KPDES FORM SDAA

Kentucky Pollutant Discharge Elimination System (KPDES)

Socioeconomic Demonstration and Alternatives Analysis

I. Project Information

Facility Name: KDNR No. 836-0335 A2 Miller Brothers Coal, LLC

Location: 1801 Watergap Road, Prestonsburg, Kentucky 41653 | County: Floyd

Receiving Waters Impacted: Plummer Branch and Salt Lick Creek of Beaver Creek of Levisa Fork or Howard Fork of Licking River

II. Socioeconomic Demonstration

1. Define the boundaries of the affected community:
(Specify the geographic region the proposed project is expected to affect. Include name all cities, towns, and counties. This geographic region must include the proposed receiving water.)

The proposed project is an area/contour/auger mining operation (KDNR Permit No. 836-0335 A2). The project will be recovering reserves from the Lower Peach Orchard, Winifrede, Hazard #5, and Hazard #5 rider. The site is located adjacent the junction of KY Rt. 7 and KY Rt. 2029 in Floyd County, within the David and Handshoe 7.5 minute quadrangles. The nearest community is Bosco, KY, which is 3.1 miles east of the project site. All discharge would enter Plummer Branch of Salt Lick Creek, Salt Lick Creek of Right Fork of Beaver Creek or Howard Fork of the Licking River. The HUC# for this portion of the Licking River is 05100101-010-010, and Salt Lick Creek's HUC# is 05070203-060-660.

2. The effect on employment in the affected community:

The economy in this portion of Floyd County is dependent on the mining industry. This operation will provide for the continuation of 25 higher-wage permanent jobs in the area work force. This also positively affects as many as 38 employees in the support industries that will help to supply the material and equipment needed for mining, as well as other services, such as engineering and training. The August 2009 unemployment rate for Floyd County is estimated at 12.6%, higher than the Kentucky average (10.9%), as well as being higher than the average for the entire United States (9.7%). See the table below for additional employment data for Floyd County

Floyd County, KY Employment Data	
Labor Force	15,793
Percent Unemployment	12.6
Total Unemployed	1,989
% of Labor Force Employed by this Project	0.16%
% of Labor Force Affected by this Project	0.24%

August 2009, Bureau of Labor Statistics

With the current unemployment rates in this county, it is likely that a new mine will at the very least avoid an increase in unemployment rates by directly supplying 25 continuing jobs and indirectly affecting as many as 38 employees in the support industries.

II. Socioeconomic Demonstration- continued

3. The effect on median household income levels in the affected community:

This mining operation would provide employment for an estimated 25 employees. These mining positions prove to be higher paying jobs than other industries in Floyd County. This also positively affects as many as 38 employees in the support industries that will help to supply the material and equipment needed for mining, as well as other services, such as engineering and training. See the table below for income data for this county.

Wages	Floyd
All Industries	$671.82
Mining	$1,171.00

Weekly salary provided by 2009, Kentucky Workforce Development Cabinet

The average weekly wage in the mining industry is approximately 74% higher compared to the average weekly wage for all industries in all Floyd County. Loss of these higher-paying jobs would result in decreased revenue to local businesses that cater to the needs of the employees on a daily basis**.**

4. The effect on tax revenues of the affected community:

Recovery of the coal of Amendment 2 of 836-0335 will produce over 1.4 million tons of coal. This will generate over $2.9 million in severance taxes, of which the surrounding counties will receive a total of over $443,000 dollars (15 percent). Additional revenue will be given to local businesses, generated through increased employment to handle support services catering to the mining operation directly and to the needs of the employees on a daily basis. Local income taxes, property taxes, and sales taxes will also add to revenue brought in by the mining facility.

5. The effect on an existing environmental or public health in affected community:

Recovery of the coal will increase severance tax revenues by over $2.9 million over the life of the project, approximately $443,000 of which will be returned to the county. This money can be used for environmental protection such as sewage disposal, sanitation, and solid waste disposal, which will have beneficial effects on the existing environment and public health.

Portions of this area in Floyd County have been previously mined and logged (22.30 acres), with the discharge from those activities presently flowing untreated into area streams. Miller Bros. Coal, LLC proposes to build 14 on-bench ponds and 2 in-channel ponds to treat this watershed discharge. The area will be re-graded to prevent additional erosion from the previous logging activities. Following the conclusion of mining, the area will be reclaimed, which will provide an enhanced habitat and environment.

II. Socioeconomic Demonstration- continued

6. Discuss any other economic or social benefit to the affected community:

This project will not only provide employment at a higher-than-average weekly wage, but will create additional revenue for the existing businesses in and around Floyd County. The additional revenue for the local businesses and the severance tax dollars generated by this project ($443,000) will provide the local government increased benefits in public safety (law enforcement, fire protection, ambulance services) and also aid industrial and economic development in the surrounding communities.

The facility will continue to provide employment to an estimated 25 workers during the life of the operation. The project will also help to provide as many as 38 additional jobs in other sectors of the economy, such as engineering, fuel, and transportation. Therefore, the proposed mining operations positively affect the local economy more than other industries.

Following remediation of the site, it is possible that there will be in an increase of local flora and fauna, both of which could increase local tourism.

