



Appalachian Technology Transfer Teleconference

**Final
December 2008**

December 1, 2008

David Lane (OSM)
Robin Lighty (PA)
Harve Mooney (VA)
Nancy Pointon(OSM)
Cheryl Socotch (OH)
Charles Sturey (WV)
Jeff Trump (OSM)
TN-absent
KY- absent
MD- absent

Discussions included:

Harve Mooney (VA):

- Virginia continues toward its commitment toward a paperless work environment. Our permit applications are already electronic as well as our inspection reports. We are now developing a system whereby enforcement actions will be electronic as well. We have spoken with the Attorney General's Office for an opinion and as of the first quarter of 2009. We hope to implement the issuance of violations electronically. The AG's Office assures us that email violations are at least as credible as tendered as certified mail.
- The Virginia Department of Mines Minerals and Energy and the VA Department of Transportation are jointly implementing the digital signature initiative as a pilot program.

Robin Lighty (PA)

- Pennsylvania Climate Change Act and Carbon Sequestration. Act 70 of 2008, the Pennsylvania Climate Change Act, requires the Department of Environment Protection (DEP) to establish a permanent climate change advisory committee, designate voluntary emissions and offset registries, establish annual greenhouse gas inventories, develop an impacts assessment that identifies both scientific and economic impacts to Pennsylvania from climate change, and create a climate change mitigation action plan. The inventories, impacts assessment, and climate change action plan are to be presented to the General Assembly and Governor, and are to be updated every three years. Currently, DEP is working with the climate change advisory committee to comply with Act 70. Coal bed methane released during the mining of coal is one of the significant greenhouse gas emission sources within Pennsylvania.
- Act 129 of 2008, amending the Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requires Department of Conservation and Natural Resources (DCNR) to conduct studies of carbon capture and sequestration, and present its findings to the Governor and the General Assembly by mid-to-late 2009. The studies will include: (1) identification of suitable geological formations for the location of a CO₂ sequestration network (due May 1, 2009); and (2) an independent assessment (due November 1, 2009) of the following: a) costs to establish, operate, and maintain a CO₂ sequestration network; b) safety and potential risk to individuals, property, and the environment associated with the geological sequestration of CO₂, c) existing federal and state regulatory standards for the storage of CO₂; d) factors contained in the U.S. EPA's vulnerability evaluation framework for geologic sequestration of CO₂; e) different types of insurance, bonds, other instruments and recommended levels of insurance which should be carried by an operator of a state network during construction and operation, and availability of commercial insurance; and f) models for the establishment of a Commonwealth fund to provide protection against risk. Following review of the above, Act 129 authorizes DCNR to conduct a pilot project to determine the viability of establishing a network in Pennsylvania that facilitates carbon capture, pipeline transmission, and geologic sequestration. EPA is promoting the use of coal formations as possible reservoirs for carbon sequestration, which would prohibit future mining of the coal.

Cheryl Socotch (OH)

- **HB443 (General)** --Second set of DRAFT Rule changes submitted to staff for comment (from language imposed as part of HB443)
- **HB443 (AMD/Hydro)** -- Response to HB language requiring:
 - 1) Ohio to ensure that the potential for a mine site to produce mine/acid-drainage or cause material damage to the hydrologic balance is clearly addressed prior to permit issuance; providing for monitoring and identification of unanticipated mine drainage (acid); and
 - 2) Ohio to develop guidelines and methodologies which describe means for consistent collection and interpretation of Acid Base Accounting (ABA) data and how new language (numerical criteria) may be applied.

In response to these tasks of HB443 Hydro workgroup two new directives have been completed and are out for comment to ODNR staff, industry and OSM: Procedure Directive (PD)-- *Inspection & Enforcement 2008-03: Evaluating Post-Mining Discharges*, PD provides for: establish criteria and thresholds for evaluating untreated discharges from reclamation (post-mining) areas, with respect to whether pollution of surface and subsurface water is occurring; the potential for long-term concerns; and performance security and long-term financial security.

Guidance Directive-- *Overburden Analysis Guidelines*

- **OSM/MRM Joint AMD Team**
 - Will re-evaluate the 32 permits currently on the AMD Inventory List
 - Will review current procedure for issuance of Chief Orders (CO) for compliance on mine drainage issues; will review existing 18 Chief Order's outstanding for AMD issues on permits
- **DRAFT legislation** of new Senate Bill to amend the Ohio Revised Code (ORC) to transfer from the OEPA to the ODNR-MRM all authority over programs under the Clean Water Act at coal mining and reclamation operations: to include ---
 - Section 401 water quality certifications
 - Installation permits for disposal systems (PTI)
 - NPDES
 - Storm Water Pollution Prevention Plan (SWP3)
- **Water Quality Database Phase 2 update** (OSM Research Grant)
 - Recent problems with 'sole source' funding issues; hopefully problem will be solved with immediate future

- Meanwhile, core team members from Phase 1 working on electronic (LIMS) data transfer from lab to database; reports and other flow problems from Phase 1 that remain unresolved.

Jeff Trump (OSM):

69 People attended the Blasting Workshop held in Wheeling, WV from November 17-20, 2008. Overall satisfaction rating for this event was 94%. Some of the comments included were:

- “Very well managed. The people behind the scenes really did a super job of making the conference flow in a professional manner.”
- “Very good conference. Speakers well prepared. I enjoyed listening to all the speakers, speaking and discussing programs with others from different state programs.”
- Vendors – we can see new products, seismographs blast design – caps.
- “Even though I would like to see training with panel discussion between different states inspector later, this training is excellent with such a variety of speakers. Congratulate yourself on a job well done!”

David Lane (OSM):

The ARTT Spring 2009 meeting will be in Charleston WV Feb 24-25, 2009 at the Embassy Suites Hotels. Purpose of this meeting is to evaluate and rank the 2009 Applied Science proposals. David will provide more information as details with the hotel are finalized.

Next Conference Call is January 5, 2009 at 1:30 PM.



Appalachian Technology Transfer Teleconference

**Final
January 2009**

January 5, 2009

John Carey (MD)
Jeff Emmons (OH)
David Lane (OSM)
Robin Lighty (PA)
Harve Mooney (VA)
Paul Rothman (KY)
Charles Sturey (WV)
Jeff Trump (OSM)
Bill Winters (OSM-TN)
Lois Uranowski (OSM)

Discussions included:

Paul Rothman (KY)

Kentucky is experiencing a significant budget shortfall (approximately 460 million dollars) for the remaining fiscal year ending in June, and the expectation is that next fiscal year may be even worse. We have already undergone a number of budget cuts and this has resulted in a reduction in staffing levels (conveniently attrition at this time). Any “out-of-state” travel requires sanction by the Secretary’s Office and has been severely restricted. “In-state” travel has as yet not been impacted if it doesn’t require overnight accommodations. Due to retirements, the Kentucky surface mining program experienced a significant loss of experienced personnel over the past few months and hiring has been slow.

