



Appalachian Region Technology Team Teleconference January 3, 2011

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
David Clark, Ohio Department of Natural Resources (OH DNR)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Robin Lighty, Pennsylvania Department of Natural Resources (PA DNR)
Peter Michael, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Harve Mooney, Virginia Department of Mines Minerals and Energy (VA DMME)
Paul Rothman, Kentucky Department of Natural Resources (KY DNR)
Charles Sturey, West Virginia Department of Natural Resources (WV DEP)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Bill Winters, Office of Surface Mining Knoxville Field Office (OSM KFO)

Team Reports:

Paul Rothman (KY):

- The legislature will be in session from January 4, 2011 through March 22, 2011. Given the change in the administration at the Governor's Office, there is some question about productivity at our level.
- The KY DNR is meeting with the OSM Lexington Field Office personnel this coming Wednesday (1/5/11) to complete the "action plan" on the EY 2010 National Priority on Bond Adequacy in KY. Since late August the KY DNR has been facilitating a working group comprised of representatives from the Division of Mine Permits, the Division of Abandoned Mine Lands, the coal industry, the surety industry, the environmental community, and the engineering consultant community for the purpose of revising bonding rates and developing a bond computation protocol. Those processes will be discussed during the upcoming meeting.

John Carey (MD):

- Maryland's governor will stay the same.
- We are looking at overall budget reductions.
- A bonus retirement plan has been offered to those state employees who meet certain retirement requirements subject to approval. The retirement bonus is \$15,000, plus \$200 per year of service and three months of paid health insurance.
- MD is in the process of phasing in a higher performance bonding rate on surface mines. Currently new permits are bonded at a total \$6000 per acre disturbed and \$1000 on all other undisturbed permitted acres. The process will begin to phase in the increase on other existing permits with a goal to get them to the new rate within approximately two years. Then focus on increasing the bonds on all permits to achieve full cost bonding.
- A question was raised about bonding deep mines which in MD are currently full cost bonded for surface disturbance. MD also evaluates the need for environmental bonding on the deep mine in the event that the permittee is compliance negligent primarily concerning subsidence and water quality. The amount of the bond is based on the anticipated cost of mine pool stabilization if the state would have to accomplish the work.

David Clark (OH):

- Our new Governor will be sworn in sometime later this month. The Columbus Dispatch is reporting that David Mustine will be appointed as the next Director of ODNR. Mustine is a former Senior Vice President of American Electric Power and he currently works for Terraseis Group, an oil and gas service business from Dubai. The Dispatch also is reporting that Scott Nally will head the Ohio Environmental Protective Agency. Nally was an assistant Commissioner with the Indiana Department of Environmental Management.
- Our Division is going to have our water replacement policy challenged. The Ohio Environmental Council (OEC) is threatening to file a complaint with Ohio's Office of Inspector General claiming that our policy of recommending 20-years worth of compensation to landowners for increased operation & maintenance costs is unconstitutional. OEC is suggesting ODNR has failed to properly address a 2008 constitutional amendment that addressed ground water rights on private property.
- Dave had a question for the other Appalachian Region States: What survival rate, if any, does each of your states require for riparian tree plantings? Does this survival rate have a bearing on bond release?

Robin Lighty (PA):

- The PA new governor 's "Back to Basics" initiative plans to have all PA DEP state regulations compared to federal rules and revised to primarily only match federal rules. Fourteen coal regulations were rewritten when this line-for-line comparison was conducted 16 years ago as part of Governor Tom Ridge's Regulatory Basics Initiative.
- Over the past few months Environmental Protection Agency (EPA) has filed objections to 11 bituminous coal permit applications. These objections are on applications for new or renewed permits for several underground mines, coal refuse reprocessing facilities, and surface mines located in regions of three different PA DEP District Mining Offices.
- The following is a news release from PA Environmental Digest PA: Senate Democrats said incoming Governor elect Tom Corbett and the next General Assembly will face a \$4.5 billion budget deficit. The Senate Minority Leader and the Minority Chair of the Senate Appropriations Committee said the loss of federal stimulus money, the new pension legislation and a projected case load increase of 3 to 5 percent in the case loads at the Department of Public Welfare will result in a \$4.5 billion budget deficit the incoming Corbett Administration must handle. The Majority Chair of the Senate Appropriations Committee, said there is at least a \$3.8 billion structural deficit the new General Assembly and Governor will have to deal with. He agreed, however, the deficit could easily top \$4 billion and said, "The next budget will be rough."

Bill Winters (TN): Nothing to report

Harve Mooney (VA):

- The Virginia Department of Mines Minerals and energy has a new director. Mr. Conrad Spangler came on board as the Director on January, 1, 2011. He has previously served as Director of the Division of Mineral Mining, and as the Chief Engineer of the Division of Mined Land Reclamation.
- The General Assembly of Virginia will re-convene two weeks from today. The political composition of the House has changed somewhat in this short session. Details on newly proposed legislation are upcoming.
- The EPA's Water Protection Division will be conducting a review of the National Pollutant Discharge Environmental System (NPDES) program in Virginia. Officials from Region 3 will conduct a review of the program's varied facets in

early January, 2011. Items to be addressed include civil penalties, enforcement issues, organizational structure, and inspections conducted.