Surface mining is the most efficient and economical plan for recovery of the coal associated with this project. This allows for maximum removal of coal reserves, increasing the amount of tax dollars that contribute to the state and local economy.

III. Alternative Analysis

1. Pollution prevention measures:

Several alternatives were evaluated for prevention of water pollution in this project area. Evaluated alternatives include:

a. avoidance of the project (short-term)

Avoiding this project would mean that the advantages of economic development in the Floyd County community area would not be realized. At a minimum, 25 local jobs would be lost, the tax base would diminish ($443,000 in taxes would not be collected), and local businesses would not prosper to the same extent.

b. Additional Levels of Separation

Further prevention could include covering or treating of chemically reactive materials, reducing the disturbed surface area at any one time, or the separation of normal storm runoff and active site runoff.

c. Preventive Design

Preventive design could include creating only moderate gradients and inclines to slow down runoff, or diverting waterways and drainage. With these methods, the amount and frequency of flow through active mining sites can be minimized. All of the water that does leave the site will be treated with a system of sediment and treatment ponds. Each will store any runoff leaving the site and provide an adequate time to settle the sediment. As necessary and practicable, flocculants and chemicals will be added to treat the water if higher levels of certain chemicals and compounds are observed.

2. The use of best management practices to minimize impacts:

Such BMPs could include creating only moderate gradients and inclines to slow down runoff and diverting waterways and drainage. With these methods, the amount and frequency of flow through active mining sites can be minimized. All the water that does leave the site will be treated with a system of sediment and treatment ponds. Each will store any runoff leaving the site and provide an adequate time to settle the sediment. As necessary and practicable, flocculants and chemicals will be added to treat the water if higher levels of certain chemicals and compounds are observed.

Additionally, an undisturbed natural barrier could be maintained throughout mining at the lowest disturbed elevation and extend from the out slope. This vegetative buffer could serve the function of improving water quality by the collection of sediment and the reduction of erosion.

With the conclusion of mining, the area will be reclaimed. Any affected streams will be stabilized and restored, and a riparian buffer will be established. These rehabilitated streams will curb sedimentation and provide a habitat for aquatic species and wildlife. Until final bond release, various sediment and treatment ponds will remain. Discharge will be treated as necessary and practicable, to ensure that the water leaving the permit is within water quality standards.

3. Recycle or reuse of wastewater, waste by-products, or production materials and fluids:
(Discuss the potential recycle or reuse opportunities evaluated including the feasibility of implementation and the costs. Indicate which of these opportunities are to be implemented)

Water does play a key part in mining operations as far as misting/spraying the area to help alleviate airborne coal dust. However, the amount of water required for dust suppression is minimal compared to the discharge generated. Water used for dust suppression in a day on a large surface mine would be less than 12,000 gallons, compared to the estimated 8.4 billion gallons leaving the site during the life of the project. Dust suppression is generally only required during dry times when the flow of the surface discharge is low or non-existent.

A small portion (approximately 466,800 gallons) of the total discharge generated (approximately 8.4 billion gallons) will be used for hydro-seeding when grade work is completed on this project. This will require approximately 156 loads (3000 gallons per load), with a cost of over $116,700 ($750/load).

The construction of a lake for recreational purposes was also evaluated as a possible alternative. This would involve acquisition of the land, environmental and engineering surveys, and construction of a dam, at the very least. The estimated cost of this alternative is $12.4 million.

Coal mining is not a water dependent operation, so recycling or reuse of water would not be beneficial.

4. Application of water conversation methods:

Water collected in sediment ponds before being discharged will be used for dust suppression. While only a small fraction of total discharge, reusing this water will prevent possible withdrawals of other natural streams and wells.

When practicable, the proposed project will reuse discharges containing high concentrations of solids for irrigation to reclaimed land.

Upon closing of the site, the water required for remediation (including hydro seeding) may also be provided by on-site detained water, if practicable. Reusing this water will prevent possible withdrawals of other natural streams and wells.

Mining is not a water dependent operation, so conservation of water is not a major concern for mining operations.

III. Alternative Analysis - continued

5. Alternative or enhanced treatment technology:

Several alternatives for treating water from the project area and discharging it to streams and rivers in the area have been evaluated. These alternatives include construction of a water treatment facility, construction of physical filter barriers, chemical treatment, and construction of wetlands.

Water Treatment Facility Construction of a small water treatment facility (500,000 gallons per day) on the project site would cost over $ 1.6 million dollars, plus an additional cost of approximately $50,000 for a containment reservoir. This water treatment facility would not be able to manage the large amount of water required at this site (over 355,000 gallons per minute peak discharge). It would require 1,024 of these small facilities or one large facility (over $1.6 billion) to handle this amount.

Physical Filter Barriers Silt fences and straw bales are designed for use with small discharges, and would not be able to handle the large discharge flow generated nor would they meet requirements of Commonwealth of Kentucky's Surface Mine Regulations as stated in 405 KAR 16:070.

