

## I N D E X (Cont.)

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1 mining industry.

2 MR. SASLOW:

3 Ten seconds.

4 MR. SHEPPARD:

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

8 MR. SASLOW:

9 Thank you, sir.

10 MR. SHEPPARD:

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

13 MR. SASLOW:

14 Thank you. Next, 555, Marilyn Mullens.

15 MS. MULLENS:

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

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

1 fire, but they survive. They got out. We're glad.  
2 Those things can be replaced. Those are just things.  
3 Those are not life. Life can't be replaced.

4           What are we going to do when the earth  
5 becomes so polluted there's no going back? We are not  
6 the only species that depend on clean water to  
7 survive. There has to be clean water for every living  
8 thing, including us.

9           I heard a man speak about palpable water,  
10 and that's wonderful. I want everyone to have clean  
11 water. But we need animals. We need plants, they  
12 have to have clean water. I have a folder full of  
13 studies that shows a direct link, the causes that  
14 mountaintop removal mining is polluting our water.  
15 The mission statement of the EPA is to put human  
16 health as a safeguard to natural environment, air,  
17 water, land, the life of the kids. That's all. I'm  
18 for the EPA to veto this permit. Thank you.

19           MR. SASLOW:

20           Number 556, Emmett Pepper. Mr. Pepper?  
21 557, Paula Swearengin.

22           MS. SWEARENGIN:

23           Thank you. My name is Paula Swearengin.  
24 And I'd like to begin by saying I'm a coal miner's  
25 daughter. I'm a coal miner's granddaughter, and I am

1 a West Virginia citizen.

2           People seem to be worried about jobs in  
3 the coal industry. That is my concern as well. But  
4 if you look at what the census tells us, we have  
5 744,000 civilian workers in West Virginia. Only  
6 30,000 of those jobs are directly related to the coal  
7 industry. 5,200 to 6,000 of those jobs are  
8 mountaintop removal. There are more unemployed in  
9 this state than there are coal workers. Talk about  
10 smoke and mirrors.

11           In the '70s we had 120,000 mine workers.  
12 Again, now that is not the case. Mountaintop removal  
13 takes fewer underground workers than it does our men  
14 because it's man versus machine. Machines are doing  
15 the jobs of our workers in this state.

16           On a corporate level the coal industry  
17 will get their piece of the pie. But it doesn't make  
18 it right for companies to bury our rivers and streams,  
19 poisoning our children, and destroying communities.  
20 There's no concern for safety. There's no concern for  
21 the environment.

22           Clean water should not be an option in  
23 America. It's a right. Responsibility should not be  
24 questioned. Responsibility should have been in place  
25 already. I am a West Virginian. My children are

1 entitled to drink clean water. And a miner should not  
2 have to choose between poisoning their child and his  
3 job. Thank you.

4 MR. SASLOW:

5 Number 558, Lisa Bragg, Mrs. Bragg.  
6 We're going to continue on. Number 559, Bill Raney of  
7 the West Virginia Coal Association.

8 MR. RANEY:

9 Yes, sir. Thank you all. Thank you all  
10 for being here. I'm Bill Raney. I'm proud to  
11 represent the West Virginia Coal Association and  
12 Friends of Coal across West Virginia. We do  
13 appreciate you all being here and welcome you to  
14 Charleston. However, you dig deep into a common  
15 working man's definition of environmental justice  
16 you'll find that the threat, this threat by EPA very  
17 offensive.

18 To revoke this permit without any reason  
19 would be wrong. Revoking this permit that was  
20 lawfully issued almost three years ago with your  
21 agency's blessing after more than ten years, the most  
22 comprehensive environmental review again by your  
23 agency, is as troublesome, unnecessary, and arrogant  
24 as anything we've ever seen in West Virginia. Taking  
25 these jobs which are real tangible and a source value

1 for the people of West Virginia and Appalachia without  
2 any suggestion the performance had not been in  
3 complete compliance is an injustice.

4           The action seems to be based on  
5 supposition and not on studies that are designed to  
6 support the personal opinions and objections of people  
7 in Washington and Philadelphia. There is no evident  
8 concern of the real impact of taking real jobs from  
9 men and women who get up every morning and pursue in  
10 West Virginia so you all in D.C. and Pennsylvania can  
11 have electric lights. Jobs that are paying for their  
12 homes, their children's education, and healthcare for  
13 their aging parents. One is going to absolutely  
14 disrupt the real lives of the best coal miners in the  
15 world.

16           It will paralyze investments with  
17 uncertainty. That is real. And taken to the next  
18 level no business is safe from the bullying hand of  
19 your agency. So yes, we're concerned, and you'll hear  
20 that tonight. And we'll go home and hope that we have  
21 a job in the morning as you go back to Philadelphia.  
22 This is not environmental justice. It is injustice.  
23 And it is simply not right. We ask you to put our  
24 people first, put our state first, and let the jobs at  
25 Spruce go forward. Thank you.