Charles Sturey (WV):

- The definition of “Material Damage” has been upheld in court. The State of WV had a proposed rule which OSM approved. This was appealed in court by an environmental group led by Walt Morris. The court stated that the agencies acted appropriately.
- Deep mining permits are being scrutinized by EPA. This affects all mining-including deep mining operations, not just surface mining. This has caused a backlog of non-issued permits.
- Mark Holstine has left and Leslie Oaks will take his place as Charlie’s back-up for the ARTT team.

David Lane (OSM):

- The 2011 workshops topics were brought up for discussion:
 - (1) Stream Loss Prediction/Remediation/Prevention
 - (2) Approximate Original Contour.
 - (3) Humminbird depth finder to determine sediment levels in sediment ponds. (Dave Clark may have a Powerpoint presentation on this topic).

Peter Michael (OSM):

Peter Michael is taking over for Lois Uranowski as part of this team temporarily. A question was brought up about funding for State travel. Funding is probably unavailable due to severe cutbacks in their budgets.

- The Stream Protection proposed rule and Draft Environmental Impact Statement (DEIS) should be available within the next few months. A recommendation was made to hold off discussion of topics for the workshops until the proposed rule and DEIS are published and a final budget is passed for the Federal Government.
- The Team would like to discuss assessment and material damages and determine what impact the new EIS will have on the various states.

Note: Subsequent to the conference call, Mr. Michael obtained confirmation that Federal funding for State travel is not available. Consequently OSM ARO is exploring the possibility of holding “mini” technology transfer events at several State offices, in conjunction with State events already planned.



Appalachian Region Technology Team Teleconference February 7, 2011

Participants:

Bill Card, Office of Surface Mining, Knoxville Field Office (OSM KFO)
John Carey, Maryland Bureau of Mines (MD BOM)
David Clark, Ohio Department of Natural Resources (OH DNR)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Robin Lighty, Pennsylvania Department of Natural Resources (PA DNR)
Peter Michael, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Harve Mooney, Virginia Department of Mines Minerals and Energy (VA DMME)
Paul Rothman, Kentucky Department of Natural Resources (KY DNR)
Charles Sturey, West Virginia Department of Natural Resources (WV DEP)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)

Team Reports:

Paul Rothman (KY): Nothing to report

John Carey (MD): Nothing to report

David Clark (OH): Nothing to report

Robin Lighty (PA)

An electronic copy of the new Pennsylvania Department of Environmental Protection (PA DEP) Quality Management Plan was approved by the United States Environmental Protection Agency (US EPA) on January 7, 2011, and distributed to the ARTT team members. The US EPA approval is good for up to 5 years. This Quality Management Plan was developed to address environmental data quality and process needs of the US EPA for grant supported programs. Some of the items covered in this PA DEP policy include, procurement of items and services, documentation and records management, information systems and system development, quality assurance planning and implementation, and quality assurance assessment and response.

Bill Card (TN)

- Skyline Pine Ridge East mine, permit 3159, is now included in the Acid Mine Drainage (AMD) treatment trust fund, and a permit performance bond decrease is being administratively processed.
- KFO is processing the North Cumberland Lands Unsuitable for Mining (LUM) petition.
- Work continues on the Stream Protection Rule. The rule entered the surname process on January 19, 2011 and is scheduled to emerge from the process in April 2011. The Environmental Impact Study team has reviewed Chapter 4 and is reconciling comments with the contractors. The Preliminary Draft Environmental Impact Statement (PDEIS) is scheduled to be delivered to the team on February 23, 2011.
- A draft copy of Coal Mining Spatial Data Standards for Consolidated Title 5 Standards of GIS data was distributed last week.

Harve Mooney (VA): Nothing to report

Charles Sturey (WV): Nothing to report

David Lane (OSM)

- Discussion was held about having small workshops being brought to the State Offices by OSM. There was some discussion of conducting the training in more than one State at a time, as in the case of PA and WV, or VA and KY, to keep travel costs to a minimum.
- Dave Hartos is working on a Stream Restoration Workshop with four persons per State to be attending. Dates of the workshop are April 11-15, 2011 at the Lexington (downtown) Hilton hotel.
- The ARTT team will be planning on attending a face to face workshop in the fall of 2011. We are looking at the dates of September 19-21, 2011. Jeff Trump will be researching several candidate areas for the workshop.



Appalachian Region Technology Team Teleconference April 4, 2011

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Robin Lighty, Pennsylvania Department of Environmental Protection (PA DEP)
Peter Michael, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Harve Mooney, Virginia Department of Mines Minerals and Energy (VA DMME)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)

Team Reports:

John Carey (MD): Arbor Day is set for April 13.

