

Public Hearing Notice

The N.C. Department of Environment and Natural Resources (DENR) will hold a Public Hearing in the **Old Courtroom of the Old Courthouse Building at 7:00pm on Wednesday, June 16th, 2010**, on the application for a permit for Harrison Construction Company to modify an existing surface mining permit to add land to the permitted area.

Rules for the Public Hearing.

- Explanation of the action for which the permit is required by the hearing officer.
- Explanation of the permit procedures as set forth in The Mining Act of 1971 by the Division of Land Resources, Land Quality.
- Public Comment - Comments, statements, data, and other information may be submitted in writing prior to or during the hearing or may be presented orally at the hearing. Persons desiring to speak will indicate their intent at the time of registration at the hearing. So that all persons desiring to speak may do so, lengthy statements may be limited at the discretion of the hearing officer. Oral presentations may not exceed the time limit established by the hearing officer. Any oral presentation that exceeds three (3) minutes must be accompanied by three (3) written copies, which will be filed with the hearing officer at the beginning of the oral presentation.
- Cross examination of persons presenting testimony will not be allowed; however, the hearing officer may ask questions for clarification.
- (Optional) The applicant may make a short presentation at the end of the hearing and may be available for individual/group discussion after the hearing is adjourned.
- The proceedings will remain open for a period of ten (10) days following the hearing for additional written arguments or statements.

It will be best to prepare your thoughts and write them down. You can submit photos with the copy of your comments at the public hearing. Comments shall be limited to those that related directly to the denial criteria below. DENR is required by law that a permit can only be denied for the following specific reasons (and no other)...

THE MINING ACT OF 1971, ARTICLE 7, 74-46. Title.

(d) The **Department may deny the permit** upon finding:

1. That any requirement of this Article or any rule promulgated hereunder will be violated by the proposed operation;
2. That **the operation will have unduly adverse effects on potable groundwater supplies, wildlife, or fresh water, estuarine, or marine fisheries;**

3. That **the operation will violate standards of air quality, surface water quality, or groundwater quality** that have been promulgated by the Department;
4. That **the operation will constitute a direct and substantial physical hazard to public health and safety or to a neighboring dwelling house, school, church, hospital, commercial or industrial building, public road or other public property,** excluding matters relating to use of a public road;
5. That **the operation will have a significantly adverse effect on the purposes of a publicly owned park, forest or recreation area;**
6. That **previous experience with similar operations indicates a substantial possibility that the operation will result in** substantial deposits of sediment in stream beds or lakes, **landslides,** or acid water pollution; ...

This is the only **single opportunity** for the public to voice their input. An attempt will be made to coordinate the speakers prior to the hearing. Persons interested in speaking are urged to write your thoughts down and send them to the following:

Suzanne Hendrix (coordinator)
377 Lickstone Road
246-2309
suzannehendrix@att.net

Alternatively,

Michael Rogers
100 Nettie Drive
452-0779

or **Cheryl Gunter**
45 Coy Drive
452-3530

mgrogerselectric@bellsouth.net

Michael Rogers and Cheryl Gunter will forward your speech to Suzanne Hendrix, who will coordinate. Include your name, address, phone number and e-mail address (if you have one).

There will be a dry run (rehearsal) at the

Grand View Lodge
466 Lickstone Road

on **Tuesday at 7pm, June 15th**. The purpose of the meeting will be to review comments people would like to present at the hearing, and have a chance to have comments critiqued.

Terry Ferguson, owner of the **Grand View Lodge** has offered a BBQ dinner prior to the meeting, from 5pm - 7pm. Price for the BBQ will be \$20 each, with \$10 going to the West Waynesville Environmental Protection Group (as a donation).

Monroe A. Miller Jr.,
19 Big Spruce Lane,
Waynesville, NC 28786
June 6, 2010