1                   MR. SASLOW:

2                   560, Mr. Johnson, a private citizen.

3                   MR. JOHNSON:

4                   Good evening. My name's Nick Johnson.

5 I'm proud to work with Arch Coal. We're an industry  
6 leader in mine safety and environmental compliance.  
7 Arch is a company that takes its obligations to  
8 workplace safety and environmental stewardship very  
9 seriously. We care deeply about the wellbeing of our  
10 employees and are relentless in the pursuit of safety,  
11 minimizing our environmental impact.

12                  Arch Coal is an industry leading safety  
13 performance and environmental responsibility as  
14 evident year after year and speaks volumes about the  
15 character and integrity of this company and its  
16 employees. You cannot find a better company to  
17 responsibly manage a surface operation like Spruce.  
18 They are passionate about safety and committed to  
19 operating within appropriate environmental guidelines.  
20 No one cares more about the environment or lives of  
21 West Virginia than the men and women who live and work  
22 here.

23                  Myself like many of our miners are avid  
24 outdoorsmen with hunting, fishing, four-wheeling, and  
25 other activities that depend on sound environmental

1 controls. The recent actions to restrict or revoke  
2 the Spruce permit are unprecedented and reek of  
3 politics. They are threatening the livelihood of  
4 various individuals who live and work in these  
5 communities while markedly increasing the risks of  
6 companies that are trying to bring jobs to this  
7 region.

8           The validity of the permit that you  
9 revoke every mining operation is at risk. I believe  
10 the nature of your arguments and actions will restrict  
11 surface mining in central Appalachia are based on  
12 politics and the unrealistic views of  
13 environmentalists, many of whom have never seen  
14 surface mining or have any understanding of the mine  
15 process and the great lengths that this company goes  
16 through in order to protect the environment and  
17 minimize our impact.

18           In conclusion, I have asked that Arch  
19 Coal and Mingo Logan Coal Company to proceed with the  
20 Spruce permit.

21           MR. SASLOW:

22           Number 561, Thornton Newlon, the Virginia  
23 Coal Association.

24           MR. NEWLON:

25           I am Thornton Newlon. I'm here tonight



1 to represent the Virginia Coal Association. Virginia  
2 Coal Association is a state paid association whose  
3 members include coal mines in Virginia, various mining  
4 equipment and suppliers and consulting firms to the  
5 coal industry. It might be fairly asked why would  
6 anyone from Virginia be concerned of a mining permit  
7 in West Virginia? The answer is the action proposed  
8 with respect to the Spruce mine will have serious  
9 consequences for Virginia coal industry and the people  
10 in Virginia in general.

11           For over 125 years coal mined by  
12 thousands of miners in Virginia and West Virginia have  
13 been hauled over railroads founded in Virginia for  
14 power plants and steel mills for many states, and the  
15 many roads in Virginia where it is loaded on ships and  
16 exported all over the world.

17           What the EPA is proposing to do is veto.  
18 It is a revocation of a valid existing right. It has  
19 stopped the project through its 13 years of work and  
20 millions of dollars have been permitted. From a  
21 Virginia perspective, this action by EPA has created  
22 an uncertainty in the marketplace that discourages  
23 investment in Virginia coal mines and sales for  
24 Virginia coal. It threatens the jobs of thousands of  
25 Virginians.

1           If industry cannot allow an issuance of a  
2 permit, we will all pay. Or even worse, more of what  
3 we need will be produced in other countries. The  
4 reliability of permits must not depend on what happens  
5 in an election. Our government must continue to be  
6 one of laws and not of men. Otherwise no one's job or  
7 property will be safe from the power of the  
8 government.

9           MR. SASLOW:

10           Number 562, Mr. Mark Rowe of Eagle Creek  
11 Mining, Inc.

12           MR. ROWE:

13           My name's Mark Rowe. I'm vice president  
14 of Eagle Creek mine and Hawkeye Contracting. This  
15 company is a mining reclamation operation in southern  
16 West Virginia and Kentucky. We've been working on the  
17 Spruce permit area since before the Clean Water Act  
18 was issued. In fact, we're constructing and draining  
19 control systems on the permit. Currently we have 69  
20 employees working on this and other problems on this  
21 property. Additionally our operation employs 30  
22 contract employees on the property. In addition to  
23 those employees there are 31 employees that are in the  
24 administrative offices at our off-site repair and  
25 maintenance shop.

1           Along with these 130 employees there are  
2 an additional 260 family members that depend on  
3 support by these jobs. Our employees receive good  
4 pay, healthcare benefits, a retirement plan, life  
5 insurance, and paid vacations.