Robin Lighty (PA): Nothing to report

Harve Mooney (VA) :

- Effective legislation on July 1, 2011 will delegate approval of NPDES permitting on mine sites to the Director of the Department of Mines Minerals and Energy. Currently, the State Board of Department of Environmental Quality had to delegate this responsibility to the DMME.
- The General Assembly of Virginia will re-convene two weeks from today. The main topic of discussion will be to finalize bills concerning environmental policies of air and water quality.
- Virginia will conduct their annual Arbor Day Event on April 15, 2011. The event will be hosted by Alpha Natural Resources on a permit on the Dickenson-Wise County border. About 400 students are expected to attend the event which features the theme "Putting Down Roots for the Future".

Peter Michael:

The technical position paper entitled “Potential of Impounded-Fine-Coal-Refuse Breakthroughs into Underground Mines” is close to completion. The first draft was provided to 26 impoundment experts (from academia, private industry, state regulatory agencies, other federal agencies, and OSM) for peer review in June 2010. Following receipt of the peer reviewers’ very constructive comments, a second draft was developed and presented to the Charleston Field Office management. Additional adjustments to the draft are being made. The co-authors of the paper hope to furnish a third draft for broader OSM management review before the end of April 2011, and publish it for public consumption by early May. The peer review comments and co-authors’ responses will be compiled in a separate document and made available to management, the peer reviewers, and anyone else that expresses interest.

David Lane (OSM):

The next ARTT teleconference will begin at 1:30PM on May 2, 2011.



Appalachian Region Technology Team Teleconference May 2, 2011

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
Tom Carroll, West Virginia Department of Environmental Resources (WV DEP)
David Clark, Ohio Department of Natural Resources (OH DNR)
Danny Ellis, Office of Surface Mining, Appalachian Regional Office (OSM ARO)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Eric Perry, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Harve Mooney, Virginia Department of Mines Minerals and Energy (VA DMME)
Paul Rothman, Kentucky Department of Natural Resources (KY DRN)
Charles Sturey, West Virginia Department of Environmental Resources (WV DEP)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Sheila Walton, Office of Surface Mining, Appalachian Regional Office (OSM ARO)

Team Reports:

Paul Rothman (KY):

On May 4, 2011, 100 students and their teachers from R. W. Combs Elementary in Perry County, Kentucky, along with student members in the Future Farmers of America, the Boy Scouts and students from Lexington Catholic Beta Club will plant native hardwood seedlings to promote reforestation and plant a large number wetland plants to supplement wetland creation on mined lands. The students will also learn how to create forest-based pollinator habitat for honey bees and other insects. The event will be hosted by the James River Coal Company on its coal surface mining operation located near Vicco, south of Hazard, Kentucky. Representatives from the Kentucky Energy and Environment Cabinet, the Kentucky Department for Natural Resources (DNR), the Kentucky Division of Forestry, the U. S. Office of Surface Mining will participate in the event. Rep. Fitz Steele, Sen. Brandon Smith, Donna McClure of Sen. Mitch McConnell's Office and Denny Ray Noble, Perry County Judge Executive will also participate.

John Carey (MD):

- Maryland (MD) has survived another legislative session with no significant impacts to our regulatory or abandoned mine reclamation program.

- MD had a successful Arbor Day (April 13th) with about 100 students participating and planting a couple acres of hardwoods on a reclaimed surface coal mine.
- We are going through the first phase of bond evaluations by meeting with each coal company and reviewing their bonds in comparison to the total disturbed acres on each permit. Meetings result in an agreement to reduce disturbed acres or increase bonds or a combination of both on each permit. We have met with approximately half of the MD operators to date and have experienced very productive results.

David Clark (OH):

- Retirements. Chief Husted announced his retirement effective at the end of June. No discussion about his replacement has been made public at this time. Terry VanOfferen, Deputy Chief of AML and both of his senior AML managers are also planning on retiring at the end of July. In addition our senior Geospatial Information Management Systems (GIMS) manager has announced her retirement.
- Ohio Received legislative approval for the transfer of 1.5 million dollars from the interest on the Bureau of Workers Compensation's Black Lung Fund for use in our Coal Regulatory Program in FY 2012. Ohio will use these funds to help us make our match in FY2012.
- Thanks to Bill Winters for his presentations at the recent Appalachian Stream Mitigation Workshop that was held in Lexington, KY. The entire forum was well attended and there was a tremendous amount of really detailed information shared between USACOE, USEPA, OSM, and a number of state regulatory agencies.

Sheila Walton/Danny Ellis (TN)

- Knoxville Field Office (KFO) is currently processing a lands unsuitable for mining (LUM) petition. The LUM covers protection for ridges for the North Cumberland Wildlife Management Area (WMA) and the Emory tracts Conservation Easement.
- KFO has just completed the public participation process. We hosted three public scoping meetings. The scoping comment period has ended and we are reviewing the comments for consideration on the scope for preparing an Environmental Impact Statement (EIS). We have received about 26,500 comments during this scoping period.
- KFO is still pursuing Cost Recovery for the Tennessee coal mining program;

- KFO recently had a fact finding visit conducted by Greg Muehl. He will use the information he obtained to calculate multipliers to use for cost recovery for the Tennessee Federal Program process.
- The Navajo Nation wants to prepare a regulatory program for mining on tribal lands. Willis Gainer, who retired from OSM, is consulting with the Navajo Nation on preparing the program. Members of the Nation and Willis will attend a briefing/training on May 4 and 5 at the KFO to become familiar with processes, guidelines, and technical memoranda used at the KFO as the regulatory authority in TN.
- KFO celebrated Arbor Day last week by planting trees at a Kopper Glo mine site with White Oak and Clairfield elementary schools.

