



June 10, 2022

VIA ELECTRONIC MAIL

U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Email: getinfo@osmre.gov

Re: Guidance on the Bipartisan Infrastructure Law Abandoned Mine Land Grant
Implementation – Comments submitted by Iron Senergy

Ladies and Gentlemen:

On May 23, 2022, the U.S. Department of Interior (“DOI”) issued draft guidance (“Guidance”) for eligible states and the Navajo Nation on how to apply for the first \$725 million in funding available for reclaiming abandoned mine lands (“AML”) as part of President Biden’s Bipartisan Infrastructure Law (the “Infrastructure Law”). We recently met with the Pennsylvania Department of Environmental Protection (“PA DEP”) to discuss our interest in reclaiming AML sites in a manner that is consistent with the Guidance and the initiatives of Pennsylvania Governor Tom Wolf and the PA DEP. While we are supportive of the Infrastructure Law and this appropriation of funds, particularly to states such as the Commonwealth of Pennsylvania, we are concerned with the numerous administrative steps in the Guidance and the possible delay in the awarding of funds for AML projects.

IRON SENERGY

As background, in December 2020, our company, Iron Senergy (“Iron”), acquired the equity of five (5) limited liability companies from Contura Energy, Inc. (now Alpha Metallurgical Resources, Inc. (NYSE: AMR)) that own certain assets in Greene County, Pennsylvania, including an active underground coal mine (the Cumberland Mine), a closed underground coal mine (the Emerald Mine), approximately 15,000 acres of owned surface land, and related mining equipment and surface infrastructure. While those assets had been in operation for several decades under numerous ownership groups and management teams, they are now serving as the foundation for a new platform - one focused on operating as a responsible energy company and serving as a blueprint for strategic reclamation and synergistic diversification within the U.S. thermal coal industry.

Our primary asset is the Cumberland Mine, which is an underground longwall coal mine. The Cumberland Mine has a dedicated workforce of approximately 700 individuals, including approximately 540 miners represented by Local 2300 of the United Mine Workers of America, making the Cumberland Mine the last union coal mine in the Commonwealth.

While once viewed strictly as a liability following its closure in 2015, the Emerald Mine, which we have re-branded as the “Greene Energy Center” (in a tribute to both the county (Greene County) and the type of projects we are pursuing at the site), serves as another important asset within our portfolio. In less than two (2) years, we have made tremendous progress on the demolition of the old infrastructure related to the Emerald Mine, with a portion of the site already repurposed to operate other commercial activities. In addition, we have partnered with industry experts to pursue various renewable energy and innovation opportunities at the Greene Energy Center. All of these projects at the site have and will continue to create jobs, tax dollars and benefit the local economy. In that regard, we believe that our Greene Energy Center can be instrumental to reclaiming AML sites throughout the Commonwealth.

AML RECLAMATION

One challenge for AML projects will be finding an acceptable storage location for coal refuse, as most, if not all, of the existing permitted coal refusal disposal areas (“CRDAs”) with capacity in the Commonwealth are currently serving as storage facilities for active coal mines. However, our Emerald CRDA No. 2 located at the Greene Energy Center, which is fully permitted, lined and not in use, has significant capacity (approximately 5-7 million tons) and is in close proximity to several AML sites. Furthermore, the Greene Energy Center already has a water treatment system, security, safety protocols and a private roadway (intersecting with State Road 218) that is maintained in good condition and is suitable for heavy trucks. Below is an aerial picture of the site with an arrow depicting Emerald CRDA No. 2:



We are interested in partnering with PA DEP to deposit coal refuse from AML sites in our Emerald CRDA No. 2. Additionally, we have informed the PA DEP that we would be interested in performing reclamation of the AML sites on a turn-key basis if PA DEP would like for us to evaluate and bid on any such work.

As discussed with PA DEP, we believe the benefits of such arrangement would be as follows:

- Iron is a “known commodity” to PA DEP, a responsible and permitted coal operator with experience in performing reclamation activities, owner of the last union coal mine in the Commonwealth and a valued corporate citizen of Greene County, Pennsylvania;
- PA DEP would have the ability to remove significant coal refuse from AML sites and dispose of the same in a manner that is safe, compliant with existing regulations and not prohibitively expensive;
- The arrangement could commence immediately, as Emerald CRDA No. 2 is fully permitted and the site already has all the necessary infrastructure to accommodate large capacity haul trucks and facilitate a tipping operation;
- Iron would be able to create new jobs (in an amount to be determined based on volume and the scope of the project) to monitor the refuse disposal program at Emerald CRDA No. 2 and, potentially, to perform reclamation work on AML sites;
- Using coal refuse from AML sites as fill material at Emerald CRDA No. 2 would reduce or eliminate the need for borrow areas to complete reclamation of Emerald CRDA No. 2 and hence the associated disturbance of virgin ground; and
- Iron would be able to reclaim Emerald CRDA No. 2 and bring it to grade in an expeditious manner, making the surface of Emerald CRDA No. 2 available for solar energy development.

To be more specific on the last point, in October 2021, an affiliate of Iron executed a Generation Interconnection Feasibility Study Agreement with PJM Interconnection, L.L.C. (“PJM”) with respect to a proposed 150 MW solar farm located at the Greene Energy Center (Confirmation Number: 17739EL0). As noted in our interconnection application to PJM, Emerald CRDA No. 2 provides valuable, high elevation land on which we plan to construct solar panels. One key issue to this development will be the filling and grading of Emerald CRDA No. 2, which will be achieved more quickly by filling the same with coal refuse from AML sites.

COMMENTS AND CONCLUSION

Iron’s participation in AML reclamation projects accomplishes the types of benefits that the DOI proposes to track and measure pursuant to the Guidance. Our involvement will not only help clean up AML sites throughout the Commonwealth, but it will also (i) create new jobs, (ii) help preserve over 540 high-paying union jobs at the Cumberland Mine, and (iii) reclaim Emerald CRDA No. 2 in a manner that is beneficial to the environment and conducive to the development of renewable energy.

Again, we are fully supportive of the Infrastructure Law and the appropriation of funds for AML reclamation, particularly to states like the Commonwealth of Pennsylvania that have extensive AML obligations. Our only comment to DOI with respect to the Guidance is to avoid

creating additional administrative steps to the release of funds and to avoid delays with regard to approvals and/or environmental studies for AML projects. It is important for the DOI and the states to make efficient use of taxpayer funds and accomplish the goals and intent of the Infrastructure Law in a timely manner, especially where project participants, like Iron and the PA DEP, can create the type of outcomes listed above that advance the priorities of the Infrastructure Law and the DOI.

Thank you in advance for your consideration of these comments.

Sincerely Yours,

A handwritten signature in cursive script that reads "B S Settles".

Brian S. Settles
Chief Administrative Officer

cc: Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation
Senator Bob Casey
Senator Pat Toomey
Congressman Guy Reschenthaler
Brian Turk, Oak Policy Group, consultant to Iron Senergy
Bill Plassio, Oak Policy Group, consultant to Iron Senergy
Justin Thompson, Chief Executive Officer of Iron Senergy