6           On the projects we are working on many  
7 leading edge technicians monitor the performance of  
8 these systems on a day-in/day-out basis. Mingo Logan  
9 expects our operation can comply with the requirements  
10 of various permits and to exceed those standards.  
11 With the support of the company our employees are  
12 encouraged to participate in local and community  
13 efforts. Additionally, Mingo Logan has provided  
14 funding projects to make improvements such as stream  
15 channel enhancements.

16           Our company is a performed award winning  
17 recognition in the region. In 2009, Little Creek Mine  
18 received awards such as safety award. Eagle Creek  
19 Mine participates, volunteers and we contribute to a  
20 foster care program in the needy area. Our company  
21 identifies and contributes to local charities each and  
22 every year. I've been on many properties in West  
23 Virginia ---

24           MR. SASLOW:

25           Thank you, sir.

1                   MR. ROWE:

2                   --- Spruce area. I would encourage EPA  
3 not to --- decision which was reached 13 years in the  
4 process.

5                   MR. SASLOW:

6                   Thank you very much. Number 563, Nick  
7 Carter. Apparently he's not here. 564, Amy Keim, I  
8 apologize if I didn't pronounce that right. 565,  
9 Steve Roberts from the West Virginia Chamber of  
10 Commerce.

11                  MR. ROBERTS:

12                  Thank you very much for coming to West  
13 Virginia and thank you for the opportunity to speak  
14 briefly on behalf of West Virginia miners, energy  
15 exploration, our nation's energy needs, West  
16 Virginia's economy, and the importance of balance and  
17 reason when the needs of workers, consumers, and  
18 citizens, and regulators. I'm Steve Roberts, a proud  
19 West Virginian. I'm the president of the West  
20 Virginia Chamber of Commerce. The West Virginia  
21 Chamber is a large business and economic development  
22 advocates through organizations. Chamber members are  
23 proudly located in every role of our state's counties  
24 and together we employ over half of West Virginia's  
25 workers.

1           First, let me say that our nation's  
2 miners are heroes. God bless the people who work hard  
3 every day to provide the coal that powers our plants,  
4 lights our homes, heats our schools and hospitals, and  
5 makes the steel that's made our nation the greatest  
6 country on the planet in the whole course of human  
7 history.

8           Energy exploration and production support  
9 our economy and way of life. The fantastic march  
10 forward in medicines, research, computers, education,  
11 lifestyle, and longevity would not have been possible  
12 without energy that is abundant, reliable, and  
13 affordable. And that means coal. Our nation can and  
14 will continue to progress and energy production is  
15 crucial to this progress.

16           Here in West Virginia our own economy  
17 relies heavily on natural resource production of all  
18 kinds. Coal is responsible for at least 75,000 of our  
19 best paying jobs, and that's 98 percent of our homes  
20 and provides revenue taxes.

21           With no explanation U.S. EPA for the  
22 first time in history indicated it will rescind a  
23 mining permit. This questionable action creates  
24 environmental issues for all projects that are not  
25 assured. I urge the EPA to turn around and change

1 course and not accept the incorrect notion that you  
2 can only save the environment by killing jobs. Thank  
3 you very much.

4 MR. SASLOW:

5 Number 566, Mr. Chad Story, House of  
6 Delegates, the 19th District.

7 MR. STORY:

8 Thank you. My name is Chad Story. I'm a  
9 candidate for West Virginia House of Delegates, 19th  
10 District, and a proud citizen of Logan County. I  
11 stand before you today to urge you to allow the  
12 employees of Spruce Number One mine to continue by  
13 stopping the veto process.

14 First of all, I want to comment on a few  
15 things said earlier. The most anti-coal president in  
16 history. And secondly, for the lady with the folder  
17 full of science, well, you may have a folder full of  
18 science, but we have many mines that's full of coal.  
19 We have a lot of children. We have a lot of others to  
20 take care of. This is the income basis of West  
21 Virginia, and we need to mine coal.

22 I'm ashamed that the EPA has no regard  
23 for the economical consequences of their actions nor  
24 the input of the other state and federal agencies  
25 involved. When this permit was issued by the EPA, and

1 it's been in production for two years. If this permit  
2 is revoked it will affect approximately 250 direct  
3 mining jobs and 300 indirect jobs. That's 550  
4 families. That's children, babies, elderly, public  
5 education and health care for hard-working people and  
6 puts West Virginia at risk. If this permit is  
7 revoked, what's to stop the EPA from targeting more?  
8 This is nothing more than a political agenda from the  
9 radical environmental extremists and the current  
10 administration that wants nothing more than to see  
11 West Virginia coal go from the value of the most  
12 inexpensive energy possible. This isn't only aimed at  
13 Logan County. It's all of West Virginia. And not  
14 only is it the world's greatest resource, it's West  
15 Virginia. Thank you.