John Carey (MD)

The State of Maryland has initiated a furlough initiative. Depending upon salary, State employees have to take a “mandatory” five day furlough.

Jeff Emmons (OH)

Dave Clark is now the Technology Transfer contact for Ohio. He is located in the Cambridge office at: ODNR Division of Mineral Resources Management, 2050 East Wheeling Avenue, Cambridge, Ohio 43725. Dave's official title is Field Operations Manager.

- He can be contacted at 740 439-9079 or dave.clark@dnr.state.oh.us.
- Senate Bill 386 was introduced to require the Division of Mineral Resources Management to assume the 401 water quality certification from the Ohio EPA. After numerous modifications the assumption of OEPA duties was removed and the bill, still pending, only has time requirement for processing of a coal mining permit.
- As a result of the coal ash spill in Tennessee, Ohio has completed a review of permits for coal ash impoundments. There are none on permitted mine sites in Ohio.

Robin Lighty (PA)

Nothing to report.

Bill Winters (TN)

- Treatment Trust fund – TN has developed the first Federal AMD treatment fund last year and has developed a financial model to calculate treatment trust fund costs. The model allows yearly reconciliation of treatment costs, investment portfolio mixes, and periodicity changes for capital costs.
- Electronic Permitting – TN is preparing to release their electronic permit. The software prepares a fillable document, map attachments, and comes with a track changes feature allowing document changes to be tracked for easy reviewing. Electronic certification/signature is un-resolved at the moment. A signature cover page will likely be instituted in the interim to get the package off the ground.

Harve Mooney (VA):

- Virginia has had a number of reassignments in the DMME as of January 1, 2009. The new Director of the Department of Mines Minerals and Energy (VADMME) is Steve Walz. (He previously was the Director of the Division of Energy). Bradley Lambert had taken Benny Wampler's place as the Deputy Director of the

Department. The new Director of the Division Of Mined Land Reclamation (VADMLR) is Jack Davis.

- Budget woes continue to plague Virginia as well. VADMME has reduced the staff at its Division of Geology and Mineral Resources. The Agency eliminated 9 positions and moved four additional positions to VADMLR.
- The Virginia General Assembly convenes next month.

Charles Sturey (WV):

- Definition of Material Damage approved Christmas Eve (2008)
- E-Permitting requirement effective 1 January 2009

Arielle Avishai (OSM)

In the past 4 years, OSM has funded a total of 46 Applied Science Projects from all three OSM regions with 29 projects funded in the Appalachia Region. Currently, there are a total of 31 active projects and 15 completed projects. In the Appalachian region alone, there are 19 active projects and 10 completed projects. As of Jan 5, 2009, there are about 3 -4 projects that are very close to being completed and the final reports submitted.

To date, OSM has obligated over \$3.8 million for these projects with over \$2.6 million funding the Appalachia Region projects.

The applied science projects span over a wide range of topics and categories. These categories include;

AMD (5); Reforestation and Reclamation (20); Mine Water Treatment (5); Ecology (3); GIS and mapping (4); Hydrology (4); Education (1); and Engineering (4). These numbers include projects from all three OSM regions.

There are 2 projects that are considered delinquent:

1. *Geospatial Technologies for Regulatory Oversight on Mining and Reclamation Operations- Wilkes University.* This project has been cancelled without reaching all the objectives being accomplished.
2. *Development of a WCMS-HSPF Groundwater Model Component for Underground Mine Hydrologic Assessment- West Virginia University Research Corps.* There was a site access agreement issue that did not allow the researchers onto the mine site to conduct their work. The deadline of the project, with prior approval from OSM, has been extended by 12 months and the work/research has been moved to another mine site.

David Lane (OSM):

The ARTT Spring 2009 meeting will be in Charleston WV Feb 24-25, 2009 at the Embassy Suites Hotels. Details are as follows:

The hotel will hold a block of rooms until February 2, 2009. The room rate is \$95.00 per night. To reserve a suite at this rate, please make your reservation by **February 2, 2009** by calling **1-800-EMBASSY** or go online to www.embassysuitescharlestonwv.com. You must use the **OSM** name when making reservations in order to receive the discounted rate. Online you will enter this 3-letter code (OSM) in the group/convention code space.

Office of Surface Mining
February 23rd – 25th, 2009
Embassy Suites Hotel
300 Court Street ~ Charleston, WV 25301
www.EmbassySuitesCharlestonWV.com

Our tentative agenda is as follows:

ARTT Spring Meeting
February 24 & 25, 2009
Charleston, WV

Tuesday February 24

7:15 AM - 8:00 AM	Breakfast
8:00 AM - 11:30 AM	Team reports
11:30 AM - 12:30 PM	Lunch
12:30 PM - 12:45 PM	Charleston FOD Comments
12:45 PM - 2:00 PM	Establishment of the ARTT Applied Science Project Guidelines and Rules
2:00 PM - 5:00 PM	Review of the all Applied Science Project Proposals

Wednesday February 25

7:15 AM - 8:00 AM	Breakfast
8:00 AM - 9:00 AM	Overview and Ranking Factors
9:00 AM - 11:00 PM	Final Rank Applied Science Proposals
11:00 AM - 11:30 AM	Fall Meeting Planning



Appalachian Technology Transfer Semi-Annual Meeting

**Final
February 2009**

February 24-25, 2009/Charleston WV Embassy Suites

John Carey (MD)
Jeff Emmons (OH)
David Lane (OSM)
Robin Lighty (PA)
Harve Mooney (VA)
Paul Rothman (KY)
Charles Sturey (WV)
Jeff Trump (OSM)
Lois Uranowski (OSM)
Rick Buckley (WV)
Bill Winters (OSM-TN)

Discussions included:

Robin Lighty (PA)

There are two attachments provided for the team members to review. They are: Notice for New 2009 Bond Rate Guidelines and PA Permit Stormwater Factsheet.

John Carey (MD):

- General Permits require the filing of a Notice of Intent for discharge (permits). Maryland has been doing this for about five years; EPA hasn't approved the new General Permit to date so we're not granting those at this time.
- Bonding Issues: Still moving toward full cost bonding. First step was to increase per acre from \$4000.00 to \$4500.00, and within the next six months, up to \$5,000.00/ acre. Problem is that the insurance (bonding) industry is requiring 75% collateral which is very difficult for small mining companies to provide Full 50% state share of Title V funds may not be available due to Maryland budget restrictions

- To help balance the budget, Maryland state employees will be taking 5 furlough days this year and possibly more next.

Bill Winters (TN)

- Bonding issues – TN has experienced several under-funded forfeiture sites. Under-funding relates to larger volumes of pit and associated highwall compared to volumes used during bond calculation
- Re-mining – TN has 5-6 new permits with re-mining proposed. KFO is looking for ways to provide incentive for mining companies to do re-mining and reclaim highwall
- TN AML Program – TDEC is taking back Title IV program
- Scenic Vista bill (TN) – Bill introduced in TN house of Representatives that will attempt to limit coal mining to certain elevations
- Stream buffer zone – KFO is evaluating new SBZ rule, implications to existing permits, future permit applications, and stream diversion process. Current stream diversions and associated mitigation and restoration are handled by TDEC in an Aquatic Resource Alteration Permit (ARAP). Final guidance on SBZ pending at Department.

