



**Appalachian Region Technology Team Teleconference
February 1, 2016**

PARTICIPANTS:

John Carey, Maryland Bureau of Mines (MD BOM)

Dr. Eric Drumm, Professor and Head, Department of Biosystems, Engineering and Soil Science, University of Tennessee

Daniel Kestner, Virginia Department of Mines, Minerals, and Energy (VA DMME)

David Lane, Office of Surface Mining, Appalachian Regional Office (OSM ARO)

Ben McCament, Ohio Department of Natural Resources (OH DNR)

Michael Richmond, Office of Surface Mining, Appalachian Regional Office (OSM ARO)

Paul Rothman, Kentucky Department of Natural Resources (KY DNR)

Jeff Trump, Office of Surface Mining, Appalachian Regional Office (OSM ARO)

Bill Winters, Office of Surface Mining, Appalachian Regional Office (OSM ARO)

Dr Eric Drumm-"Rheology of Fine Coal Refuse and Observations of In-Situ Characteristics"

The Univ. of Tennessee has a research project that is seeking support from the U.S. Office of Surface Mining Reclamation and Enforcement to demonstrate the long term strength gain of fine refuse consolidated under the weight of refuse above. I am inquiring regarding permission to conduct some subsurface exploration at one of your fine refuse impoundments.

We would be happy to sign a waiver of responsibility for any possible personal injuries suffered through the conduct of this work, and we are covered by our own health and worker's compensation plans. As we also discussed we would restore the drilling site to the conditions that existed prior to our arrival, and our drill holes would be properly sealed with a Bentonite mix of your choice.

Proposed Field Testing:

We propose to conduct SPT (Standard Penetration Testing) testing at intervals through the refuse, with emphasis on those areas which are primarily fine refuse. The SPT yields a blow count N and a disturbed sample that can be used for water content determination and index

(Atterberg Limit) properties testing. Undisturbed tube samples will be attempted at intervals as well. If we are successful in obtaining samples, we will do some additional testing in our labs here at UT. For budget purposes we assumed a depth of 200 feet to the valley floor, but understand that your site may be different which would result in adjustments of the intervals or depths at which we would take samples or collect N values.

In addition to the STP tests above, we intend to conduct Cone Penetration Testing (CPT). The CPT testing provides a continuous record of the material consistency with depth. For budget purposes we have assumed 500 feet of testing, which may provide multiple lines of investigation, but this is contingent on the site accessibility.

There was discussion between States personnel and Dr. Drumm was given the names of several persons who may be able to provide him with more information regarding his request.

MIKE RICHMOND:

Stream Protection Rule (SPR) Update: OSMRE continues the process of categorizing SPR written comments. Completion may be completed by late spring of 2016.

ARTT Meeting on Potential Applied Science Projects

We have 28 proposals for review. States personnel will be provided the Applied Science Project proposals via ShareFile. We will be having a face to face meeting at Stonewall Resorts April 11-13, 2016. Mike Richmond will be sending out a letter for States personnel and an agenda will be sent to the States for out of State travel approval.

TEAM REPORTS:

PAUL ROTHMAN (KY): Nothing further to add this month.

JOHN CAREY (MD):

- 240 positions will be cut from the State workforce.
- Arch Coal company and its subsidies have filed for bankruptcy.

BEN MCCAMENT (OH):

OH Chief of DNR is heading to Washington, DC for hearings related to the SPR comments.

CHARLES STUREY (WV):

Charlie sent the Senate HB 4002 regarding sunset rules for WV. It will be sent as a separate attachment.

As Charlie understands this-read HB4002 sunset provisions apply to

- (a) Any new legislative rule promulgated pursuant to this article after April 1, 2016
- (b) Any legislative rule existing as of April 1, 2016 that is modified after April 1, 2016

It does not apply to

- (a) Emergency Rules
- (b) Any legislative rule existing as of April 1, 2016 that is not modified

Also, as I read it the agency must submit a justification for the rule every five years. The question is how detailed the justification is needed.

This bill will create a quagmire for those programs whose rule changes must be approved by the Federal Government before they can be part of the state program. Currently, we have nine (9) program amendments dating back to 2008 pending review by OSM (see attached) if any changes occur we must start process all over again. Furthermore, if by this proposed rule the agency could not justify to the satisfaction of legislature its sun setting (ie special reclamation tax) and is removed and the removal is not approved by the Federal Government. Can the tax still be collected?

DANIEL KESTNER (VA):

- General Assembly passed energy related bills, most dealing with gas and water issues, not coal related.
- An underground mine pool study is being conducted jointly with OSMRE and VA. VA, KY, and WV will be provided data from this study.

BILL WINTERS (TN):

- Results from the TN Lands Unsuitable for Mining (LUM) was published December 10, 2015.
- SPR-As per Mike Richmond's comments, OSMRE is still in the process of reviewing comments. Again, it is hoped that the review and comments will be completed by late spring.

JEFF TRUMP (OSM):

Next call will be March 7, 2016 at 1:30PM.