Harve Mooney (VA) :

- **Arbor Day Celebration:** Virginia held its Arbor Day celebration on April 15, 2011. Our theme was “Putting down roots for the Future”. One thousand hybrid American chestnut trees were planted on a mine site in Dickenson County as well as other species. There were 450 school children there as well as several dignitaries from Federal and State Agencies. The celebration took place on a Paramount Coal Company VA LLC Mine.
- The Office of Surface Mining Reclamation and Enforcement (OSMRE) have completed its review of proposed revisions to the Department of Mines, Minerals and Energy’s (DMME) approved program. The proposed revisions addressed the public comment period and justification for extension with reasonable cause. OSMRE rejected the proposed regulation and granted additional time for a re-submittal.

Charles Sturey/Tom Carroll (WV):

- Introduced Tom Carroll to the Team as the backup person for WV DEP. Email address for Tom is Raymond.t.Carroll@wv.gov
- House Bill 2955 which was passed in the recent session of the West Virginia Legislature amends §22-3-7, §22-3-8 and §22-3-19 of the Code of West Virginia, regarding fees assessed to coal mining operators by the Division of Mining and Reclamation. This change becomes effective under State Law on June 16, 2011.
- Compaction study by OSM on refuse piles The first Compaction Study Site Visit, (April 14, 2011), took near Summersville, West Virginia. Before the first test was conducted the battery ran down and the two consultant personnel informed OSM that the battery would have to be recharged prior to any additional attempts to

test. The consultant was informed that the nuclear densometer needed to be standardized on this site on a concrete pad away from the mine refuse material so that the calibration would not be affected as per the owner's manual. The consultant complied and found a concrete slab approximately ½ a mile from the test location; but did not return. OSM went to look for the consultants personnel and returned stating that the nuclear densometer was giving unusual calibration readings and that testing could not be performed today due to the inability to calibrate the instrument. The second study visit (April 20, 2011) was attempted at the Jack's Branch location near Peytona, West Virginia. The nuclear densometer would not yield a moisture standard count or density standard count that was within the 4% recommended by the manufacturer. The third site visit is to be May 3, 2011 near Whitesville, West Virginia. OSM changed contractors and data was collected.

Robin Lighty (PA): Robin was unable to be present for the teleconference, but submitted this bullet:

New Amendments to Pennsylvania Coal and Gas Resource Coordination Act of 1984.

PA Senate Bill 265, which establishes adequate and safe spacing between natural gas well clusters and workable coal seams, was passed unchanged by the PA House April 27, 2011, and now goes to Governor Corbett for his action. The bill amends the Coal and Gas Resource Coordination Act of December 18, 1984 (P.L. 1069, No.214), to create adequate and safe spacing between gas well clusters and workable coal seams. No permit for a gas well covered by the act would be issued unless the well cluster is located at least 2,000 feet from the nearest permitted well cluster, unless the permit applicant and the owner of the workable coal seam consent in writing. Under PA Senate Bill 265, absent an agreement, either the coal operator or well applicant may activate a dispute resolution process to resolve the spacing issue. The bill also requires the department to commission an independent study to conduct a comprehensive evaluation and update of the Joint Coal and Gas Committee Gas Well Pillar Study. The study would assess appropriate pillar size around an active/inactive well or well cluster to protect the workable coal seam and ensure the safety of coal miners, as well as any additional criteria or standards that should be considered by the department when considering the approval of pillars around an oil or gas well which penetrates a workable coal seam. The bill further provides for plugging gas wells penetrating workable coal seams. The 2011 bill may be viewed at [Senate Bill 265](#).

Eric Perry (OSM):

Eric Perry reported on a hydrogeologist meeting held by the Pennsylvania DEP mining program on April 6-7. The one and a half day meeting included informal presentations by Pennsylvania permitting staff and program managers on topics including:

- Using GIS to delineate zones of stream loss
- Distinguishing water supply impacts from coal mining and gas wells

- Update on NPDES discussions between Pennsylvania and US EPA
- Availability of LIDAR data for Pennsylvania
- Investigation of possible mining effects on public water supply

Due to budget constraints this was the first hydrogeologist's technical meeting that Pennsylvania has been able to conduct in several years.

Jeff Trump (OSM):

The ARTT Team will meet September 19-22, 2011 at the Stonewall Resort located in Roanoke, WV. Reservations can be made under the Appalachian Regional Technical Transfer Team (ARTT) block of rooms at (304)269-7400 or at (888)278-8150. Cut-off for making reservations at the government rate is August 20, 2011.

David Lane (OSM):

The next ARTT teleconference will begin at 1:30PM on June 6, 2011.



