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WEST VIRGINIA STRIP MINING

Public Hearing held by: WV Dept. of Energy

June 28, 1988

SPEAKER: Jim Probst

WVSM - 11

Public Hearing held by W.Va. Department of Energy in Lincoln County, West Virginia on June 28, 1988 regarding an application by Black Gold Coal Co. and Mountain Black Diamond Coal Co. to strip mine at Six Mile Creek in Lincoln County.

Statement by Jim Probst:

My name is Jim Probst and I've come this evening to state my opposition to the issuance of a surface mining permit to Black Gold of W.Va., and Mountain Black Diamond Coal Companies. Though there a great number of reasons that this permit should not be denied, I wish to limit my comments to the trustworthiness of the applicants themselves. In the short time that they have been purusing this permit in Lincoln County, they have demonstrated a pattern of irresponsibility and contempt for the law. This should be reason enough to deny this permit. They have been issued notice of violations on three separate occasions, for a total of five violations to date. You think they would have learned that it was wrong after the first one. They also have provided us with several versions of the prospecting operations that they were cited for. On April 11th, 1988, in Kanawha Circuit Court, Sandra Perry stated under oath, and I'm quoting from the transcript, "No representatives of Black Gold participated in prospecting". On April 25th, the court congressional committee in Logan, Mike [inaudible]...stated, and once again I quote, "It was our decision to conduct prospecting". Again on April 11th, Sandra Perry stated again under oath, that there was prospecting done prior to the time that we actually bought the property, but we went ahead and took the citations for prospecting without the permit. Conversely on April 25th, Mr. Letson was asked by Congressman Wise, and once again I'm quoting a record, "Did you know that Mr. Delbert Burchett's son Keith, was responsible for the violations that your application lists attributable to you and Black Gold or is that an incorrect

evidence of these applicants changing their stories to suit the situation, I refer to a memorandum dated 3/17/88, from Rita Geramello, Acting Chief Branch of System User Support to Doris Wilson, of the Inspector General's Office, where it is stated that Sandra Perry contacted the advocator violator system clearing house in October of 1987, identifying herself as an employee of Delbert Burchett's, seeking information concerning the possible civil penalties on abandoned mine land fees owed by Mr. Burchett. There are two things about this [inaudible]...one is that she stated before the congressional committee in Logan, "I have no business ties whatsoever with Mr. Burchett and never have had". So, what does she care about his violations record? Secondly, she later stated, I believe sometime in January or February to Paul Carson of the Lincoln Journal, that Mr. Burchett's record as a coal miner was above reproach. Obviously, she knew better. In closing, I believe that these are areas that deserve burther investigation by the D.O.E., and until such a time, satisfactory answers can be supplied, the application should be considered incomplete and not deserving of approval.