16 MR. SASLOW:

17 David Wilder from Teco Energy.

18 MR. WILDER:

19 My name's David Wilder. I'm a 31-year-  
20 old surface coal miner. The coal company I work for  
21 has been waiting six years on one permit. The Spruce  
22 mine waited ten years. After you give it to them they  
23 got to work three of them and then you took it away.  
24 I'm here for the workmen. These permits affect 80,000  
25 direct coal jobs in Appalachia as well as supply

1 affordable electricity to 80 million homes and over 95  
2 percent of the manufacturers.

3 EPA didn't even follow their own  
4 criteria. These are offered by any activity including  
5 highway construction, shopping malls. The EPA  
6 represents absolutely no influence. The only thing I  
7 can't understand is direct pressure on the Appalachian  
8 people. This law became effective April 1st, 2010,  
9 only to affect the Appalachian states.

10 Can somebody please explain that to me?  
11 I thought the states made state laws and the federal  
12 government made federal laws. I'm a coal miner, and  
13 we're coal miners. This is our livelihood and our way  
14 of life. This is all we know.

15 MR. SASLOW:

16 Number 568, Robin Blakeman.

17 MS. BLAKEMAN:

18 Thank you. My name is Robin Blakeman,  
19 and I represent the private citizens. I should also  
20 say I'm a Presbyterian minister. I work with the Ohio  
21 Valley Environmental Coalition. I'm a mother, a  
22 taxpayer, and a West Virginia resident most of my  
23 life, and eighth generation West Virginia resident.  
24 And that's why I registered as a private citizen. I  
25 want to speak from the perspective of my eighth



1 generation of heritage in this state, heritage that  
2 goes back before the state was a state. My ancestors  
3 came in here to Boone County as some of the first  
4 Caucasian settlers. They were granted land because of  
5 their service in the Revolutionary War. It is from  
6 that heritage that I speak.

7           It is my opinion that this permit and all  
8 other mountaintop removal and radical surface mining  
9 permits must be eliminated. The water that runs  
10 through our hills and our people are the best and most  
11 important natural resources in this state and this  
12 region. A visit to my ancestral land have formed my  
13 opinion of why these water quality standards need to  
14 be upheld and enforced.

15           My family property is in a place called  
16 Little White Oak Hollow. There's a creek that runs  
17 through that hollow. When I was little, I started  
18 once to throw a gum wrapper in that creek. And my  
19 grandfather, who was a coal miner, said to me don't do  
20 that. That creek runs down through the Coal River,  
21 runs down to the Kanawha River, runs to the Ohio River  
22 which runs to the Mississippi. These waters are  
23 precious and we must protect them. Thank you.

24           MR. SASLOW:

25           Thank you. Just a quick second. I'd

1 like to ask folks wearing green bracelets 576 to 600  
2 to gather behind the gold curtain and we will continue  
3 in just a second. Jason Bostic, number 569, West  
4 Virginia Coal Association.

5 MR. BOSTIC:

6 Good evening. And thank you for letting  
7 me come out here and speak tonight and for EPA's  
8 continued attention throughout the evening. In the  
9 context of this hearing and this proposed veto action,  
10 I think we have to ask what has changed in the three  
11 years since the Spruce permit was issued. According  
12 to the U.S. Army Corps of Engineers, The Corps  
13 responded in detail to EPA's allegations. And even  
14 evidence the Corps did not agree with EPA's supposed  
15 evidence that revocation of this permit was warranted.

16 Further, because many of EPA's  
17 allegations related to the state's water quality  
18 standards, the West Virginia Department of  
19 Environmental Protection responded as well. West  
20 Virginia DEP found no reason to believe that the  
21 issuance of the Spruce permit or its operation  
22 warranted this. Moreover the West Virginia  
23 legislature which reviewed and adopted water quality  
24 standards for their state has formally concluded that  
25 our state water quality standards were correctly

1 implemented with respect to the Spruce permit.

2 I will submit to everyone in here  
3 tonight, especially the officials from EPA that  
4 nothing has changed except for the attitude from the  
5 administration of the federal Environmental Protection  
6 Agency. That suddenly a federal agency knows better  
7 how to read water quality standards, better than the  
8 Corps of Engineers, better than the state agency  
9 directly responsible for implementing them, better  
10 than the elected legislatures that actually passed the  
11 standards the EPA now seeks to interpret.

12 And finally, this new EPA somehow knows  
13 better than the EPA of three years ago that actually  
14 approved the Spruce mining permit. This exercises  
15 their regulatory dysfunction if it were not so deathly  
16 serious. It's a serious situation as you've heard  
17 from other speakers. Hundreds of jobs are at stake,  
18 millions of dollars of investments, millions of  
19 dollars in tax revenues, and perhaps more importantly  
20 the faith of this Spruce mine. I urge you to rescind  
21 this action, rethink this, respect the boundaries of  
22 the authority of the programs on which we all rely.  
23 Thank you.

