



**Appalachian Region Technology Team
Face to Face Meeting
Stonewall (Roanoke) West Virginia
April 12-13, 2016**

PARTICIPANTS:

Roger Calhoun, Field Office Director (OSM ARO)
John Carey, Maryland Bureau of Mines (MD BOM)
Michele Hamlin, Pennsylvania, Department of Environmental Protection (PA DEP)
Dave Hartos, Office of Surface Mining, Appalachian Regional Office (OSM ARO)
Daniel Kestner, Virginia Department of Natural Resources (VA DNR)
Ben McCament, Ohio Department of Natural Resources (OH DNR)
Paul Rothman, Kentucky Department of Natural Resources (KY DNR)
Michael Richmond, Office of Surface Mining, Appalachian Regional Office (OSM ARO)
Charles Sturey, West Virginia Department of Environmental Protection (WV DEP)
Jeff Trump, Office of Surface Mining, Appalachian Regional Office (OSM ARO)
Lois Uranowski, Office of Surface Mining, Appalachian Regional Office (OSM ARO)
Bill Winters, Office of Surface Mining, Appalachian Regional Office (OSM ARO)

TEAM DISCUSSION:

- Introduction of personnel
- Value of ARTT Team
 - We have (3) originals from the Charter of the ARRT Team - John (MD), Paul (KY) , Charlie(WV) present for this meeting).
 - Information sharing and confidentiality was and is important to the team.
 - Over the years, we have lost “cutting edge” workshops. Valley Fills, Blasting were just a couple of the workshops mentioned. This was due to financial cutbacks.
 - Blasting is now BACK under WV DEP Division of Mining and Reclamation for the State of WV).
 - KY-(Paul)-Blasting inspectors inclusive with KY DMRE. With mining in decline, blasting is also back under KY DNR office.
 - MD (John)-implementation of practices across State lines is invaluable. IMCC does recognize this group as being VERY important and is supportive of this team. Interplay

between States is an important part of this group! Team members have changed but the philosophy of the group has not.

- OSM support - OSM does support this group forum (TT). Getting back to the roots is very important to this team. Incorporation of workshops into NTTP/TIPS Courses is important to the team members and States programs. Mapping and GIS (GEOMine/Underground MineMapping in particular) is being addressed in WV and in VA. Also, IMCC has a criterion of merit for addressing these issues in some States (all coal States). Mine Safety laws, in many states, were changed after the QueCreek incident to make more maps underground mine maps available.
- Much of the first day of this face to face meeting was discussion and ranking of the Applied Science Proposals. The proposals were discussed at length and a top 12 list was chosen. Mike Richmond developed a spreadsheet containing the top 12 as ranked by the ARTT.

TEAM REPORTS:

JOHN CAREY (MD):

- Dealing with SPR issues. Maryland (MD) has NOT received responses back from OSMRE regarding information requested from OSMRE.
- Still having bonding issues but we are making positive headway.
- MD has ash regulations and has received 12 pages of issues from OSMRE regarding MD ash rule.
- There are 9 Arch permits in MD. Two of the largest reclamations liabilities are being transferred to a local company. Arch is getting rid of Vindex Energy altogether.
- The bottom has dropped out of industry. One forfeiture is in the works. Another company is broke but still doing reclamation. That company is now facing bankruptcy.
- Arch Coal/Vindex has been responsible for 80-%of our FRA in MD.

PAUL ROTHMAN (KY)

- New Governor elected. Commissioner Holman retired. Forestry Director let go. Director of mine/safety let go. Acting persons appointed: Courtney Skaggs, Enforcement. John Small, Bill Steel, Alan Luttrell appointed as Commissioner. Matt Bevens has asked for 4.5% reduction the remainder of this year, 9% over the next biennium after that.
- Budget being worked on. Non-emergency, non-essential personnel could possibly be laid off-ends this week. Cabinet has been working to move into one building. LEED certified building, cubicles, moving in June 1, 2016. Over 1500 personnel in one building. Looking at consolidating the regional offices (Division of Enforcement and Reclamation). Going from 4-2 (because of retirements, permits declining).
- Arbor Day set for Apr 26. TECO sold out, acquired by Booth Energy. Justice Company has 80 permits in Kentucky.
- Blackhawk acquired ASSAR. Revelation now has more than 260 permits in Kentucky.
- Bonding-mandatory bond pool. Was previously a voluntary bond pool. Fees are paid on a quarterly basis. Active and inactive fees –based on acreage. Tonnage fee/membership fee are

required-or the company has the option of opting out and then “full cost” bonding required. The DNR is encouraging companies to pursue bond release when sites or increment are eligible.

CHARLES STUREY (WV)

- USF&WL issued Southern WV and Eastern KY-endangered species , nothing addresses buffer zone. Two miles, five and ten mile radiuses established for IN bat, and known hibernacula zone. Permit by permit basis. “Potential habitat” also established. Scheduled meeting with WV DNR, establishment of trout streams, cold water fishery. Water quality basis based on cold water fishery.
- Certification process for collecting (DNR) and F&WL.
- Blasting is now BACK under the WV DEP Division of Mining and Reclamation for the State of WV.
- Legislature closed and is NOT in session and no budget has been passed. There is division between the Gov and WV House legislature. Shortfall is questionable-no one seems to know how much.
- 18 month projections sent to OSMRE. General revenue is being “cut”.
- WV is officially in a recession.

