting engineering environmental department
7 that has worked on various aspects of the Spruce
8 permit over the past decade. The Spruce permit was
9 originally submitted to the West Virginia DEP in 1997.
10 And after an unprecedented review by the technical
11 state of both state and federal government, including
12 EPA, it was authorized for mining to begin in 2007.
13 The permit documents include pre-mining studies of
14 geology, geochemistry, hydrology, and water quality.

15 Throughout this process the company
16 engaged multiple stakeholders including the EPA under
17 both Clinton and Bush administrations, and produced
18 significant compromises such as changing the mining
19 plan to reduce the permit by over 800 acres and
20 permitted field acres by over 20 percent. These
21 changes along with the mining reclamation designs have
22 been reviewed and approved by state and federal
23 agencies including the West Virginia DEP, engineers,
24 and biologists, the U.S. staff, the U.S. Army Corps of
25 Engineers, the U.S. Fish and Wildlife Service, and the

1 EPA. And the permit application was able to meet the
2 requirements of the law and regulations. This permit
3 was well thought out and provided compromise to all
4 stakeholders.

5 The facts are that we have witnessed
6 improvements in reclamation technology and
7 improvements in the Spruce watershed over the decade.
8 Those improvements come in such things as the current
9 operations reclamation of pre impacts and in the
10 structure improvements, paving of roads paid for by
11 the mining companies. The technical professionals who
12 work with this permit are concerned not only with
13 designing a mine that can meet its obvious purpose but
14 are also committed to reclaiming the land for future
15 generations. The action the EPA has taken on this
16 permit sets a precedent for any issued mine permit,
17 any industrial permit, or any excavation activity that
18 would require either state or federal permit and ---

19 MR. SASLOW:

20 Ten seconds.

21 MS. TORRE:

22 --- it has the potential to jeopardize
23 any type of development in the Appalachian region
24 without a sound basis for that decision. I urge you
25 to reconsider your position on this permit and allow

1 mining to move forward. Thank you.

2 MR. SASLOW:

3 Thank you. Stephanie Tyree.

4 MS. TYREE:

5 Thank you. Good evening. My name is
6 Stephanie Tyree. I'm a West Virginia native from
7 right here in Charleston. And I work with the Ohio
8 Valley Environmental Coalition and the Sludge Safety
9 Project. I support the EPA initiation today to veto
10 the permit for Spruce Number One mountaintop removal
11 at number nine and to regulate on the basis of
12 science. The EPA is moving this permit which was
13 issued to create the largest and continuous
14 mountaintop removal mining site because of its
15 significant detrimental and irreversible impact on the
16 streams and waters of West Virginia.

17 But this isn't the only reason to stop
18 this permit. It's not the only reason why people are
19 standing up here today to speak out against it or
20 submitting their written comments to speak out against
21 the permit, and are working throughout Appalachian to
22 stop the mountaintop removal. Permits such as Spruce
23 Number One buries streams. This one will bury the
24 streams and demolish mountains, as you all know.

25 But most importantly, Spruce Number One

1 would harm people. I can run through the list of
2 impact created by mountaintop removal mining,
3 contaminated water, cracking foundations, ruin
4 people's lands, et cetera. I could go on.

5 But instead I want to spend the last few
6 seconds I have speaking for a woman that called me.
7 This woman lives in Oak Hill and she is at wit's end
8 with the strip mining happening behind her house.
9 She's tried to work with the company. She's tried to
10 work with the state DEP. None of it is working.
11 She's lost land to erosion. She has half a ton of lye
12 rock across from her yard and she has respiratory
13 problems from the dust that is coming off the strip.
14 And she's had her well contaminated to the point where
15 black water is coming into her home. And she's sick.

16 This is why we need the EPA to step in
17 and make sure that people and the environment of West
18 Virginia are safe. I support this action and I
19 strongly would urge the EPA to continue today standing
20 up for environmental justice in Appalachia. I also
21 want to thank the EPA for its work in making this
22 safe.

23 MR. SASLOW:

24 Thank you. Jim Winkler from American
25 Hydraulics, Inc.

1 MR. WINKLER:

2 My name is Jim Winkler. I'm vice
3 president of American Hydraulics. Also the owner of
4 American Hydraulics and employ 36 people. It has
5 about 150 members. This represents about 5,000
6 employees. Counting families we're talking about
7 15,000 people and we're still a small group.

8 We must not only look at the things about
9 the employees but the families, the innocent wife,
10 husband, children, and other family members that they
11 support and are affected by the decision about coal.
12 Not all of us do business with Spruce Number One,
13 Spruce Mine, but all of us will benefit, tax dollars,
14 money for schools, recreation parks, and other things.

15 In my 27 years in business I have been
16 underground. I've worked above ground. There's no
17 better worker than a coal miner, and all they want to
18 do is work and support their families. We do the job
19 right.

20 I recently went to the Mountain State,
21 Tennessee. And this is a small town right in the Old
22 Smoky Mountains. Good, hard-working people. There's
23 a problem there that scares me to death. Years ago
24 they had four textile factories. And of course all of
25 those jobs now went to China. Now their population is

1 4,200 people. This is what could happen to our towns.
2 We must not let this happen. We are coal people, and
3 we won't forget it. EPA, please issue this permit and
4 let us work.