**Appalachian Region Technology Team Teleconference
June 6, 2011**

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
David Clark, Ohio Department of Natural Resources (OH DNR)
Danny Ellis, Office of Surface Mining, Appalachian Regional Office (OSM ARO)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Robin Lighty, Pennsylvania Department of Environmental Resources (PA DEP)
Eric Perry, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Harve Mooney, Virginia Department of Mines Minerals and Energy (VA DMME)
Paul Rothman, Kentucky Department of Natural Resources (KY DNR)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Sheila Walton, Office of Surface Mining, Appalachian Regional Office (OSM ARO)

During the June 2011 teleconference, the following topics were discussed:

Future Conference Calls and ARTT Status discussion led by David Lane

- David advised the Team that OSM ARO management expressed a concern that conference calls seem to focus on State budget issues at the expense to developments in technology.
- Management suggested that conference calls be held on a bi-monthly basis since it appears that there is a lack of discussion on technology related issues.
- Management suggested that conference calls format change to focus on pre-determined topics so that team members can prepare for discussion prior to the calls
- Management is also concerned that ARTT has not conducted a workshop recently and appears to have lost momentum and is not as effective as in past years.
- The ARTT members expressed concern that OSM Management does not recognize the value of the monthly calls and that calls should continue on a monthly schedule as stated in the ARTT Charter. One member stated that the suggestion to reduce frequency is the first step in ARO Management terminating the ARTT.

- Team members are in favor of including a discussion on a selected topic during each call. Logistics will be discussed at the Fall meeting. Members must be given adequate time to prepare for discussion.
- Team members reminded David that OSM no longer provides funding for travel to workshops. This is the reason a workshop has not been held recently.
- Workshops will be discussed at the Fall meeting. Some suggestions were made about an updated workshop on blasting. Other possible topics discussed included: electronic recordkeeping, bonding, databases, AOC, overburden analysis and software applications. It was also recommended that OSM look into holding a workshop at the MSHA Academy to conserve finances.
- Team members expressed a concern that perhaps an individual manager is not supportive of Technology Transfer and is leading the criticism of ARTT.
- Team members request that Mike Robinson attend the ARTT Fall meeting and take part in a discussion on these issues.

Fall Meeting Agenda Update provided by David Lane

- David advised the Team the agenda for the meeting is progressing with commitments from Applied Science Principle investigators Braden Lusk, John Schwartz, W. Lee Daniels and Todd Petty. Mike Richmond from the Charleston Field office will make presentations on Rainfall Modeling and Coarse Refuse Compaction. TIPS and NTTP representatives will attend.
- Next ARTT teleconference is set for July 11, 2011 at 1:30PM.
- Jeff Trump reminded the Team of lodging arrangements for the Fall meeting.

TEAM REPORTS:

PAUL ROTHMAN (KY):

Kentucky DNR has been completely revamping its CHIA process and has been establishing “trend stations” at the mouth of HUC 12 watersheds in our eastern and western coal field. This will be a phased approach with immediate attention being given in those watersheds with the most active mining. Every trend station location has been inventoried, geo-referenced and baseline data collected. We have used this baseline information to build a digital inventory and we are making the trend analysis available to the public via our website. We are using two – three 2-man teams of field inspection personnel in each of our 5 regional offices to collect quarterly stream information and water samples for analysis by certified laboratories. We have completed training for all the teams in each the regional office on how to use flow meters, pH / conductivity meters, column water samplers, etc. We have also acquired the equipment for each of the teams.

JOHN CAREY (MD):

- The first in a series of several bonding changes has been completed. Bonding rates are increasing in yearly steps to achieve full cost bonding.
- MD has asked that KY send a copy of their AMD adjustments to include the field assessment with the Overburden Handling Plan.
- MD has reorganized its lab personnel that closed, to reviewing water quality data from industry required monitoring reports and other data available.
- MD plans to initiate AMD bonding this fall. Details are still being discussed.

DAVID CLARK (OH):

- Ohio hosted Director Pizarchik on June 3rd as he toured a number of mine sites in eastern Ohio. The Director looked at coal waste disposal, highwall mining, FRA, and stream reconstruction work during the course of his tour. The Army Corps participated at the stream reconstruction site. We appreciated the Director spending his Friday in Ohio.
- DMRM is in the final stages of implementing a new water quality database for all of our baseline, QMR, monthly NPDES, and routine sampling data. There will be a variety of reports generated by the new system and there will be alerts sent to the inspectors when there is a reported accident on the monthly NPDES results. The system has been tested and a final training schedule is being developed. The database will be web-based, and I'll share the link with the group as soon as it goes live.
- Our 2010-2011 furlough days will expire July 1st, and there is no talk of additional budget reductions or new furlough days at the present time.
- Ohio remains committed to the ARTT Team. We find value in the monthly calls, semi-annual meetings, and our involvement in the Applied Science program. The group is always very responsive, and having the forum to exchange information and thought on a routine basis is valuable. Ohio would encourage maintenance of the existing format.