24 MR. SASLOW:

25 Thank you, sir. Number 570, Monty Boyd,

1 from Walker Machinery.

2 MR. BOYD:

3 Good evening. My name is Monty Boyd and  
4 I'm the owner of Walker Machinery and Whayne Supply  
5 Company. Walker is the Caterpillar dealer in West  
6 Virginia and southeastern Ohio, and Whayne is the  
7 Caterpillar dealer in Kentucky and southern Indiana.  
8 I've been in this industry for 30 years. Our  
9 geographic area includes the Appalachian coal fields  
10 and the Illinois basin coal fields. We have 46  
11 locations and employ nearly 2,000 people, most of whom  
12 serve this industry with mining equipment, replacement  
13 parts, and rebuilding and repairing services. Between  
14 the two companies, nearly 70 percent of our business  
15 is from the mining industry. So the central  
16 Appalachian mining industry is vital to our future and  
17 the 2,000 families of our employees which live in  
18 communities from Summersville, West Virginia, to  
19 Paducah, Kentucky.

20 I'm not here just to speak for our  
21 employees but for all of the employees of suppliers to  
22 this mining industry which is vital to our nation's  
23 security, economy, and energy needs. Tonight there's  
24 been many points addressed and I'd like to address  
25 many of them. But I only have time to address one

1 primary point. The decision being addressed through  
2 this evening is not just impacting Arch Coal and its  
3 local mining communities. It involves all coal mining  
4 companies and the suppliers to this industry.

5 MR. SASLOW:

6 Ten seconds.

7 MR. BOYD:

8 Skipping to my end, I ask that you  
9 consider the entire economic, business, and the impact  
10 of this decision and approve the permit which has met  
11 all legal requirements and allow the tens of thousands  
12 of the hardest working Americans, families, and  
13 companies to continue to work and live in this land  
14 that we love.

15 MR. SASLOW:

16 Thank you, sir. Number 571, Donald  
17 Gibson, private citizen.

18 MR. GIBSON:

19 I'm Donald Gibson. I'm here tonight  
20 representing the Coal Mining of Our Future, 7,500  
21 members. I'm here representing International Coal  
22 Group, over 1,000 employees. I didn't come here  
23 tonight with a profound statement, but I came here  
24 because I appreciate my job, and I came here to  
25 support my brothers and sisters in this industry.

1           To the young lady that stood here before  
2 me and said she had served her country 22 years, 21  
3 years, I appreciate your service. If you were only on  
4 the panel, I would challenge you to turn to your right  
5 and notice this flat. This is still the United States  
6 of America. I intend to submit written comments. I  
7 understand I've got until June the 1st to do that.  
8 Those comments should be familiar to you. However,  
9 due to the actions of the EPA, I doubt that you've  
10 ever read them. They're called the Constitution of  
11 the United States.

12           Again, I stand here to support the Spruce  
13 permit, and I ask that you end this process to veto.  
14 Thank you.

15           MR. SASLOW:

16           Thank you. Chris Hamilton, the West  
17 Virginia Coal Association.

18           MR. HAMILTON:

19           Good evening. I'm Chris Hamilton. I'm a  
20 friend of coal. Welcome to West Virginia and welcome  
21 to Charleston, the state's center of economy. It's  
22 also the nation's industrialized heartland and  
23 potential energy center where manufacturing steel and  
24 coal production coexist, the nation's thriving  
25 recreation tours of this industry. And if you stay

1 longer, you can see in these hearings and witness  
2 firsthand how these major industries not only exist  
3 but truly complement one another due to the remarkable  
4 level of state planning, the administration of state  
5 regulatory programs, and the supreme stewardship of  
6 our precious natural resources.

7           West Virginia is a prime example of how  
8 you can have it all. We are one of the nation's  
9 leading energy states presently accounting for over 40  
10 percent of the energy needs that powers the entire  
11 east coast from Massachusetts down to Jacksonville  
12 which includes Philadelphia. We're comprised of  
13 thousands of men and women who are devoted. We're  
14 providing the state, the region, the world, with low-  
15 cost reliable household and industrial power. It's  
16 what we do. It's what we have done for centuries.  
17 It's our way of life, our heritage, our culture.  
18 Front line of the blue collar and middle class of the  
19 country.

20           We also have one of the nation's most  
21 surviving tourism industries where people come from  
22 all over the country to partake in our rafting,  
23 hiking, trail riding, and some other outdoor  
24 recreational activity within the same geography of  
25 energy production. Let's just say it doesn't just

1 happen. It's all planned here within one of the  
2 toughest regulatory frame works found anywhere in the  
3 world. It's a great environmental achieving. I  
4 submit to you that no other state, no other country  
5 has the regulatory controls and oversight that we have  
6 here. And a body of law governing mining, the mine  
7 permitting processes that you'll not even find under  
8 federal law. Thank you so much. We urge you to  
9 reconsider your action and allow this mine ---.