5 MR. SASLOW:

6 Okay. Bill Bissett.

7 MR. BISSETT:

8 My name is Bill Bissett, and I'm
9 president of the Kentucky Coal Association and it's an
10 honor to be here tonight on behalf of the 17,000
11 miners in Kentucky. And three jobs for every one
12 miner, more than 60,000 depend on mining in the
13 Commonwealth of Kentucky.

14 People in Kentucky are watching what goes
15 on here tonight. We're watching what you're doing at
16 Spruce Mine Number One, and you scare us. You're
17 killing jobs. You're putting people out of work. And
18 you're doing so without a thought or a care. Your
19 director, Lisa Jackson, literally says I don't care
20 about the economic impact. The social destruction
21 that you're going to do in southern West Virginia, in
22 eastern Kentucky, in western Kentucky, throughout the
23 coal fields, throughout Appalachia.

24 We're not going to sit here quietly and
25 take it. It's wrong. You are not talking to us.

1 You're not answering questions tonight. That does not
2 surprise me. You're not answering the media's
3 questions and you're not answering the industry's
4 questions. You need to be held accountable because
5 you're a public agency. You serve 50 states, not 6.
6 Why are you targeting Appalachia? It's unfair and
7 it's wrong. It's an injustice.

8 And that's why there's so many people
9 here tonight who believe in coal, who believe in these
10 jobs, and believe in these miners. I'm telling you, I
11 stand here right now, yes, for the Kentucky Coal
12 Association, the Friends of Coal, the Kentucky City's
13 Manufacturers, the Kentucky Chamber. We're all here
14 tonight because we have to listen. We have better
15 things to do with our time, but you have chosen to
16 veto this permit and put people out of work. We are
17 afraid you will do that in Kentucky. And that is
18 wrong. It's wrong in West Virginia and it's wrong in
19 Kentucky.

20 We depend on energy in this country. If
21 the economy rebounds, energy demands are only going to
22 skyrocket and you're trying to kill coal. Again, only
23 six states. I'm very suspicious that you're concerned
24 about water quality. Be concerned about water quality
25 and not an individual industry. That is select

1 enforcement and unfair.

2 I ask you to strongly reconsider your
3 actions because we are watching you. Elections are
4 happening in Kentucky, and we're paying attention.
5 We're going to be more politically active and if you
6 don't believe me, call Alan Mollohan right now because
7 he's sitting in his house.

8 MR. SASLOW:

9 I appreciate your support for the
10 gentleman. We have to keep things moving along.
11 Crede Calhoun is 523, a private citizen. No? Number
12 524, Jim Corsaro from Penn, Virginia.

13 MR. CORSARO:

14 Good evening. I am Jim Corsaro, vice
15 president of West Virginia Operating Company and
16 president of West Virginia Land and Mineral Owners
17 Association. These are land management companies that
18 support economic, educational, and the culture of the
19 communities in which we live and operate. The health
20 and sustainability of these communities are dependent
21 upon the sustainability of the mining company, the
22 mining support services, community support services,
23 and families of coal miners. The stability which is
24 threatened by the actions of the federal regulatory
25 agency through its assault on the mining permitting

1 process.

2 The EPA in addition to dragging down the
3 whole permitting system and regulatory health is also
4 pursuing a process by which it can undo permits which
5 had previously been issued, legally issued.
6 Withdrawal of Spruce Number One permit will cause
7 financial upheaval to the community and the
8 displacement of hundreds of miners that depend on this
9 economic activity for their livelihood.

10 This action relies on the state policy
11 advocated by the administration to encourage the
12 preservation and creation of employment opportunities,
13 to encourage the preservation to sustain an economic
14 recovery in this fragile economy. Rules that were
15 legally established and applying them retroactively is
16 contrary to the expectations that our own government
17 will honor its laws and commitments to the city.

18 I encourage the EPA to reconsider and
19 respect the State of West Virginia and their local
20 communities and their sustained economic foundation
21 and sound environmental practices and commit to
22 resources to find a reasonable solution to the
23 environmental concerns of the agency rather than
24 create new policies which are designed to be
25 unachievable.

1 MR. SASLOW:

2 Ten seconds. Thank you, sir. Number 525
3 is Deborah Deatherage. No? Then we move to number
4 526, Mr. David Gooch from Coal Operators and
5 Associates, Inc.

6 MR. GOOCH:

7 My name is David Gooch. I'm president of
8 Coal Operators and Associates, Coal association in
9 Pikeville, Kentucky. We represent all facets of the
10 coal industry in Kentucky. All coal mining in central
11 Appalachia has at least one common issue. Everyone
12 depends --- on a valley to accommodate surface mining
13 without fills and impacts and preparation plants.
14 Both surface and underground coal mining will drag to
15 a halt. We believe that EPA is unwarranted, unfair,
16 and unprecedented persecution of the central
17 Appalachian coal industry.

18 Our coal made concessions when they made
19 this permit. They reduced the area behind and the
20 number of fills. They agreed to leave billions of
21 tons of quality coal in place. So this permit has
22 been subjected to the most intensive examination and
23 review and scrutiny before the permit was ever
24 received. Yet the federal EPA has decided to act as
25 judge, jury, and executioner. That's a decade of

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