ROBIN LIGHTY (PA):

- PA Bureau of Mining and Reclamation will be evaluating C Tech Development Corporation's Environmental Visualization System (EVS) software. The EVS modular analysis and visualization software is for high-end environmental, geologic or mining engineering applications. C Tech states that EVS provides user friendly kriging routines to create fully three-dimensional models of chemical distributions by geologic layer. Directs site assessment efforts by identifying locations of highest uncertainty and lowest statistical confidence. Representations can be isovolumes, colored surfaces, grids, arbitrary slices, visualization of vector data such as

streamlines of potential flow, isolines, etc. Volumes and masses of chemical plumes can be calculated for the total system or by geologic layer. Also creates three-dimensional fence diagrams displaying geologic layers and chemical concentrations with up to eight separate fence cross-sections simultaneously displayed.

- On May 27 the Department of Environmental Protection wrote a letter to the U.S. Environmental Protection Agency expressing concerns about NPDES mining permit reviews EPA was doing saying they only serve to increase permit review times and have "no environmental benefit." DEP Secretary Mike Krancer said "This significant shift in EPA behavior and policy toward NPDES permits in this particular area is disconcerting since this elevated scrutiny by EPA has little or no environmental or scientific basis and is contrary to almost three decades of past relationship between EPA and DEP." EPA is requiring DEP to send copies of pending NPDES permit applications associated with mining in the Monongahela River watershed. Since last August, the request resulted in 80 submission of draft NPDES permits to EPA Region III for review. "This additional review by EPA seems to be beyond EPA's Administrative staffing capabilities to review such permit applications in a timely manner," said Secretary Krancer. "These objections, particularly those regarding conductivity thresholds, do not reflect an appropriate level of scientific basis concerning the water quality (ionic signature) and aquatic communities of the receiving streams in Pennsylvania," The Pennsylvania General Assembly expressed concern about EPA mining permit reviews by passing [House Resolution 87](#) on May 3rd.

DANNY ELLIS (TN):

The 2011 ARRI Conference will be held August 2-4, 2011 in Knoxville. The conference will be held at the Hilton Knoxville in downtown Knoxville. The theme for the 2011 ARRI Conference is "Restoring Forest Ecosystem Service Using Forestry Reclamation Approach." July 2, 2011 is the date for early pre-registration. If you have any questions or need additional information you can contact Vic Davis at vdavis@osmre.gov or Jennifer Franklin at jfranklin@utk.edu.

HARVE MOONEY (VA):

VA is working with EOA on several items and hoping to come up with an acceptance of the 402 permits.



**Appalachian Region Technology Team Teleconference
July 11, 2011**

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
David Clark, Ohio Department of Natural Resources (OH DNR)
Danny Ellis, Office of Surface Mining, Appalachian Regional Office (OSM ARO)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Robin Lighty, Pennsylvania Department of Environmental Resources (PA DEP)
Harve Mooney, Virginia Department of Mines Minerals and Energy (VA DMME)
Paul Rothman, Kentucky Department of Natural Resources (KY DRN)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Kimery Vories, Office of Surface Mining Mid-Continent Regional Office (OSM MCR)

KIMERY VORIES (OSM):

Kimery explained to the ARTT Team about the release of funds that have become available to fund a couple of Applied Science Projects. Upon further review by the team –Kimery has sent the following excerpt to Lee Daniels.

It is the consensus of the Appalachian Region States and therefore of the OSM National Technology Transfer Team that your project not be expanded to OH or PA and instead focus on Objective 1 as follows:

Objective 1: To obtain a representative regional sample set of mine spoils and associated weathered overburden from the central Appalachian region with varying potentials for TDS release. We originally proposed to collect 12 to 15 regional spoil samples. Current funding from PRP/ARIES is supporting collection of a larger sample set from the KY/VA/WV region. We propose to use OSM funding to collect 12 to 14 representative spoils (4 - 6) from TN along with a range of coarse coal refuse materials (8) from VA and WV. The refuse materials will be selected to represent a range of lithologies and acid-forming potentials.

Mr. Daniels is being asked to proceed with the development of your revised proposal as listed above.

TEAM REPORTS:

PAUL ROTHMAN (KY): Topics were informally discussed, but no new state items were reported.

JOHN CAREY (MD): Topics were informally discussed, but no new state items were reported.

DAVID CLARK (OH):

- ODNR Deputy Director Mike Biddison is now serving as our Acting Chief. Former Chief John Husted retired at the end of June. Terry VanOfferen continues to serve as our Deputy Chief for the Title IV program, and Lanny Erdos continues to serve as our Deputy Chief for the Title V program.
- Legislation is pending in Ohio to separate our current Division into two Divisions. One would focus on oil and gas while the second will focus on mining. ODNR was previously aligned this way, but budget constraints in our former Oil and Gas Division led a previous administration to combine the mining and oil programs into one Division. Ohio successfully passed funding legislation for our oil and gas program and with the anticipated development of the Utica Shale gas play the Department has determined that once again being in separate Divisions would be the most effective way to manage our programs. The legislation creating the new Division is anticipated to be effective sometime this fall.
- Ohio and OSM signed the EY 2012 Performance Agreement on June 17, 2011. The new timelines in REG-8 were not as difficult to meet as we had originally anticipated.

ROBIN LIGHTY (PA): Topics were informally discussed, but no new state items were reported.