10 MR. SASLOW:

11 Kate Lambdim, private citizen. We are  
12 going to pass on to Honorable Ron Stollings.

13 SENATOR STOLLINGS:

14 Good evening. I'm Senator Ron Stollings,  
15 your senator from the Seventh District. We are the  
16 largest coal producing district in West Virginia. One  
17 of three jobs in our district is directly or  
18 indirectly related to coal. I live in Madison, more  
19 specifically Haddock along the Spruce River. I drink  
20 the water. I float in Spruce River. I hike the hills  
21 and enjoy a wonderful quality of life. Third, I'm a  
22 medical doctor to many patients who also enjoy growing  
23 old in southern West Virginia. If I was aware that  
24 the mining of the Spruce River permit was negatively  
25 impacting our health, I would be fighting against it.



1 But that is not the case.

2 I stand here tonight to strongly support  
3 the mining of this coal and provide jobs directly and  
4 indirectly, provide energy to America, and provide an  
5 outstanding tax base.

6 The regulation to the extent of the  
7 Environmental Protection, economic development and  
8 energy supply has not happened with the current EPA  
9 leadership. With regard to surface mining in general,  
10 we in southern West Virginia have a very limited  
11 supply relatively trying developing the land. We  
12 however do have Corridor G and we do have some pending  
13 permits along the Corridor G that give us some much  
14 needed land to help diversify our regional economy and  
15 keep West Virginia and the United States strong. We  
16 can't find a place to build a school or to build  
17 hospitals.

18 My colleague Senator Oliverio mentioned  
19 earlier that we passed since the current resolution  
20 number 61. What he didn't tell you was that it passed  
21 34 to nothing in the State Senate and 100 to nothing  
22 in the House of Delegates. So that's what the  
23 elective leaders in West Virginia have to say, and I  
24 urge you to please let them mine this coal on Spruce  
25 River. Thank you.

1                   MR. SASLOW:

2                   Number 575, Bill Bledsoe of the Virginia  
3 Mining Association, Inc. Let's move to number 576,  
4 Erkan Esmer Ph.D., P.E.

5                   DR. ESMER:

6                   Hello. I'm Erkan Esmer of Esmer and  
7 Associates, Inc. Consulting Engineers. I've been  
8 listening to the U.S. EPA since 1970. EPA was  
9 established in 1970 and got into the coal business in  
10 about '72. And in that time we had to fill out the  
11 show-form cease. It was just two or three lines. So  
12 we had to comply. And now I wonder what in the heck  
13 did they fill out on this paper? I think they were  
14 gathering paper.

15                  The next thing was the Civil War era, the  
16 operation of coal mining. And we switched to coal.  
17 But somehow the EPA gave promise to the states, and  
18 things went pretty good. And the roofs, Sierra Club,  
19 all started coming here from all over the country,  
20 mostly out of California, and they're telling us what  
21 the hell to do. Then they blow up this global  
22 warming. Now, then when they called it they wanted  
23 some change. Okay. I got to say one more word?

24                  MR. SASLOW:

25                  One more.

1                   MR. ESMER:

2                   Okay. The two things that the ice age  
3 and the heat pocket were ice. Ice cap melts by  
4 natural reasons, not by hocus pocus science.

5                   MR. SASLOW:

6                   Thank you. 577, Maria Gunnoe, Boone  
7 County Citizen. No? 578, Stephen Keen, Bright  
8 Enterprises

9                   MR. KEEN:

10                  Thank you. I'm Steve Keen from Bright  
11 Enterprises. I'm an engineer and I've had experience  
12 related to the mining industry on both sides. I'm  
13 forced to bundle the laws in two states in my career.  
14 I've worked in the mining industry as an engineer. I  
15 continue to be involved indirectly now through  
16 businesses I work for now.

17                  I have heard a lot of sincerity tonight  
18 from those here opposing the Spruce Mine permit. I  
19 have to say in response, you can be sincere. You can  
20 even be hysterically sincere and you can still be  
21 wrong. As I tried to think about what to say about  
22 the EPA's actions, finally one word came to mind and  
23 it just kept sticking with me. That's the word I'm  
24 going to use. That word is abuse. The proposal to  
25 veto the permit that has already been issued to two to

1 three years earlier based on something that can't be  
2 called science. That is in a board in action. It's  
3 something they should not be doing. It's an abuse.  
4 It's an abuse of discretion at the federal level.  
5 It's an abuse of the federal/state relationship. It's  
6 an abuse of the privacy program and the state agencies  
7 to be the primary enforcers. It's an abuse of the  
8 mineral and landowners whose coal you're trying to  
9 place off limits. It's an abuse to the systems whose  
10 livelihoods depend on mining this coal.

