

Appendix B. Response to Comments

Type of Comment	Substantive Comment	Reply to Comment
Water Quality Concerns	The TDEC must consider all of the discharges from the entire proposed mine a single permit process. By issuing water pollution permits in at least two separate phases, TDEC has failed to account for the full impact to the receiving streams.	TDEC has jurisdiction of this comment. Please see their responses in the Notice of Determination for Kopper Glo Mining, LLC, Cooper Ridge Surface Mine Phase 1, NPDES Permit TN0069736 (TDEC 2017).
	The TDEC should not assume that re-mining will lead to an overall decrease in pollution from the site. In Fact, evidence suggests that streams in the Clear Fork watershed have only recently begun to recover from the pollution impacts of historic mining and that recent mining has started to reverse that trend.	TDEC has jurisdiction of this comment. Please see their responses in the Notice of Determination for Kopper Glo Mining, LLC, Cooper Ridge Surface Mine Phase 1, NPDES Permit TN0069736 (TDEC 2017).
	Permitting authorities must address the cumulative impacts of water pollution discharged from all existing and proposed strip mining in the Clear Fork watershed before issuing any new permits.	This comment is addressed in section 3.5, 4.5, 5.2, Appendix E. Additionally, TDEC has jurisdiction over the waters of Tennessee and reviews these impacts prior to issuing the NPDES permit.
	The draft permit violates the Clean Water Act because it fails to fully evaluate the reasonable potential of discharges from the mine to violate water quality standards for selenium. Given that selenium is known to be present in variable concentrations in coal seams in Tennessee, TDEC should require the applicant to conduct and report representative core sampling to determine whether selenium is likely to be present in the coal to be mined from the site.	TDEC has jurisdiction of this comment. Please see their responses in the Notice of Determination for Kopper Glo Mining, LLC, Cooper Ridge Surface Mine Phase 1, NPDES Permit TN0069736 (TDEC 2017).
	The draft permit violates the CWA because it fails to contain a general condition requiring compliance with all applicable water quality standards.	TDEC has jurisdiction of this comment. Please see their responses in the Notice of Determination for Kopper Glo Mining, LLC, Cooper Ridge Surface Mine Phase 1, NPDES Permit TN0069736 (TDEC 2017).
	Benzene, arsenic, and mercury	TDEC has jurisdiction of this comment.

	appear in the water and are not good for your health.	Please see their responses in the Notice of Determination for Kopper Glo Mining, LLC, Cooper Ridge Surface Mine Phase 1, NPDES Permit TN0069736 (TDEC 2017).
	The draft permit should contain numeric limits on conductivity and/or ionic constituents.	TDEC has jurisdiction of this comment. Please see their responses in the Notice of Determination for Kopper Glo Mining, LLC, Cooper Ridge Surface Mine Phase 1, NPDES Permit TN0069736 (TDEC 2017).
	The mine would affect groundwater because it will change the hydrology of the east side of Cooper Ridge and release pollutants now contained in the coal and the overburden at the site. Groundwater and surface water resources are closely connected in this area. There are at least seven households and two churches that use springs or wells for their water supply.	This comment is addressed in section 3.5, 4.5, 5.2, Appendix E. Additionally, TDEC has jurisdiction over the waters of Tennessee and reviews these impacts prior to issuing the NPDES permit.
	Increased pollutant loads from mining, no matter how regulated, have a negative impact on Valley Creek and Hurricane Creek.	This comment is addressed in section 3.5, 4.5, 5.2, Appendix E. Additionally, TDEC has jurisdiction over the waters of Tennessee and reviews these impacts prior to issuing the NPDES permit.
Flooding	There is also the unacceptable increased likelihood of flooding.	This comment is addressed in section 4.7.1
Whole Effluent Toxicity	The permit must impose an enforceable limit on Whole Effluent Toxicity (WET). The permit should be revised to include the appropriate WET limits. The WET limit should be a stand-alone condition of the permit with at least a quarterly monitoring frequency. Neither the monitor-only requirement for sulfates and specific conductance, nor the inclusion on the biological assessment, excuses the absence of enforceable WET limits.	WET testing is a Clean Water Act requirement and is the regulatory responsibility of the Tennessee Department of Environment and Conservation. OSMRE is responsible for implementing SMCRA and will incorporate any CWA permit conditions as part of the SMCRA permit.
Biological Assessments	TDEC must make the results of the Biological Assessments enforceable.	As part of the NPDES permit, TDEC is requiring that Kopper Glo Mining, LLC must conduct annual macro-invertebrate surveys at 3 locations along Valley Creek. As part of the permit