Charles Sturey (WV):

- Cougar Energy (Australia)-talking about using insitu coal gasification to convert to natural gas (would result in 70% removal of coal)-thos process would produce surface impacts. Subsidence is expected because of the large volume of water used in the process.
- State government wants surface mines to reduce carbon footprint.
- TMDL limits to ½ PPB, ½ pt iron
- Field #3 EPA-affluent level-dissolved solvents, no bond releases >100 (impossible to obtain)

Paul Rothman (KY):

- ARRI Conference set for August 3-5, 2009 at Prestonsburg (KY) State Park
- 3 field trips planned highlighting FRA bee hives established on the Guy Cove Area, Stream Restoration area, and demonstration of actual site preparation and tree planting. Luncheon will be on Trinity Coal Company.
- Continuing personnel shortages: 80 retirements, permitting staff down to 12 from a staff of 50. Historically process 1000 permits per year, Due to staff reductions there are fewer surface mining permits being issued, a study is being conducted to better define the problem.
- Surface Mining Enforcement -75% of staff has less than 5 years experience. Now partnering senior inspectors with junior Inspectors to facilitate the training process.

Dave Clarke (OH)

- Ohio is also facing budget constraints. Our labor contract is being negotiated, and there continues to be discussion about possible furloughs, and/or pay cuts for FY-10 and beyond. Ohio has been fortunate to be able to backfill existing vacancies and add select staff not only within the AML program, but also within the permitting and inspection portions of its Title V program.
- Efforts continue with policy development and rule implementation as a result of two recent legislative efforts in Ohio. HB 443 addressed Ohio's bonding program, and SB 386 set limits on the time frames for permitting actions. Work continues with OSM relative to the necessary program amendments.
- Ohio is currently defending its decision to require Peabody Coal to reclaim a slurry impoundment. The impoundment is underlain by a sealed underground mine complex. The cover between the bottom of the slurry and the mine works is as little as 40 feet. This case is of particular interest in that Peabody and the Division resolved the permitting issues and subsequently approved a plan that would eliminate the impoundment, but the landowner took issue with that plan and appealed DMRM's approval. Ohio's administrative review board, (Reclamation Commission) ruled that the landowner did not have standing, but a county appeals court reversed that decision and remanded the matter back to the Commission for hearing.
- Ohio is also experiencing a renewed interest in fly-ash impoundments since the Tennessee incident.
- Ohio asked how offsite mitigation of stream and/or wetland issues was being handled by other states. There did not seem to be a consensus response, but Mr. Rothman did describe Kentucky's approach when reforestation is proposed in bottomlands. KY does not require SMRCA permitting, but does maintain control of the effort through its internal processes.

Harve Mooney (VA)

- TMDLs are developing into a significant issue in Virginia. Current potential stressors include total dissolved solids, Polychlorinated Biphenyls (PCB's) and Polyaromatic Hydrocarbons (PAH's). Due to the minute detectable limits of these compounds, it will be difficult to set allocations that can be attained.
- Budget woes continue to plague Virginia as well. The Department of Minerals and Energy (VADMME) has reduced the staff at its Division of Geology and Mineral Resources. The Agency eliminated 9 positions and moved four additional positions to the Division of Mined Land Reclamation (VADMLR)
- The agency recently issued enforcement action for a company that exceeded the wasteload allocation in an approved TMDL stream (Dumps Creek). The operation exceeded the limitations on TDS in the stream. This was the first exceedence of a TMDL.

Rick Buckley (WV/OSM)

The service ARTT provides is important to WV and to other places in the Appalachian Region

- In WV, we have several science related issues needing help. In our oversight we have identified several areas needing science based solutions:
 - AMD – Need more science fixes (e.g. selenium, aluminum, even pH)
 - In-situ stream treatment and mixing zones – using streams as a mixing zone for treatment / Important for AML Program / AML-Set aside funding (affects WV, PA, and MD) -
 - Stream Dewatering (unlike PA, in steep slopes of WV streams do not heal over.)
 - Slurry Impoundments –fluid retention over time and how dangerous for how long?
 - Impoundments need to be GIS referenced
 - Flood Control Calculations -Need more study on the calibration of models to calculate runoff (peak discharges) as well as improved monitoring with the ultimate goal to reduce surface runoff. .
 - Mine Pools – where water goes and how well predictions work
 - Slurry Injection –the expectation is that further requests will be made by citizens for a review of slurry constituents. There is a need for adequate monitoring and training in understanding and testing for organics.

The rest of the meeting was devoted to ranking 63-2009 Applied Science proposals.



**Appalachian Technology Teleconference
Final
April 2009**

John Carey (MD)
Dave Clarke (OH)
David Lane (OSM)
Robin Lighty (PA)
Harve Mooney (VA)
Nancy Pointon (OSM)
Paul Rothman (KY)
Jeff Trump (OSM)
Lois Uranowski (OSM)

Discussions included:

Paul Rothman (KY):

- The Kentucky Arbor Day Event was on April 24th and placed an emphasis on the planting of Appalachian hardwoods species (Oaks & Buckeye) and American Chestnut seedlings on the Pine Branch Coal Sales operation in Perry County. 115 children from the local middle school will assist in plantings. Another ARRI tree planting event will include assistance from 40 VISTA volunteers.
- The 2009 ARRI Conference will be held in Prestonsburg, KY on Aug 4-6, 2009 and ARTT members are encouraged to attend.
- There has been approximately 12% in cumulative budget cuts in KY state government. Also lost the Director of Technical and Administrative Services (Mark Thompson).

John Carey (MD):

- Arbor Day-set on forfeited mine sight, applying FRA techniques
- 3,000 trees native trees being planted
- Out of State travel-bleak forecast because of money not being budgeted.

Dave Clarke (OH):

- Ohio reported on its Arbor Day activities. Ohio presented its 2008 Reforestation Award to Oxford Mining Co., LLC at a ceremony at Oxford's Jockey Hollow West surface mine. In addition to the awards ceremony, a group of volunteers from ODNR, OSM, Ohio University, and Oxford Mining planted 600 hybrid Chestnut trees in staked tree tubes. Ohio will host a second Arbor Day celebration near Barnesville, Ohio on April 18, 2009.
- Ohio's labor union ratified a new contract that will take effect on April 15, 2009. Two weeks of "cost-saving days" (furloughs) are planned along with a loss of personal days, step increases, and pay increases. Ohio's managers may also face a pay-cut for FY-10. Ohio is also implementing steps to reduce or eliminate the availability of take-home vehicles for the field inspection staff.
- Rule development continues as a result of recent legislative changes in Ohio. Changes in the bonding program have resulted in a significant rule making effort.
- Ohio issued a new Procedure Directive in March. The directive will assist inspection and technical staff with the Evaluation of Post-Mining Discharges by establishing criteria and thresholds for the evaluation of untreated discharges from reclamation, and/or post-mining areas. Ohio will circulate the final document under a separate e-mail to each of the committee members.