DANNY ELLIS (TN):

- Two new permit applications will discharge into a 303 (d) listed stream which is impaired by sediment levels. Draft NPDES permits were issued from the State Water Quality Section with a TSS limit of 70 mg/L with a rainfall exemption. EPA objected to the draft and now the TSS limit will be 70 mg/L with no rainfall exemption. State water quality is trying to obtain a rainfall limit exemption for TSS of 150gm/L but we are not sure that will pass EPA's review.
- State water quality has issued a Notice Of Violation (NOV) for concentrations of Selenium in the receiving stream that might exceed an in-stream water quality standard for total Selenium. Se is not currently an effluent limitation for an outfall. The State required a monitoring and treatment plan that included source identification. The site is a refuse area from a preparation plant that receives coal from several mines.
- The KFO prepared a response to a FOIA request concerning sediment pond designs and discharges for all coal mine basins constructed since December 2008. Our response was that the request was too broad, voluminous, and costly, and that the request should be narrowed.

HARVE MOONEY (VA):

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has completed its review of proposed revisions to the Department of Mines, Minerals and Energy's (DMME) approved program concerning the Public comment period for the Valid Existing Rights Determination. The proposed revisions addressed the public comment period and justification for extension with reasonable cause. OSMRE rejected the proposed regulation and granted additional time for a re-submittal. The modification of the current regulation now meets OSMRE approval and the State can proceed with the regulatory change.

DAVID LANE (OSM):

- An agenda is being prepared for the fall meeting for the ARTT Team. Gregg Conrad from IMCC will not be able to attend. Mike Richmond from WV is going to fill the time slot that was allocated for Mr. Conrad. Mike Robinson from OSM is also scheduled to be a speaker at the fall meeting as well.
- August 1, 2011 is our next scheduled teleconference.
- August 20, 2011 is the cutoff date for making reservations at Stonewall for the fall meeting.



**Appalachian Region Technology Team Teleconference
August 1, 2011**

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Robin Lighty, Pennsylvania Department of Environmental Resources (PA DEP)
Eric Perry, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Charles Sturey, West Virginia Department of Environmental Resources (WV DEP)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Sheila Walton, Office of Surface Mining Knoxville Field Office (OSM KFO)

TEAM REPORTS:

JOHN CAREY (MD): Topics were informally discussed, but no new state items were reported.

SHEILA WALTON (TN): Topics were informally discussed, but no new state items were reported.

CHARLES STUREY (WV): See attached spreadsheet .

ROBIN LIGHTY (PA):

PA Passive Mine Drainage Treatment Operation/Maintenance Assistance

Supported by a partnership between the PA Department of Environmental Protection and the [Foundation for Pennsylvania Watersheds](#), a Passive Treatment Operation and Maintenance Technical Assistance program is available from [BioMost, Inc.](#) and [Stream Restoration Inc.](#) This free-of-charge program has been created to provide technical assistance related to the operation, maintenance, and rehabilitation/replacement (OM&R) of passive systems for abandoned coal mine drainage treatment, and is available to watershed groups, nonprofits, conservation districts, and other state agencies. The goal is to empower watershed organizations by providing them with the tools and knowledge necessary to operate and maintain their passive systems and to assist when needed. Services that can be provided include, but are not limited to:

-Evaluating and troubleshooting maintenance and/or design issues related to treatment performance;

- Resolving minor maintenance issues such as unplugging pipes/treatment media, cleaning spillways and ditches, etc. and performing minor upgrades such as replacing valves, installing baffle curtains, etc.;
- Determining appropriate solutions to major maintenance/performance issues and assisting watershed organizations with obtaining funding to address these major issues;
- Assisting watershed organizations in establishing a trust fund for long-term OM&R;
- Evaluating passive systems for the potential of resource recovery to offset future OM&R costs;
- Providing educational opportunities to enable organizations to acquire the skills needed to conduct operation and maintenance on their passive treatment systems; and
- Providing educational opportunities for watershed groups and other organizations to learn how to use [Datashed](#), a user-friendly, online, GIS-enabled database to assist with the management of water quality data and the operation and maintenance of passive systems.

In order to receive technical assistance, the organization must be a watershed group, nonprofit, conservation district, or state agency that maintains at least one passive treatment system. Members, personnel, etc. from the requesting organization are strongly encouraged to participate/assist and learn (as appropriate) during site visits, O&M activities, water monitoring, etc.

DAVID LANE (OSM): Reviewed ARTT Fall meeting agenda. Some changes were made and updated accordingly.



**Appalachian Region Technology Team Teleconference
November 7, 2011**

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
Ken Eltschlager, Office of Surface Mining Appalachian Regional Office (OSM ARO)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Cheryl Socotch, Ohio Department of Natural Resources (OH DNR)
Charles Sturey, West Virginia Department of Environmental Resources (WV DEP)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Sheila Walton, Office of Surface Mining Knoxville Field Office (OSM KFO)

KEN ELTSCHLAGER (OSM): Gave an update of the proposed Bureau of Land Management/Office of Surface Mining Reclamation and Enforcement (BLM/OSMRE) merger. The Secretary of the Interior has signed an Executive Order that will be effective December 1, 2011. The Directors of OSM and BLM will be here in Pittsburgh on November 14, 2011 to discuss this and have a question/answer forum.

