



May 28, 2009

The Honorable Richard J. Durbin
United States Senate
309 Hart Senate Office Building
Washington, DC 20510-1304

Dear Senator Durbin:

Coal companies, coal miners and their families need your help in fixing a regulatory system that is frustrating rather than promoting job creation, economic development and energy independence. Over 200 permit applications to construct and operate coal mines are pending at the U.S. Corps of Engineers District Offices in Huntington, West Virginia; Louisville, Kentucky and Norfolk, Virginia. Many of these permit applications have been pending for over a year apparently awaiting a ruling from the court of appeals on legal objections to the Corps' longstanding implementation of its permitting program under the Clean Water Act. Earlier this year the court of appeals rejected those objections as lacking merit—as it had several times before over the past decade—clearing the way for the Corps to issue the necessary permits.

Recently, the Environmental Protection Agency announced that it now wishes to separately review these permits notwithstanding the fact that it had the opportunity to do so long ago. This announcement raises the prospect that the backlog will only continue to grow. Indeed, despite representations several weeks ago that 42 permits would be issued, we have seen no evidence of any change.

In the meantime thousands of high-paying coal mining jobs at often twice the state average wage are at risk; the four additional jobs created by every coal mining job hang in the balance; tax revenues that sustain schools and vital services are lost; and the coal supplies that provide the reliable and affordable electricity for factories and businesses to operate have been interrupted. Just thirty of these permit applications would sustain or create almost 9000 coal mining jobs—and over 200

permits are currently caught in a regulatory black hole. While the present state of affairs would be intolerable even in the best of times, it is an especially perverse situation now when, on the one hand, our government will spend \$787 billion to prop up our economy yet, on the other, cannot process in a timely fashion the permits necessary to sustain the Nation's energy backbone.

Regulatory uncertainty and delay is the enemy of investment and economic growth. Coal companies, coal miners and their families deserve better. We ask for your assistance in fixing a regulatory system that will only continue to crush the investments, jobs and opportunities for the coal community.

Sincerely,

A handwritten signature in black ink, appearing to read "Hal Quinn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Hal Quinn
President & CEO
National Mining Association

A handwritten signature in black ink, appearing to read "David Roberson". The signature is cursive and somewhat stylized.

David Roberson
President
Alabama Coal Association

A handwritten signature in black ink, appearing to read "David Gooch". The signature is cursive and has a distinct underline.

David Gooch
President
Coal Operators & Associates



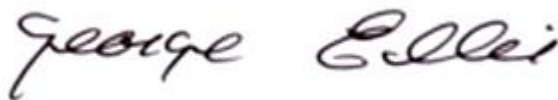
Phil Gonet
President
Illinois Coal Association



Nat Noland
President
Indiana Coal Council



Bill Caylor
President
Kentucky Coal Association



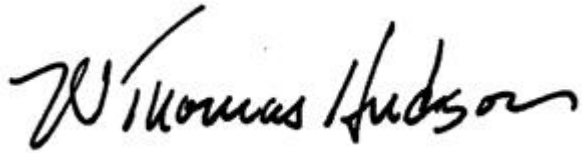
George Ellis
President
Pennsylvania Coal Association



Chuck Laine
President
Tennessee Mining Association

A handwritten signature in black ink, appearing to read 'M Carey'.

Mike Carey
President
Ohio Coal Association

A handwritten signature in black ink, appearing to read 'Tommy Hudson'.

Tommy Hudson
President
Virginia Coal Association

A handwritten signature in black ink, appearing to read 'Bill Raney'.

Bill Raney
President
West Virginia Coal Association