Robin Lighty (PA)

- State web site promoting ARRI
- Flight 93 crash site –PA working on this becoming a DOI park service

Nancy Pointon (OSM)

- AMD/AML Issue workshop/forum being planned for early 2010, 40-50 persons to be attending/planned for this event
- "Local Drive" time taken into account, NTTP being asked for funding to offset travel costs.
- POC's for this event may be Steve Holman (KY)-"non-issue" for AML issues/problems, Mark Meade-Assistant Director
- Non-significant issue in VA
- Tim Eagles – TN
- Drainage issues-WV-in litigation

Lois Uranowski (OSM)

Attended NTTP meeting with Paul Rothman in San Antonio. Review of 42 Applied Science Projects during 1 ½ days.

Jeff Trump (OSM)

Fall Meeting (ARTT) set for Sept 15-17, 2009. We will be staying at the Meadowview Marriott Conference Resort & Convention Center. Reservations can be made by calling for the OSM Block of rooms (423)578-6600. Address for the hotel is listed as: Marriott MeadowView Conference & Convention Center, 1901 Meadowview Parkway, Kingsport, TN 37660. Separate agenda will be forthcoming per David Lane.



**Appalachian Technology Teleconference
Final
June 2009**

John Carey (MD)
Dave Clarke (OH)
David Lane (OSM)
Robin Lighty (PA)
Jeff Trump (OSM)
Lois Uranowski (OSM)

Discussions included:

Robin Lighty (PA):

Beneficial Use of Ash Certification Requests: All coal ash used at active and abandoned mine sites must be in compliance with the PA Department of Environmental Protection's new standards and be certified through the centralized process by July 30, 2009. Currently, three sources are under review. Tennessee Valley Authority and PSEG-Mercer ash was rejected for beneficial use certification and returned. On May 15, a letter was sent to 39 ash generators that had previous approval to send ash to Pennsylvania mine sites. This letter notified them that if they did not get their requests in around June 1, the DEP could not guarantee that the requests could be reviewed and acted upon by the deadline. It is expected that the bulk of these requests will be submitted in June and July resulting in a large backlog of work through October. A complicating issue is that several of those permits have General Permits (GP) approved by the PA DEP Bureau of Waste Management. Previously, they did not have to undergo an approval process through the PA Bureau of Mining and Reclamation and a determination has been made that, in order to allow placement of material at mine sites, this material must meet the certification requirements. This affects 12 generator sources that have GPs for alternate fuels or mixing of residual waste with ash. Questions remain on some ash generator sources with regards to processes in place that do not ensure a consistent quality of ash. Staff is working to determine if the smaller industrial sources (particularly the paper mills) will actually be able to consistently attain certification standards. Complete information, technical guidance, certification guidelines, reporting requirements, and forms are available on the PA DEP Bureau of Mining and Reclamation website at:

<http://www.dep.state.pa.us/dep/deputate/minres/bmr/programs/beneficial.htm>

Trust Fund/Bond Oracle Database Tracking for Post-Mining Discharges: Progress is being made in converting the tracking of Trust Funds or Bonds for mine sites with post-mining discharges. Previously, these financial assurance mechanisms were tracked in a Microsoft Access database. Enhancements to PA DEP's Oracle database will allow, for the first time, centralized tracking of trust fund performance from year to year. The enhancement also allows much more detail to be tracked. Because the previous Access database does not include this detail, the Oracle database records FACTS must be created manually. Compiling the data is the most time-consuming part of the process. There are about 400 records needed. PA District Mining Office staff have created about 75 of the needed records so far. The PA Bureau of Mining and Reclamation is assisting with the project. The goal is to have all information transferred to the DEP Oracle database by June 30th. The Oracle print screen images below show the various new trust fund/bond fields that will be tracked.

The screenshot displays a web application interface for tracking mining and reclamation details. The browser window title is "Oracle Application Server Forms Services - WebUtil - Microsoft Internet Explorer provided by DEP". The application title is "Mining and Reclamation PF/SF Details Screen - Role : APPL".

BMR Facility Details

Primary Fac: 3936, 3776SM6, STAHLMAN 43 MINE
PF Type: CMO, Coal Mining Operation, PF Kind: CSURF, Surface
Permittee: 33152, 1186, C & K COAL CO

General | Surface Mine | Deep Mine | PMDP | PMTS

Sub Fac: 991078, 32155, DISCHARGE RAW
Discharge Impact: HIGH, High, RAW Water MP Id: 32155, SIS - Module 8.1A
Typical Flow: 3.00 Gal/Min, Design Flow: 4.03 Gal/Min

AMD Treat Typical Values

Acidity	3.50	MG/L	Total Iron	92.05	MG/L	Aluminum	1.13	MG/L
Manganese	35.10	MG/L	pH	3.50	SU	Sulfate	981.80	MG/L
Alkalinity	0.00	MG/L						

Documents | PF Query | SF Query | Back | Go To

Value for Sub Fac Id
Record: 1/?

Oracle Application Server Forms Services - WebUtil - Microsoft Internet Explorer provided by DEP

Mining and Reclamation PF/SF Details Screen - Role : APPL

BMR Facility Details

Primary Fac 3936 3776SM6 STAHLMAN 43 MINE

PF Type CMO Coal Mining Operation PF Kind CSURF Surface

Permittee 33152 1186 C & K COAL CO

General Surface Mine Deep Mine PMDP PMTS

Sub Fac 991081 32154 TREATMENT SYSTEM FINAL

Trmt Type HYB Trmt Effectiveness ADEQ Final Treated Discharge MP Id 32154 SIS - Module 8.1A

General Expenditure

Base Costs:		Bond Value	Trust Value
Annual O & M	7,995.00	345,742.00	190,270.00
Captured Date	12/09/2002		
PV O & M	183,274.00		
Capital	14,993.00		
PV Capital			
PV ReCap	6,996.00		

Components	Details
ALD Anoxic Limestone Drain	
POND Pond	
SASH Soda Ash	

Documents PF Query SF Query Back Go To

Value for Sub Fac Id
Record: 1/1 <OSC>

Paul Rothman (KY):

Paul sent the following bullet comments through David Lane:
Kentucky report

- We are currently conducting “new inspector” training for recent hires – 3-day training session. The first of 2 sessions has been conducted for the inspection personnel in the London and Middlesboro Regional offices (24 inspection personnel),
- The second session is being conducted this week for the Pikeville and Prestonsburg Regional offices (approx 20 personnel).
- GAO has resumed its investigation into MTRs. The scope of the investigation has changed from PMLU to associated water quality impacts with an apparent emphasis on excess spoil disposal fills.
- Kentucky is currently revamping our CHIA and Bond Computation processes. Davis Lane will be providing an overview of the bond computation process used by OSM to Division of Mine Permits management personnel.