DANIEL KESTNER (VA)

- Apr 22 Arbor Day planting of trees.
- Governor vetoed the coal tax credit (approximately 610 Million dollars in past credits). This will likely impact low-coal underground operations.
- Budget has surplus this year. State employees finally received a raise.
- Permits –bond release- increases in companies submitting bond release applications. Many sites are in reclamation only status.
- On the AML side, power plus 2, reclaim act not much movement on this legislature on landscape. Could have impact on handling of AML contracts and reclamation of priority 3 features.
- There are SPR issues like other States.
- UAV/drone research and work being done. Used for primarily AML sights. Site evaluation and mapping being done with drone (Fixed wing) for engineering design work.
- In the process of upgrading surveying equipment (RTK). Helping with ground control and volumetric calculations for earth moving projects.

MICHELE HAMLIN (PA)

- House Bill No. 1967 has been introduced to allow for the temporary cessation of surface mining activity for periods up to 120 days prior to permit expiration when permit renewal is required. Currently, Pennsylvania’s mining regulation allows operators to temporarily cease operations for a period not exceeding 90 days and, with PADEP approval, for periods up to 180 days or longer in certain instances.

- As with the existing regulation, the bill requires the operator to submit a notice of intent to cease operations which identifies the acreage of the affected permit area, the amount and type of reclamation of the affected area, and the reclamation activities that will continue during the cessation period. Likewise, continued compliance with the permit during the temporary cessation is required.

BILL WINTERS (TN):

- Cost Recovery Rule. OSMRE expects to roll out cost recovery rule later this year in an effort to collect expenditures on permitting actions in the federal program. Costs include two components: a permit fee that is developed upon submission of a new permit application or revision; and a yearly maintenance fee to cover inspection and enforcement and is based on permit size and inspection frequency.
- Temporary Cessation. KFO is reviewing numerous permits in Tennessee that have been in TC for a number of years. OSMRE is currently writing a TC rule and expects it to be published soon.
- TN AMD List. KFO is working with several operators to monetize treatment costs on several permits to develop treatment trust funds.
- Endangered Species lawsuits: OSMRE has settled 2 ESA lawsuits filed in response to 3 existing permits on claims of violation of section 7 of the ESA. OSMRE has settled with the plaintiffs and is undergoing a full section 7 process with USFWS. The process includes writing a biological assessment (BA) on 3 existing permits and one application. KFO is almost done with the BAs and will finalize for USFWS. The USFWS will review the BAs and write biological opinions (BO) and have 120 days to complete the BO.
- LUM: KFO published a draft EIS and finding on the LUM in December 2015. The draft proposed to limit mining to re-mining only within the petition area. The draft findings concluded that mining would be incompatible with the land use planning for the State of TN.

BEN MCCAMMENT (OH)

- Bill proposed in Ohio House: Redirect 3% of State Kilowatt Hour Tax Receipts Fund would be directed toward AML/AMD projects. An additional .75 diversion tax has also been proposed for the Mine Safety Fund. Would also require ODNR to develop a bidding process that encourages the hiring of dislocated miners for contracting work for AML reclamation projects.
- Utica Shale-drilling has slowed down in Ohio. When oil and gas companies applied for permit to drill, regs say it cannot affect coal mines that are proposed to be mined and ODNR has to determine if mines are affected. Oil and gas-15 days for application to permits. Buffer zone is required if they drill through coal reserves.
- On forfeiture side- ODNR reclaimed or in the process of reclaiming five sights. Has affected bond pool since bond was not adequate to cover all the reclamation costs.

- OH starting process of getting all water quality data into an online database, working with Ohio University to provide data management and access. Watersheddata.com already houses AML data for ODNR.

MIKE RICHMOND (OSMRE)

- The next Teleconference call is set for May 9, 2016.
- Proposed FY18 Applied Projects and scoring form will be discussed. 2 meetings will be held in spring and in the fall. Natalie will be asked to attend the fall meeting.
- SPR conference calls with States with OSMRE.

FUTURE APPLIED SCIENCE PROJECTS-TOPICS /ISSUES FOR FY18

- Availability of imagery (TIPS)/Satellite imagery (Follow-up). Possible Uses for ARTT team.
- Mine Pools and methods utilized. Evaluation and protection. Various techniques and consistency. Protocols. Specificity/results. Water quality issues.
- Post land Mining Use. More innovative/revitalizing. Community/recreational benefits. Commercial opportunities. (Charles Uhl)
- Liners-Safety and “hot” refuse, land encapsulation of mud/slurry, science issues, spoil and slurry. Effective use of liners-flowability. Prevention of acid mine drainage (AMD)? Techniques. Land Fill work.
- Re-mining benefits/credits. Stream Mitigation/incentives for re-mining (AML issues). Reduced bonding rates. What opportunities are out there for companies? Can they have additional credits? Research for benefits. What kind of data is needed? Base Load conditions.
- Update on courses for Adams State University/TIPS/NTTP.