TEAM REPORTS:

PAUL ROTHMAN (KY): In the Governor's election in Kentucky to be held on November 8, 2011, it is expected that Steve Beshear successfully will win.

JOHN CAREY (MD): Topics were informally discussed, but no new state items were reported.

CHERYL SOCOTCH (OH):

- Ohio Valley Coal (Murray Energy) controversial "Casey Run" slurry/refuse application and mitigation plan was recently resubmitted to the Division. Both the ACOE and OEPA have determined that no additional mitigation plans were included and the plan is deficient and have forwarded comments to company. Division currently reviewing as well.
- The Division also dealing with Affected Mine Issue in southeastern portion of state with Murray Energy and various oil and gas producers hoping to develop Marcellus and Utica wells in the area.

SHEILA WALTON (TN): Topics were informally discussed, but no new state items were reported.

HARVE MOONEY (VA):

- Uranium is the watchword in Virginia. Currently the state is considering a proposal to lift the moratorium on Uranium mining in Virginia. There have been a number of public forums on the issue. Both pro mining and anti-mining factions were represented. The state is working on proposed regulations to regulate the uranium extraction.
- Virginia has received tentative notification from OSMRE of a Part 773 letter to address long-term pollution discharges. OSM asserts that the current bonding program does not address the treatment of such discharges. This will invariably result in legal action.

CHARLES STUREY (WV):

- There is a summary judgment case against EPA dated October 6, 2011. (See attached PDF).
- There is an amendment with the State of Kentucky concerning EPA on October 14, 2011 (See attached PDF).
- There continues to be a reduction in staffing in the area of AML in the State of WV.

OTHER ITEMS:

The team had discussed the possibility of having a workshop. Several options have been mentioned in the last couple of months. Overwhelmingly-the team opted to have a blasting workshop. There seems to be agreement among the team that due to travel budget and other budget constraints that the best place to have an event like this should be either the fire academy located in Emmitsburg, MD or at the MSHA academy in Beaver, WV. This will again be discussed at the next teleconference.



**Appalachian Region Technology Team Teleconference
December 5, 2011**

Participants:

John Carey, Maryland Bureau of Mines (MD BOM)
David Lane, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Robin Lighty, PA Department of Environmental Protection (PA DEP)
James Ratcliff, West Virginia Environmental Program Manager (WV EPM)
Paul Rothman, Kentucky Department of Natural Resources (KY DNR)
Charles Sturey, West Virginia Department of Environmental Resources (WV DEP)
Jeff Trump, Office of Surface Mining Appalachian Regional Office (OSM ARO)
Dave Vandelinde, Chief, West Virginia Office of Explosives and Blasting (WV OEB)

BLASTING WORKSHOP DISCUSSION:

The Team had discussed and proposed a Blasting Workshop to be held at the MSHA Academy located in Beckley, WV. The Team mentioned that the Mid-Continent representatives should be invited as well. Discussion was held about having fewer formal presentations and more interaction and discussion between the States. Training for inspectors, technology transfer and industry input were among the “needs” of the States. We are looking at a workshop of 50-60 people to attend this.

There was strong support expressed for the proposed Blasting Workshop (to be held at MSHA site) by ARTT members MD, PA, WV, KY, and VA, and also from OSM participants on the call.

Some of the topics to be presented would be:

- Blasting Records
- Fumes
- Flyrock
- Gas Drilling
- Seismic measurements
- Gasoline/Coal Pipeline
- Blasting Enforcement issues

TEAM REPORTS:

PAUL ROTHMAN (KY): Late last week (11/30/2011) Commissioner Carl E Campbell's employment with the Energy and Environment Cabinet was terminated without cause. As yet a new commissioner for the Department for Natural Resources has not been named so Deputy Commissioner Larry Arnett will be filling in as acting Commissioner in the interim.

JOHN CAREY (MD): No new technical transfer topics to be reported.

ROBIN LIGHTY (PA): No new technical transfer topics to be reported.

HARVE MOONEY (VA): No new technical transfer topics to be reported.

CHARLES STUREY (WV): No new technical transfer topics to be reported.

CHERYL SOCOTCH (OH): Although Cheryl was unable to attend the teleconference, she sent in this comment:

Mike Mann, Ohio's blasting specialist does not feel that a blasting workshop similar to the blasting conference/workshop held in Ogelbay about three years ago is beneficial at this time.

OTHER BUSINESS:

As a follow-up to the ARTT December 5 conference call, an impromptu conference call for a Blasting Workshop was held. During this call, the managers from all of the Appalachian Region state blasting programs decided to support a workshop that focuses on blast plan permitting and performance standards. The workshop should focus on implementing the technical components of the first workshop into the blast plans and performance standards. Two hour blocks of time should be allotted to each presenter for adequate time to present material and enable open discussion. Potential topics may include fumes, vibration impacts on impoundments, writing blast plans, blasting seismograph data interpretation, etc

The next ARTT conference call will be held February 6, 2012 at 1:30PM.