Chemical Treatment Chemical treatment of drainage was also considered. The primary treatment required at this site is the removal of sediments, which requires the use of ponds or dugouts to hold the water while the soil and debris settles out. Chemicals may be used to augment this process, but sediment removal is not possible using chemical treatment alone. It would cost at least $4.2 million to treat the entire volume of discharge at this site (over 8.4 billion gallons over five years).

Wetland Construction Constructed wetlands have traditionally been used for biological treatment. However, the discharge generated by this operation will require sedimentation control measures, and wetlands are not effective for treating sediment. Additionally, wetlands used for water treatment would require additional property (approximately 8.0 acres), which is not available in this particular project area. It would cost approximately $70,000 to construct these wetlands.

6. Improved operation and maintenance of existing treatment systems:

If there are on-bench ponds in working condition, they will be utilized. However, there are no existing ponds on the site and in-stream ponds are not available for use.

Pumping or trucking the runoff to the nearest wastewater treatment plant will require significant changes to the Prestonsburg Wastewater treatment plant, 31.1 miles away. That plant cannot receive sediment-laden water and would have to construct a sediment basin to serve a similar function to on-site sediment ponds**.**

7. Seasonal or controlled discharge options:

The proposal for this project would include the construction of sediment ponds to ensure controlled release of generated runoff under optimal conditions. The sediment ponds reduce the velocity of storm water, thus enhancing sedimentation and reducing its deposition within the stream. In this way a controlled volume and quality of water is released in order to refrain from overwhelming the natural system. The ponds are designed for a 25-year, 24 hour storm event. Discharge to streams with less than 0.1 cfs will not occur when other practicable alternatives exist.

Additionally, the construction of a lake for physical detention of the water and later recreational purposes was evaluated as a possible alternative. This would involve acquisition of the land, environmental and engineering surveys, and construction of a dam, at the very least. The estimated cost of this alternative is $12.4 million.

Another alternative is on-site storage in 50,000-gallon septic tanks, and eventual release into the surrounding area. In order to store the amount of discharge generated at this site in one year, 43,772 storage tanks would be required, with a potential cost of over $5.3 billion for the tanks alone. 24” diameter HDPE pipe ($67/foot) would be required to transport the discharge to the tanks, with a cost of over $8.7 million for over 131,000 feet of pipe. This would require the excavation of at least 1,233 acres of land (1,070 acres for the tanks and 163 acres for the leach field) to a depth of 15 feet. Because of the amount of sediment in the discharge, the tanks would have to be cleaned out at least once per year, at a cost of approximately $1.4 billion ($6700 per tank per year). After excavation in order to install the tanks and after each cleaning, the extra dirt and sediment would have to be added to the existing hollow fill, or used to create another hollow fill, resulting in greater disruption of the natural contours of the area.

8. Land application or infiltration or disposal via an Underground Injection Control Well

An alternative to surface discharge from the project area is sub-surface disposal. Deep mining has been conducted in the vicinity of the project area. Therefore, the sub-surface disposal of drainage from the project area would present safety concerns for any present deep mining operations, and the cost would be high, due to a lifting station ($218,000), 24" dia. HDPE pipe (~$1.1 million), and possibly drilling an injection well, which could cost up to $50,000 per well, depending on depth. Injecting this discharge underground would increase the potential of an outcrop blow-out or blow-out from an old adit and would require a UIC Permit. A suitable place to inject, within 0.5 miles of this site, has not been found. In addition to potential safety impacts associated with subsurface disposal, this alternative would reduce the quantity of water available to support downstream aquatic communities.

Another alternative is on-site storage in 50,000-gallon septic tanks, and eventual release into the surrounding area. In order to store the amount of discharge generated at this site in one year, 43,772 storage tanks would be required, with a potential cost of over $5.3 billion for the tanks alone. 24" diameter HDPE pipe ($67/foot) would be required to transport the discharge to the tanks, with a cost of over $8.7 million for over 131,000 feet of pipe. This would require the excavation of at least 1,233 acres of land (1,070 acres for the tanks and 163 acres for the leach field) to a depth of 15 feet. Because of the amount of sediment in the discharge, the tanks would have to be cleaned out at least once per year, at a cost of approximately $1.4 billion ($6700 per tank per year). After excavation in order to install the tanks and after each cleaning, the extra dirt and sediment would have to be added to the existing hollow fill, or used to create another hollow fill, resulting in greater disruption of the natural contours of the area.

9. Discharge to other treatment systems

Alternative treatment works have been investigated, including piping and trucking the discharge to the nearest water treatment plant.

- It would take approximately $11 million (164,000 feet of 24" diameter HDPE pipe at $67/ft.) to run 24" diameter HDPE pipe to the nearest municipal water treatment plant, which is the Prestonsburg Wastewater Treatment Plant in Prestonsburg, Kentucky. The Prestonsburg treatment plant would then require a sedimentation basin to remove the silt before allowing the water to enter their plant.

- It would require 77 trucks with a capacity of 5,000 gallons each, working 24 hours a day, to haul the discharge to the Prestonsburg treatment plant. The trucks would cost over $17.7 million ($230,000 per truck), and maintenance and gas would cost over $57,000 per day ($105 million over the 5-year life of the project), for a total cost of over $123.2 million.

IV. Certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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