

If a Permit Might Impact You...

What to do and who to call in West Virginia

If you are at all concerned about the impacts of a permit, you have a right to speak up for your quality of life and to protect the investment you have made in your home, your water supply, and your community. Here's how:

1. Make your concern official

Find the permit number from the Public Notice published in your local paper or search for it online using the Pending Permit Search on the DEP's website at:

<http://www.dep.wv.gov/permitting/Pages/default.aspx> (See the Digital Information Handbook for more details.)

Write and call the DEP (Department of Environmental Protection: 1-800-654-5227) Tell them what you think about the permit. It is important that your concerns be in their official record. Make a copy of the letter and send the original by registered mail. Keep a copy for your files. Here is a sample outline for the letter:

To: WV DEP 601 57th Street SE, Charleston, WV 25304

I am a resident of *Community Name Here*.

I am concerned about the Permit Number *X-XXXX-XX*.

I request an informal conference with the DEP in regards to this permit.

These are my concerns: **List concerns here*.

* Sign Your Name

* Write Your Name

* Write Your Address

NOTE: An informal conference is a public hearing to give comments to the DEP about a permit. These can be points of conflict as companies often send miners to such hearings to intimidate those opposing a mine. You may want to exclude the request for a public hearing if you don't think many people will attend.

2. Talk to your neighbors

Make a list of people who might share your concerns and talk to them. Who has questions? If they are concerned, they need to also write to the DEP and talk to others. You may want to educate neighbors because they may not be aware of what is taking place.

3. Organize

Organizing is getting something done together that you can't do by yourself. Most of the time communities are not heard because they do not stand together. Would you pay more attention if one person wrote you one letter, or if you received 20 letters?

4. Gather Allies and Resources

Contact Coal River Mountain Watch, an organization in Boone County who has been through this before. We provide support to people who want to protect their community, health, and water.

<http://www.crmw.net>

304-854-2182

coalriver@crmw.net

5. Get the Facts About the Permit

- * Contact your local DEP Office or County Courthouse to view the permits on file.
- * See "What to Look for in A Permit"
- * Are there other permits that are related? See "Where to Find Permits"

6. Get More Facts - Know the Rules

* Get the WV Surface Mining Reclamation Rules. WV Coal Mining and Reclamation Act list all the of necessary rules. Read through it with a highlighter! They are available at the DEP office in Charleston for \$20.

* Do you have good water now? Have it tested. Call the National Center for Water Quality Research: 1-800-925-9250 Ext. 2198 wql@heidelberg.edu.

7. Get a Spot Light on your Community

Companies stick to better practices if they know people are paying attention. Groups like CRMW can connect your community with media and provide you and your neighbors with training in speaking to reporters so you can get the truth out about the costs you may bear from this operation.

8. Attend the Informal Hearing

This is usually where the company will attempt to intimidate you or convince you there is no need to oppose the permit because they will take care of you and be a good neighbor. Talk to people who have done this before and go in with a big group of your allies to the informal hearing. The DEP will take comments from anyone that attends but will NOT speak themselves or answer any questions.

9. Prepare for the Surface Mine Board

This is the group appointed by the Governor to hear opposition to surface mine permits. The Surface Mine Board is notorious for not holding the DEP or coal companies to the law, but people have won before; and these hearings can lay the foundation for taking the case to circuit court. Contact CRMW for more information about how to file a Surface Mine Board appeal. They are also a chance to get media paying attention to your issue-- imagine the news headline: Citizens Stand Up for Their Rights at the West Virginia Surface Mine Board.

10. Explore a Potential Clean Water Act Lawsuit

Sometimes it can be possible to stop a mine or force tougher regulations by filing a lawsuit in federal or state court. The Appalachian Center for the Economy and the Environment a non-profit public interest law and policy organization dedicated to protecting the communities and natural resources of central Appalachia and advocating for a just and sustainable economy for the region. They represent coalfield residents for free. If you are interested in pursuing a legal approach, contact them to see what your options are.

<http://www.appalachian-center.org>

Margaret Janes: 304.897.6048

info@appalachian-center.org

Where to Find Permits

- Call the phone numbers in the chart below.
- On the internet: <http://www.dep.wv.gov/permitting/Pages/default.aspx>
- Some may be at the local county courthouse
- In order to get a complete copy of the permit or permit application, you will need to submit a FOIA request (see below). Be sure to request all maps as well. You will get the permit on a CD. It will usually cost \$10 per permit.

You have the right to have someone explain the permits and answer your questions. Call the citizen's advocate to arrange an appointment: 800-654-5227 ext. 1328

Types of Permits

Permit	Scope	Office to Contact
Coal Mine, Surface Mine	Permit boundaries and surrounding impacts, Blasting Plan (Section T)	WVDEP, Division of Mining and Reclamation 304-926-0490
NPDES National Pollutant Discharge Elimination	Legal discharge of waste and runoff into streams & rivers	
401 Certification	State Permit for Valley Fills	
404 Dredge and Fill	Federal Permit for Valley Fills	US Army Corps of Engineers Huntington, WV Mark Taylor toll-free: 866-502-2570
UIC Underground Injection Control	Coal waste pumped underground	WVDEP, Division of Mining and Reclamation 304-926-0490 Be sure to ask for Mining UIC as the rest of the program is in another Department

What to Look for In a Permit

Water Users. Section J- 2

Who is using the water that may be impacted by the site? Are they listed in the permit, including stream water users? Look for the "Ground Water Inventory."

PHC: Probably Hydrologic Consequences -- Section J- 6

How might this permit impact the hydrology (the water) in the area? After this is submitted, the DEP will use this section to write up a CHIA (Cumulative Hydrologic Impact Assessment) and a "Buffer Zone Analysis." Be sure to take a look at those two things once they are written up and make sure they are right.

Surface and Mineral Owners -- Section C-5

The company is supposed to have a lease agreement with every one of the owners. There should be a list of people in the "Right to Mine" section. Check with each person on that list – do they know the company is mining their land? Is there a lease agreement? There is also a list of residents living within 300 feet of the mine site. Did they receive a certified letter telling them about the operation?

Cemeteries -- Proposal Map- Section X, attachment

Are all the cemeteries marked that you know of? Call the State Historic Preservation office and make sure they are registered- You can reach SHPO at (304) 558-0240.

Blasting -- Section T

The company is required to give everyone within 1000 ft of the permit area a pre-blast survey. Look at the blasting map to see who is in the blasting range. The survey is to document your property as it is, in case it is damaged in the future by blasting. This survey should include water testing. You have a right to a copy of the pre-blast survey.

Toxic Materials -- Section O-8

This should list if there is any plan to handle toxic materials coming off the site or being buried in valley fills. Did they take core samples? Do they know what is in the seams? Is there high selenium? How will people be protected from that?

Company Violation History – Section B

Here you will find a list of the company's past violations. Do any of these pose legitimate concerns for the company's future actions?

Community Impact Statement

This is required before the permit is approved, but it is not filed in the permit. You can call the consultant (name and contact information are usually on the maps) and ask for a copy of it. Do you agree with it? Is anything missing?