		application, OSMRE will adopt the requirements.
Permitting Violations	The agencies should not reward a chronic violator with permits for a new surface mine. The permit application lists 17 notices of violations from OSM to Kopper Glo Mining, LLC for its other coal mining operations in just over two years, including many violations related to water quality.	A total of 3 state permitting violations and 4 federal permitting violations were issued to Kopper Glo Mining, LLC in the last 2 years. Six of those violations were related to water quality. Violations were self-reported immediately corrected.
Threatened and Endangered Species	The blackside dace, a freshwater fish, is protected as threatened under the federal Endangered Species Act, in part because of pollution from surface coal mining. The Cooper Ridge mine will discharge polluted runoff water to tributaries of the Clear Fork, an important corridor that blackside dace use seasonally to seek spawning habitat in smaller streams. Blackside dace are extremely intolerant of elevated conductivity levels cause by dissolved solids from polluted mining runoff. Any discharge permit for the mine must impose those limits on conductivity to avoid further harm to blackside dace.	Consultation with USFWS occurred for this project. All protective measures required under the Biological Opinion (Appendix D) are adopted into the permit for the protection of the blackside dace and all other federally listed species near the project area. The USFWS will be issuing take based on the findings from the EA and BO.
Macroinvertebrates	Macroinvertebrate stream surveys are beginning to indicate that these mine discharges are taking a toll on aquatic life. The Tennessee Macroinvertebrate Index (TMI) considers a score of 32 as indicating compliance with the narrative criteria for bio-integrity. Prior to 2007, macroinvertebrate stream surveys in Valley Creek revealed scores at or below this threshold of 32. These scores showed general improvements through 2011. However, the most recent surveys suggest that scores have again begun to fall, likely due to the influence of increasing mining within the watershed.	As part of the NPDES permit, TDEC is requiring that Kopper Glo Mining, LLC must conduct annual macro-invertebrate surveys at 3 locations along Valley Creek. As part of the permit application, OSMRE will adopt the requirements.
Endangered Species	TDEC must impose limits on	Consultation with USFWS occurred for

Act	conductivity and the discharge of sediments that are sufficiently stringent to prevent unauthorized take of the federal threatened blackside dace in all waters downstream from this mine.	this project. All protective measures required under the Biological Opinion (Appendix D) are adopted into the permit for the protection of the blackside dace and all other federally listed species near the project area. The USFWS will be issuing take based on the findings from the EA and BO.
Air Quality	Mountaintop mining is linked to several health impacts, which are related to breathing the blasting dust which can drift several miles from the site.	This comment is addressed in section 4.3.1.
	When you have another hearing concerned with air quality relating to this then I do want to supply additional testimony related to the 2.5 micron particles that lead to our COPD and asthma rates.	TDEC has jurisdiction of this comment. Please see their responses in the Notice of Determination for Kopper Glo Mining, LLC, Cooper Ridge Surface Mine Phase 1, NPDES Permit TN0069736 (TDEC 2017).
Socioeconomics	Tourism is important to the current and future economy of Tennessee. The Tackett Creek Wildlife Management area surrounds the proposed Cooper Ridge mine. The area has great potential for increased ecotourism that can benefit Tennessee's economy more than another strip mine.	Socioeconomics was discussed in Section 4.10 and was determined to provide jobs and tax revenues for the local and state governments. The potential for tourism would be limited since the proposed permit is on private and not public land.
	Job opportunities created by this permit will be (by their very nature) short-lived and will be quickly and far outweighed by the negative impacts to the local economy that almost invariably follow in the wake of a mountaintop mining operation.	Socioeconomics was discussed in Section 4.10 and was determined to provide jobs and tax revenues for the local and state governments. The life of the mine is 9.2 years and will provide jobs and goods and services.
	OSMRE announced this it is funding a \$1million, two-year review of existing research to be conducted by the National Academy of Sciences (NAS). The study will identify gaps in the research and consider options for additional examination to address concerns about potential public health effects.	West Virginia Department of Environmental Protection formally requested that OSMRE sponsor a study to address the citizen group's allegations about serious health impacts for those living near mine sites. The decision was made that this would be best handled by an impartial group; so the request was made to NAS to conduct the study with OSMRE funding the effort. The study had not started as of the completion of this document.
	Claiborne County residents were not provided convenient or	The combined TDEC/OSMRE public notice was posted on November 9,

	<p>reasonable access to a public hearing. Knoxville is 70 miles from the proposed mine site and communities.</p>	<p>2016. The meeting location was set based on previous scoping from the public hearing that was held in Claiborne County on November 29, 2012.</p>
	<p>This mine will be near family cemeteries that must be protected. Community members must be able to access family cemeteries on Cooper Ridge and we ask that the deep mine portal be moved further than 100 feet away from Hatfield Cemetery.</p>	<p>The cemeteries were identified in coordination with TDEC, Tennessee Historical Commission. All mining must maintain 100 feet from any cemetery. OSMRE does not have jurisdiction to control access across private land for the public.</p>
	<p>There is also the unacceptable increased likelihood of truck traffic damaging roads and bridges not rated for the heavy loads in the areas in and adjacent to the acreage the permit will cover.</p>	<p>Health and Public Safety impacts are discussed in the Chapter 3.21 and 4.17. The economic impact that this increased maintenance cost would have on the highway departments is also an unknown. However, the applicant does pay a severance tax of \$1.00 per ton to local/state governments. With a projected annual coal production of 209,000 tons, this would result in net annual tax revenue collection of \$209,000. This tax, as well as the sales tax revenues the local governments will realize on goods and services purchased in support of the proposed mine, may be considered as an offset to any costs (e.g. road maintenance costs) incurred by local and state governments.</p>