- Kentucky is hosting the 2009 ARRI conference at Jenny Wiley State Park on August 4, 5 & 6, 2009. Lois is one of the speakers and she will provide an overview of the reforestation studies being funded and the current status of those studies status. To date, approximately 135 people have registered and we encourage the Tech Transfer team to attend. Attached is the conference brochure.

John Carey (MD):

- Jeff Snyder attending ABCD delegation meeting at AMSA Academy
- 5 topics waiting on schedule on Mountaintop Removal til end of July. Move towards educating field staff (inspectors). Looking at 15 person “roundtable discussion”-program, presentation, discussion (Q&A session).
- W. MD-non-allowance of ash extracts. Alkaline Ash (only one plant (3 tons-ash-1 ton lime). Additionally-only one testing company in the past 15 yrs.

Dave Clarke (OH):

- Significant letter writing in regards to potential challenges with AML funding. Potential impacts lessening amount of funding available. Outreaching to regulatory services.
- Dedicated funds-edict 30% of monies going away from moneys “thought” to be allocated. Refinancing huge! Working through a number of rule developments.
- There are a number of rule developments OSM and the State of OH are working on. Two program amendments being worked with in conjunction with OSM

David Lane (OSM):

- Discussion of applied science projects for fall meeting-one or two Applied Science projects nearly completed. Those nearing completion or with final reporting may be asked to attend the Fall meeting to discuss their perspective project.
- Fall Meeting (ARTT) set for Sept 15-17, 2009. We will be staying at the Meadowview Marriott Conference Resort & Convention Center. Reservations can be made by calling for the OSM Block of rooms (423)578-6600. Address for the hotel is listed as: Marriott MeadowView Conference & Convention Center, 1901 Meadowview Parkway, Kingsport, TN 37660. Separate agenda will be forthcoming.



**Appalachian Technology Teleconference
Final
July 2009**

John Carey (MD)
David Lane (OSM)
Robin Lighty (PA)
Harve Mooney (VA)
Charles Sturey (WV)
Jeff Trump (OSM)
Lois Uranowski (OSM)

Discussions included:

Robin Lighty (PA):

- **Self-Bond for Liabilities on PA Coal Mining Permits:** The Bureau of Mining and Reclamation's (BMR) Compliance Section received an inquiry from Alpha Natural Resources on replacement of reclamation surety bonds through self-bonds. The inquiry is in regards to the anticipated acquisition of Foundation Coal Holdings, Inc. by Alpha Natural Resources. Foundation Coal Holdings, Inc. has several subsidiaries in Pennsylvania with active coal mining permits, including two large longwall mines. As this is possibly the first instance of application for self-bonding, the BMR compliance section is in the process of reviewing financial assurance forms and guaranty/suretyship agreements for self-bonding under the PA DEP Waste Management Program in an effort to develop self-bonding forms for BMR. The extensive PA mining regulations on self-bonding are available at:

<http://www.pacode.com/secure/data/025/chapter86/s86.159.html>

- **Final Draft of PA AMD Set-Aside Program Implementation Guidelines Released (Statewide):** PA Bureau of Abandoned Mine Reclamation (BAMR) distributed a revised draft of the AMD Set-Aside Program Implementation Guidelines on June 4 for public review and comment. Specifically, the draft

guidelines were distributed to participants of a focus group convened by BAMR last year to provide input into the program following the reauthorization of the federal Surface Mining Control and Reclamation Act (SMCRA) in December 2006. A joint DEP/OSM workgroup presented an initial draft of the guidelines to the focus group during a meeting held in State College on June 10, 2008. Fifty-nine stakeholders attended, representing federal, state and local government, watershed and other environmental advocacy groups, academia, consultants specializing in mine drainage treatment, and the mining industry. The DEP accepted written comments until July 14, 2008, and received comments from 22 stakeholders. Many of the comments were in support of the guidelines, but included several recommendations for the workgroup to consider. Some of the recommendations DEP has addressed in the final draft of the guidelines include: an upfront and more direct benefit-cost analysis, the development of an overarching program goal for the Set-Aside Program, application of the guidelines to entire watershed restoration plans instead of individual projects, revisions to the project evaluation and scoring procedures, and collection and review of data on many passive treatment systems constructed by watershed groups.

- In order to facilitate the review of data from as many passive treatment systems as possible, DEP undertook a data collection effort beginning in late November 2008. Letters and project information forms were sent to 279 individuals or groups identified in a database developed by OSM of publicly-funded treatment systems. Approximately fifty percent of the forms were returned, along with a great amount of additional data and information, including monitoring data, as-built drawings, watershed plans, O&M plans, project photographs, and more. All of the information received was then converted to electronic format and, through a collaborative effort with the Western Pennsylvania Coalition for Abandoned Mine Reclamation (WPCAMR), is being uploaded to a website that will provide public access: www.datashed.org.
- All the public input and review of data for existing systems were used to develop the revised draft of the guidelines. The AMD Set-Aside Program Implementation Guidelines will serve as the primary method for evaluating newly proposed watershed restoration plans and the abatement or treatment projects identified within these plans. The guidelines will also be used to evaluate expenditures for operation, monitoring, maintenance and replacement (O&M) of existing systems.
- BAMR accepted comments on the revised draft of the guidelines until July 3, 2009. The guidelines will be presented to the public at the PA Abandoned Mine Reclamation Conference being held at the University of Pittsburgh at Johnstown July 13-16, 2009. The revised final draft is available at:

[http://www.depweb.state.pa.us/abandonedminerec/lib/abandonedminerec/Publications/AMD Set Aside Program Guidelines Revised Draft 06 05 2009.pdf](http://www.depweb.state.pa.us/abandonedminerec/lib/abandonedminerec/Publications/AMD_Set_Aside_Program_Guidelines_Revised_Draft_06_05_2009.pdf)

Harve Mooney (VA):

- Virginia is proposing new legislation in the realm of valid existing rights to meet the Federal Act. OSMRE is currently reviewing the proposal. Once the Solicitor's office has granted acclimation, we will proceed with the proposal.
- The deadline for the approval of the application for Ison Rock Ridge is approaching. The final decision on this proposed mountaintop mining permit can be approved by the state, but the lack of a permit from the Corp will significantly limit the proposed mining perhaps to a point where the mining would not be feasible.
- The State budget is in a precarious situation. We are restricted in travel that is not federally funded. Currently the state has enough funding for critical areas.

Charles Sturey (WV)

On June 25, West Virginia Department of Environmental Protection Cabinet Secretary Randy Huffmann was on a panel for a hearing held by the **Subcommittee on Water and Wildlife hearing entitled, "The Impacts of Mountaintop Removal Coal Mining on Water Quality in Appalachia."**

Subcommittee on Water and Wildlife hearing entitled, "The Impacts of Mountaintop Removal Coal Mining on Water Quality in Appalachia."