11 I want to talk about the unrelated  
12 consequence of the federal/state regulatory actions.  
13 In this state the consequences are severe. The  
14 approach you're taking to veto this permit has  
15 consequences far beyond mountaintop mining. I think  
16 we know that, those here know that. What I worry is  
17 that they stop and that those consequences will be to  
18 eliminate coal mining. This is wrong.

19 MR. SASLOW:

20 Thank you, sir. Number 579, Jacqueline  
21 Muth. No? Number 580, Chris Shepherd.

22 MR. SHEPHERD:

23 Thank you. My name's Chris Shepherd, and  
24 I was born here in Charleston and raised on a farm 20  
25 miles from here. I love my state. I thank God for

1 being born here and I want a life here for my children  
2 and grandchildren. Thank God for being born and  
3 raised here as well.

4                   However, today I'm the only one of my  
5 siblings and my family who grew up here who still live  
6 in our home state. Every one of them have left our  
7 home because of a lack of opportunity for a good life  
8 here. I too find it difficult to stay in my home  
9 state due to the crime and poor economic conditions  
10 here. Clearly something has gone wrong here in West  
11 Virginia. We are the most beautiful state in America,  
12 but one of the poorest states. We are one of the  
13 proudest states in America, but we are one of the  
14 least educated states. We are the most unhealthy  
15 state and we are even the state with the least teeth  
16 per capita in America. Why is this? What happened to  
17 us? Why is the state that's so great, such great  
18 beauty, and such a wealth of natural resources and  
19 human resources and culture, how did we become so  
20 destitute?

21                   It is the same reasons that the counties  
22 most rich in coal are also the poorest counties in  
23 West Virginia. The answer goes back to the founding  
24 of our great state and the condition continues today,  
25 and that condition is simple. New York City and

1 Philadelphia snapped up our mineral rights, out-of-  
2 state corporations think it's a public state, a  
3 resource colony which serves only to make a few  
4 corporations wealthy. All West Virginians are  
5 exploited by this process. We must halt this downward  
6 cycle.

7                   And quite simply, the argument that our  
8 economy is held by mountaintop removal mining brings  
9 all of us to take a look at the economical realities  
10 here in West Virginia, especially economic reality in  
11 coal-producing counties. Therefore the EPA can help  
12 our state on holding by halting the deliberation of  
13 our state for cash. Therefore I urge you to veto the  
14 permit.

15                   MR. SASLOW:

16                   Thank you, sir. Now for the next  
17 speaker, before the next speaker we are going to call  
18 the next batch of speakers to the gold curtain in a  
19 couple moments. If you are sitting and you decide  
20 that you do want to speak, the same things apply. You  
21 do need to go out and get one of the wrist bands and  
22 add your name to the list. So think about it. Make  
23 your way to the registration table if you change your  
24 mind and decide that you want to speak. Let's go to  
25 number 581, Vivian Stockman, of the Ohio Valley

1 Environmental Coalition.

2 MS. STOCKMAN:

3 Hi, I'm Vivian Stockman of the Ohio  
4 Valley Environmental Coalition which is based in  
5 Huntington, West Virginia. Lesson number one is a  
6 permit for mountaintop removal with such intense  
7 scrutiny. That's because community members stood up  
8 and spoke out, are standing up and are speaking out  
9 even in the face of intimidation. It's obvious the  
10 EPA is under intense political pressure to abandon  
11 science, but I urge the EPA to stand strong in  
12 upholding the law and proceed with the veto of this  
13 permit. I'm glad they're moving to consider the  
14 environmental justice aspect of mountaintop removal.

15 Mountaintop removal drives communities'  
16 extinction and destroys the ecosystem services  
17 essential for long-term sustainable economical health.  
18 Clean water is the basis of human health, and  
19 essential to sustainable economic development. I urge  
20 the EPA to undertake a study of the value of ecosystem  
21 services we have in the southern mountain communities.  
22 Couple that with the study of all the externalized  
23 cost of mountaintop removal. The results will shine a  
24 light on and the cause that mountaintop removal  
25 inflicts upon us.

1 I urge the EPA to overcome the political  
2 pressure of an industry so long accustomed to doing  
3 whatever it wants with our land, our water, and our  
4 people, an industry that has held the mule more  
5 valuable than the man and that there are problems such  
6 as black lung leave us high and dry until the last  
7 piece of coal is blown out of the last coal-bearing  
8 mountain. Please veto the permit.

9 MR. SASLOW:

10 Number 597 right now, Christopher Trent,  
11 private citizen.

12 MR. TRENT:

13 Good evening. My name is Chris Trent.  
14 I'm from Logan County. It's great to be here in West  
15 Virginia. My grandfather and father are coal miners,  
16 and I'm very proud of my heritage. We understand EPA  
17 has a job to do, but we wish you would understand  
18 something. So do we.

