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## P R O C E E D I N G S

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MR. SASLOW:

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

MR. GARVIN:

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

EPA is holding this hearing tonight in connection with a proposal to use what is known as EPA's veto authority under Section 404(c) of the Clean Water Act to prohibit or modify discharges to water associated with construction and operation of the Spruce Number One Mine in Logan County. Our proposal 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