Thursday, June 25, 2009

03:30 PM EDT

EPW Hearing Room - 406 Dirksen

Majority Statements

Minority Statements

[James M. Inhofe](#)

Witnesses

Opening Remarks

Panel 1

[John "Randy" Pomponio](#)

Director of Environmental Assessment and Innovation Division (EAID), Region Three
United States Environmental Protection Agency

Panel 2

[Maria Gunnoe](#)

Organizer
Ohio Valley Environmental Coalition

[Dr. Margaret Palmer](#)

Laboratory Director, Chesapeake Biological Laboratory
University of Maryland Center for Environmental Sciences

[Paul Sloan](#)

Deputy Commissioner
Tennessee Department of Environment and Conservation

[Randy Huffman](#)

Cabinet Secretary
West Virginia Department of Environmental Protection

David Lane (OSM)

Briefly discussed the Fall meeting and is in the process of developing an agenda for the meeting.

Lois Uranowski (OSM)

- July 21, 2009 –The OSM National Technology Transfer Team is having an annual teleconference to project 2010 national TT plans and needs. Discussion will include the 2010 Applied Science process. .
- 2011-OSM has requested an increase in funds for the 2011 for Applied Science Program above its present allocation.



**Appalachian Technology Semi-Annual Meeting
Final
September 14-17, 2009
Kingsport, TN**

Bill Card (OSM TN speaker)
John Carey (MD)
Jeff Emmons (OH)
Butch Lambert (VA)
David Lane (OSM)
Robin Lighty (PA)
Harve Mooney (VA)
Nancy Pointon (OSM)
Paul Rothman (KY)
Charles Sturey (WV)
Jeff Trump (OSM)
Lois Uranowski (OSM)
Bill Winters (OSM)

Discussions included:

Bill Winters (OSM/TN):

- There seems to be no real way to measure compliance performance. A clear definition or method of measuring performance is needed.
- NTTP is trying to come up with a return on investment for NTTP/TIPS training as the States rely upon NTTP/OSM for training, especially for monies earmarked for training.
- In the June 2009 MOU, the central question to OSM was: How do we make oversight more effective? Also an issue is establishing meaningful performance/budget based standards.

Harve Mooney (VA):

- Ison Rock Ridge application is ready for approval. The site has areas within the COE jurisdiction, but the 404 permit has been suspended. The permit has drawn much public concern.
- Total dissolved solids have been added to the TMDL (monitoring only standards). Much of the watersheds in the Virginia Coalfields are impacted. A closer scrutiny of the TDS is underway. Methodologies for the remediation of the TDS are limited. There is no agreement on a standard for streams and additional study is needed to develop one.

Robin Lighty (PA)

- Confirmation of Joe Pizarchek as Director of OSM is pending Senate approval.
- There is still no passage of State Budget, 2 different spending bills are under consideration
- For all info on certification and use of coal ash on active and abandoned mine sites in PA go to : <http://www.dep.state.pa.us/dep/deputate/minres/bmr/prgorams/beneficial.htm>

Charles Sturey (WV)

- WV DEP has added benthic sampling, both Fall and Spring to their routine monitoring requirements. WV DEP has been doing baseline benthic data collection data prior to permit issuance.
- EPA request COE to rescind approval of Spruce 404 permit.
- A suit was filed in federal courts in WV requiring selected bond forfeiture sites to get NPDES permits. The judge's order includes that WV must submit applications for the selected sites. WV is processing the applications, but is in the process of appealing.
- GAO has asked WV and KY questions about 404 mitigation, bond release requirements and the reclamation bonding program.
- Web permitting is working. Next issue is accepting certifications seal, using standards set by Professional Licensing Board.
- Mike Shank is developing of computer program that captures precipitation event data every 15 minutes. The program also includes rainfall intensity captured by NOAA/NWS and has been verified by field rain gauges. Information will be discussed further in the next ARTT teleconference call.
- First phase of study on slurry injection has been completed with 175 constituents tested. Next phase will be conducted by the WV Department of Health to study the health effects from slurry. Partial funding of \$22,000.00 was given to WVU for the study.

Paul Rothman (KY)

- At OSM's urging, an Ad-hoc Committee comprised of representatives from state and federal agencies, (EPA , COE), Industry and the Environmental Community has been formed to provide input as DNR revamps their CHIA process.
- TDS is becoming an issue of debate.
- The 2009 ARRI conference held in August was a success. Kentucky has accomplished another successful year in tree planting.

John Carey (MD)

- The Bureau of Mines is under a new State administration now called the Land Management Administration. One good item due to the move is that we no longer have to deal with the TEMPO database program.
- Approximately 75% of active mining reclamation is using the FRA approach to reforestation.
- We are developing an SOP for bonding that will take Maryland BOM 3-5 years to reach full cost bonding. Maryland bonds will increase from \$4000.00 to 5000.00 per acre for backfilling and \$1000.00 per acre for vegetation for a total of \$6000.00 per acre. This will start in January 2010. The new system will require an evaluation every year or when an inspector determines that the reclamation liability to the State exceeds the bond. This will phase in the new rates as necessary to keep companies from forfeiting. Current Base Bond is a total of \$4500.00 per disturbed acre.
- MD is revamping blasting requirements in the permitting process.
- MD has coal ash disposal regulations in place. Alkaline ash produced at one facility actually results in a beneficial use at the mine sites.

Jeff Emmons (OH)

- TMDL's are not being used to regulate discharges from mine sites in Ohio.
- Ohio is in the process of submitting a program amendment to OSM to update VER regulations to be as stringent as Federal Regulations.
- Ohio will meet with US Fish & Wildlife to revise Procedure Directive for Indiana Bat Protection relative to the recent Range-Wide Indiana Bat Protection and Enhancement Plan Guidelines.
- Our 401/404 integrated permit process has been changed. This will no longer be a joint process but will have meetings to expedite the separate review process.

Bill Card (TN)

- Bukk gave the team an update on recent OSM geospatial activities of the National Coal Mining Geospatial Committee, the Coal Mining Spatial Data Standards ASTM Task Group, and the OSM Management Geospatial Strategic Planning Team.
- Handouts were provided on:
 - Background information about TIPS Steering Committee support for development of a Coal Mining Spatial Data Framework, and
 - Draft work list of Coal Mining Features Suggested by SMCRA Geospatial Data Stewards for Possible Development of Voluntary Standards.

Nancy Pointon (OSM)

- Reviewed results from the WV Coal Slurry Study presented to the WV Legislature in May of 2009. Study was conducted in response to Senate Concurrent Resolution – SCR - 15. Phase 1 – Environment Investigation – completed by WVDEP and OSM. Phase 2 – Health Assessment – WV Health Department contracted WV University to perform study.
- SCR- 15 required that the Phase I study provide a regional characterization of the coal slurry including inorganic and organic constituents.
- The Phase I study included 6 deep mine / preparation plant sites which was chosen from approximately 13 mine sites where active coal slurry injection was occurring. The study sites are deep mine sites where a valid permit for coal slurry injection was in place and data was available for review.