19 Coal mining is a hard, honest living  
20 providing cheap energy, keeping America secure and  
21 energy independent. Someone spoke earlier and  
22 mentioned that a stream would not come back after  
23 mountaintop removal. Well, let me tell you something  
24 else that won't come back if you veto this permit.  
25 Our jobs. And my comments are brief tonight. But



1 we'll remember in November. Thank you.

2 MR. SASLOW:

3 George Ferrell from Coal-Mac, Inc.

4 MR. FERRELL:

5 First of all, I want you to realize I do  
6 support the Spruce permit. I would like to ask who  
7 all here is from southern West Virginia? Who all here  
8 has lived here in the 1960s in southern West Virginia?  
9 Who all lives here now? I did then and I do now. My  
10 name is George Ferrell and I'm from Chapmanville.  
11 Lived here all my life. I'm 64 years and I was in the  
12 Air Force. I'm proud to be an employee of Arch Coal,  
13 a mine in southern West Virginia, a veteran, a  
14 Christian, an Eagle Scout.

15 I think it's important to note with all  
16 your talk for us people. I believe you're to trust  
17 that person. But the more you know and believe the  
18 person. I always believe people with great  
19 reservations you will do the right things and make the  
20 right decisions. You see, I was raised here. It was  
21 not fit to fish or boating. Now today there are many  
22 species of fish. People boat. And believe it or not  
23 swim in the river. The state realized what was going  
24 on and what needed to be done to correct the problem.  
25 Pollution from mines were harming the rivers. But two

1 of our own counties had gas stations dumped their  
2 waste oil, tires and such in the river. How do I know  
3 this? Because I was a scout and took two trips down  
4 there. Since then different organizations, we  
5 corrected that. We made changes. I believe we can  
6 make changes now and sustain our livelihood too, and  
7 maintain our life as we done three years ago. We can  
8 do it today.

9 MR. SASLOW:

10 589, Allen Johnson, Christians for the  
11 Mountains.

12 MR. JOHNSON:

13 Thank you. I'm Allen Johnson, a resident  
14 of beautiful West Virginia, 37 years. I've trained in  
15 science and geology and cofounder of Christians for  
16 the Mountains. Our key Scripture, Psalms 24:1 which  
17 basically says the earth and all that is in it belongs  
18 to God. And I support the veto of Spruce Number One  
19 permit.

20 I want to point out that the United  
21 States military budget is about \$700 billion. The EPA  
22 is about home defense, defending West Virginia and our  
23 nation from harm. Current mining practices destroys  
24 ecosystems and so on. A trust given to us by God to  
25 use wisely, sustainably, and reverently. And almost

1 everybody in this nation without direct economic  
2 interests agree with this.

3 But let us not be deluded that king coal  
4 is our state benefactory savior. Not with somebody  
5 granting a state by quality of life industry puts West  
6 Virginia ---. Central to this economy, lots of work.  
7 Cotton, there's something terribly wrong with how  
8 cotton was harvested, by slave labor.

9 Well, what we are addressing at this era  
10 is how coal is harvested and whether pollution should  
11 be tolerated as a political, economic trump card or  
12 whether life science and moral consideration to  
13 protect God's creation will prevail. Please sustain  
14 this veto and thank you.

15 MR. SASLOW:

16 Ms. Chasity Mullins

17 MS. MULLINS:

18 Hi, I'm Chasity Mullins. The impact on  
19 our community will be overwhelmed. According to the  
20 2009 national mining association report, mountaintop  
21 mining provides 14,000 direct jobs and 50,000 indirect  
22 jobs in Appalachia. Mountaintop mining has economic  
23 impact with an estimate of \$12 to \$15 million of  
24 federal taxes each year. Environmentalists contend  
25 that this is only about mountaintop removal, but that

1 is not true. This is an attack on coal mines, you  
2 will never be on the same level as all these great  
3 miners standing before you. Do the right thing.  
4 Protect our valuable resource. Protect the miner.

5 MR. SASLOW:

6 Thank you so much. I would now call 601  
7 to 622 to go to the gold curtain. If anybody else  
8 would like to speak what you think. With that, let's  
9 go to Barbara Altizer, Eastern Coal Council.

10 MS. ALTIZER:

11 Hi, I'm Barbara Altizer. I'm with the  
12 Eastern Coal Council. Thank you for this opportunity  
13 to speak in regard to Spruce Number One Mine in Logan  
14 County, West Virginia. EPA has stated its plan to  
15 begin the veto process for the surface mine permit  
16 already granted and approved by the Army Corps, by  
17 EPA, and other regulatory agencies. Today when  
18 American jobs are hard to come by, EPA is actually  
19 beginning the process of destroying coal mining and  
20 mining-related jobs seems mind boggling, particularly  
21 as our country is struggling to create jobs.

22 I implore EPA's input, to correctly  
23 review the environmental impact before issuing it.  
24 This action that you're taking disregards the  
25 expertise of the people involved in the process