Lois Uranowski (OSM)

- Update was given on the 2010 Applied Science projects and changes in how this process will be done. (5 page “Technical Papers, 4 National “High priority Projects”)
- More funding may be provided in 2011 for the Applied Science projects
- ARRI-getting own monies. This may make more money available for other applied science projects.

The following were comments received from the ARTT on Tech Transfer Oversight comments:

Training:

- New employees of State RA programs are entering the program with the highest level of education and abilities than ever before. However mining and reclamation experience is missing from their expertise. There is a gap between ability and experience. In order to gain that knowledge base, the states rely on OSM to provide training for their staff along with on-the-job training. The NTTP and TIPS programs afford the opportunity to get quality, mine reclamation-centered training for these new hires. Kentucky DMRE reported that 75% of their inspection staff, including supervisors, has less than 5 years experience. KYDMRE noted that, with OSM training, the time for a new hire to gain sufficient knowledge to adequately do his/her job is 3 years. Without OSM training it increases to 5 years. Thus OSM training reduces the time to develop qualified staff by 40% and ultimately results in consistent state regulatory programs.

Technology:

- The use of the best technology as a decision-making tool is crucial to a successful state program. Considering restricted budgets and the need to maximize resources allocation, it is now imperative that reliable technology (like remote sensing, geospatial technologies, and system modeling) be applied to all programs under mine reclamation, from AML to permitting, to bond release. It is essential to access and utilize these tools to make the best environmental decisions. OSM, through TIPS, provides these tools to the State RAs. Examples include modeling to predict cumulative hydrologic consequences, digital elevations models of mine sites to determine compliance, and advanced software to design reclamation projects using natural landforms and stream channels.

Technology Transfer:

- Appalachia Region Technology Transfer (ARTT) team: The Appalachia states continue, after 5 years, to strongly support this team because it provides the best conduit for state authorities to freely exchange technical information. Sharing of technical studies, reports, investigations, and new technologies is routine within this group. Learning from other states what works and what doesn't can result in significant time and cost savings.
- Technology Transfer workshops and symposia: Specialized workshops and symposia where the states experts can learn the latest technologies and applications while sharing and comparing their successes and failures results in improved state programs. Technical knowledge of complex environmental systems potentially impacted by mining is not perfectly understood. One example is mine pool development and behavior (e.g. filling rates, transmissivity, outfall prediction). The ARTT Team discusses and selects the workshop topics based on the greatest need within the region. It is the only venue like it where this interaction between state regulatory experts transpires.
- One interesting example of the success of technology transfer is reforestation and ARRI. The first time then-OSM Regional Director Brent Wahlquist saw the application of Forestry Reclamation Approach was at a site visit to Starfire Mine in 2004 where Kentucky DMRE was promoting Reclamation Advisory Memorandum (RAM) # 124

under the umbrella of **technology transfer**. RAM#124 emphasizes the establishment and growth of desirable hardwood species (white oak, red oak, white ash, black walnut, yellow poplar, royal paulownia and eastern white pine). This visit by Brent resulted in the formation of ARRI.

Applied Science Program

- The Applied Science program: The best enterprise that technology transfer manages is this program. Now in its 4th year, the program is beginning to show results that will make a difference in reclamation. For example, results from one study defined the mechanism for removing manganese through passive treatment. The results will be used to maximize the efficiency of these treatment systems, resulting in improved treatment cost savings and stream quality.
- The team would like to make a suggestion: to take some or all of the states Title V grant monies returned or left over to fund additional Applied Science studies. Also some of that money could go to further promote/fund technical workshops and symposiums.

General:

- The ARTT team discussed the burdensome amount of program “bean” reporting that the states are being asked to do. The categories within the table templates for the OSM annual report do not take into consideration the various ways that states do and track things. We also report beans within the various Title V grant reports. These bean tables should better reflect the diversity of the programs in the various states and not duplicate reporting to different offices within OSM.

Butch Lambert (VA)

- Suggests that the Principle Investigators for Applied Science Projects come in and discuss/give powerpoint presentation to the ARTT Team members and give input on preliminary findings and complete projects.
- Investment on Tech Transfer /TDS studies seem to be paying off; however it is hard to put a dollar value on this.
- DMLR is initiating the Geomine reporting on performance measures at cost of 3 million dollars.
- ARTT needs to explore new areas of technology.

David Lane (OSM)

Next ARTT Conference call scheduled for 1:30 PM, October 5, 2009.



**Appalachian Technology Teleconference
Final
October 2009**

Dave Clark (OH)
David Lane (OSM)
Robin Lighty (PA)
Harve Mooney (VA)
Nancy Pointon (OSM)
Paul Rothman (KY)
Charles Sturey (WV)
Jeff Trump (OSM)
Lois Uranowski (OSM)
Bill Winters (TN-OSM)

Discussions included:

Paul Rothman (KY)

- The 3rd Annual OSM/DNR Blasting summit will be held on October 8, 2009. Some of the topics on the agenda include discussions about National Blasting Certifications and Regional Perspectives of Other Blasting Programs, and a review of the Kentucky Coal Associations recent recommendations to the DNR on blaster training and communication.
- The quarterly inter-agency meeting is scheduled for October 7th with EPA, USF&W, OSM, US USACE, and the Kentucky DNR – agenda includes a review and discussion on the 49 KY 404 permit applications currently being held up by the EPA, an overview of DNR's revised CHIA & Fill minimization process and suggestions for improved interagency communications.
- EPA has determined that there are forty-nine 404 NWP 21 permit applications for Kentucky mining operations that need additional review by USACE. The Kentucky sites are part of a larger list of 108 sites in TN, WV, OH and KY that require further scrutiny. Most of the Kentucky applications have been under review by the Corps for approximately 2 years, but some sites have been held-up for as long as 5 years

Dave Clark (OH)

- Ohio is engaged in a unique project (unique for Ohio) with our largest underground coal operator. The mining company had proposed a large scale, conventional slurry impoundment that was slated to eliminate 25,000 plus feet of streams that scored as exceptional warm water habitat. Our Ohio EPA took action to disapprove the clean water certification. In response to concerns raised by the company, our Governor commissioned our Division and the Ohio EPA to work with the company to explore alternatives for the slurry disposal. A task force met for 6 months with company officials and developed a list of alternatives that the company will utilize if they elect to continue with the permitting process. This task was time-consuming, but our respective agency directors seem pleased with the results.
- We are working with the coal industry's trade association to craft language for a legislative adjustment to the coal severance tax structure. Ohio is working to fill a gap in our funding stream so that we will not be reliant on the ever-dwindling general revenue funds that we've used to help make our match. The current proposal is for an additional 8 cents per ton, with a sliding scale that will be tied to the fund balance. We are hopeful that this effort will be successful and that our funding sources will be stabilized.
- I have relocated from our office in Cambridge, Ohio to our office in New Philadelphia, Ohio.

The new address is: Dave Clark
Division of Mineral Resources Management
2207 Reiser Ave. SE
New Philadelphia, OH 44663
330/339-2207 Ext.#244

My e-mail has not changed. It's still, dave.clark@dnr.state.oh.us

Robin Lighty (PA)

- Still do not have a signed State Budget: New sources of revenues being looked at include tax on Marcellus shale gas production, tax on smokeless tobacco, and tax on table gaming
- DEP could lose 400 positions. They are receiving a 28% cut in State funding, and maybe a 15% cut in personnel.
- Title V may be taking a 20% cut. Title IV should be unchanged because it is 100% federally funded.

Harve Mooney (VA):

- Ison Rock Ridge application is ready for approval. The site has areas within the Corps jurisdiction, but the 404 permit has been suspended. The permit has drawn public coverage.
- Total dissolved solids (TDS) have come to the forefront in the TMDL development. Much of the watersheds in the Virginia Coalfields are in impacted watersheds. A closer scrutiny of the TDS is underway. Methodologies for the remediation of the TDS are limited. There is no agreement on a standard for streams and additional study is needed to develop one.

Charles Sturey (WV)

- The West Virginia Department of Environmental Protection continues to work with the WV Division of Natural Resources, the Pennsylvania Department of Environmental Protection and the Environmental Protection Agency in the investigation of the Dunkard Creek fish kill. Additional water samples for golden algae taken on September 24 have reconfirmed the presence of golden algae in amounts known to have caused fish kills.

As reported in available scientific literature, both the golden algae and the toxins it produces are influenced by environmental factors including the water's pH, temperature, salinity and nutrients. DEP has also been sharing information with officials from Consolidated Coal Company. Consol scientists have also confirmed the presence of the golden algae, *prymnesium parvum* in Dunkard Creek. The DEP has also been informed that Consol has agreed to stop injecting coalbed methane gas wastewater into a shaft at its Blacksville No. 1 mine. The ceasing of this discharge will help determine what impact that operation may have had on elevated discharges from its Blacksville No. 2 outlet.

- Gathering information for EPA and OSM for the 29 West Virginia permits of the 79 total that EPA stated additional studies are needed.

Nancy Pointon

Reviewed dates and information regarding the upcoming Acid Mine Drainage workshop to be held at the Waterfront Hotel in Morgantown, WV from March 2-4, 2010.

Bill Winters (OSM)

- TN signed Trust funds (2nd) for long-term treatment of AMD. This should guarantee funds for water treatment.
- KFO is reviewing request for disposal onto surface mines of fly ash from the TVA Kingston Power Plant slurry spill.

David Lane (OSM)

- The semi-annual meeting ARTT will be held at the Charleston, WV Embassy suites February 24-25, 2010. More information will be forthcoming.
- It was decided by the Team to reset the monthly teleconference from the 1st Monday of each month to the 1st Tuesday of the month. Time will be the same (1:30PM). Next teleconference is now set for November 3, 2009.



**Appalachian Technology Teleconference
Final
November 2009**

John Carey (MD)
Dave Clark (OH)
Jeff Coker (OSM-TN, substitute for Bill Winters)
David Lane (OSM)
Harve Mooney (VA)
Paul Rothman (KY)
Charles Sturey (WV)
Jeff Trump (OSM)
Lois Uranowski (OSM)
Robin Lighty (PA) (absent)
Discussions included:

Paul Rothman (KY):

- We are still dealing with the GAO on mountain top mining issues. GAO provided us with their draft report and we are currently finalizing our responses. We also have a conference call this afternoon (2:30 PM) with GAO to go over the “statement of fact” they released last week on their 2nd report.
- EPA is still aggressively challenging any 404 and 402 actions on KY surface mining sites that require either of these permits (effectively all of them). This delays issuance of these even longer (some of these applications have been under review for 2 – 5 years). Industry’s perspective is that EPA is virtually trying to starve them out via delay of all necessary permits.

John Carey (MD):

- MD closing the Bureau's Water and Soils lab
- MD is undergoing a comparison review of state regulations versus revised federal regulations on ownership and control

Dave Clark (OH):

- Ohio's Division of Forestry has closed both of its state-run nursery's. This will serve to limit our ability to provide trees for our AML, Forfeiture, and ARRI projects, and will cause our Division, and our mining companies to buy stock from private nurseries.
- Ohio is working diligently to maintain our active relationships with USACOE, USFWS, and our OEPA. We have an effective and evolving integrated permitting process, and we conduct quarterly meetings with the industry where each agency is represented. This effort has improved communications, and has been effective at disseminating information to the industry.
- We remain fortunate from a budget standpoint. Our mining programs are fully funded for the balance of the fiscal year, and our administration is working to eliminate our dependence on general revenue funds for FY '11. We're in the closing stages of finalizing a plan with the industry to see that dedicated funds are available for use in our coal regulatory program.

Harve Mooney (VA): Nothing to report

Charles Sturey (WV):

- GAO Reports-wants review of bonding against valley fills regarding inspection and enforcement of AOC.
- EPA has requested review of all permits, modifications, and discharge limits assigned.
- A 732/733 appeal to Lovett has been forwarded to OSM regarding buffer zone findings.

Jeff Coker (OSM-TN):

- OSM TN has had numerous recent requests for information from GAO on issues such as fills, bonding / bond release, etc.
- Recently the Corps has increased their interest in working with the state water quality office, EPA, FWS, and OSM to develop and implement a better coordinated regulatory process for coal mine permit applications. EPA has taken a higher profile position in this process and has participated in one of the two interagency meetings we have recently had on this issue.

- OSM KFO has experienced a recent increase in Freedom of Information Act requests and requests for informal conferences / site visits on proposed permit applications, significant revisions, renewals, and bond releases. This has over the past few months consumed an inordinate amount of staff time and is not expected to improve anytime in the foreseeable future.

Robin Lighty (PA): (Reported by David Lane)

Robin is now a member of the OSM ASTM Task Group and at our meeting 2 weeks ago it was mentioned by Tom Gayla that OSM may start requiring the states to submit Table 12 info as part of the Reg 8 annual report tables. This is the table that reports acres of post mining land use for a Title V permits: trees, grass, residential, ponds, etc. Currently Table 12 is optional and only 8 states out of about 30 reported it last year. WV and PA did not, unsure about the other ARTT states. This new requirement is being driven by OSM being asked to track and assess Climate Change impacts and possible required changes on the suggested use of land after surface mining.

David Lane (OSM):

- The dates for the ARTT Face to Face meeting will be held Feb 24-25, 2010 at the Embassy Suites in Charleston, WV. This meeting will focus on reviewing the Applied Science Project Proposals.