

**33RD ANNUAL KENTUCKY PROFESSIONAL ENGINEERS IN
MINING SEMINAR:
KENTUCKY DIVISION OF MINE RECLAMATION
AND ENFORCEMENT**

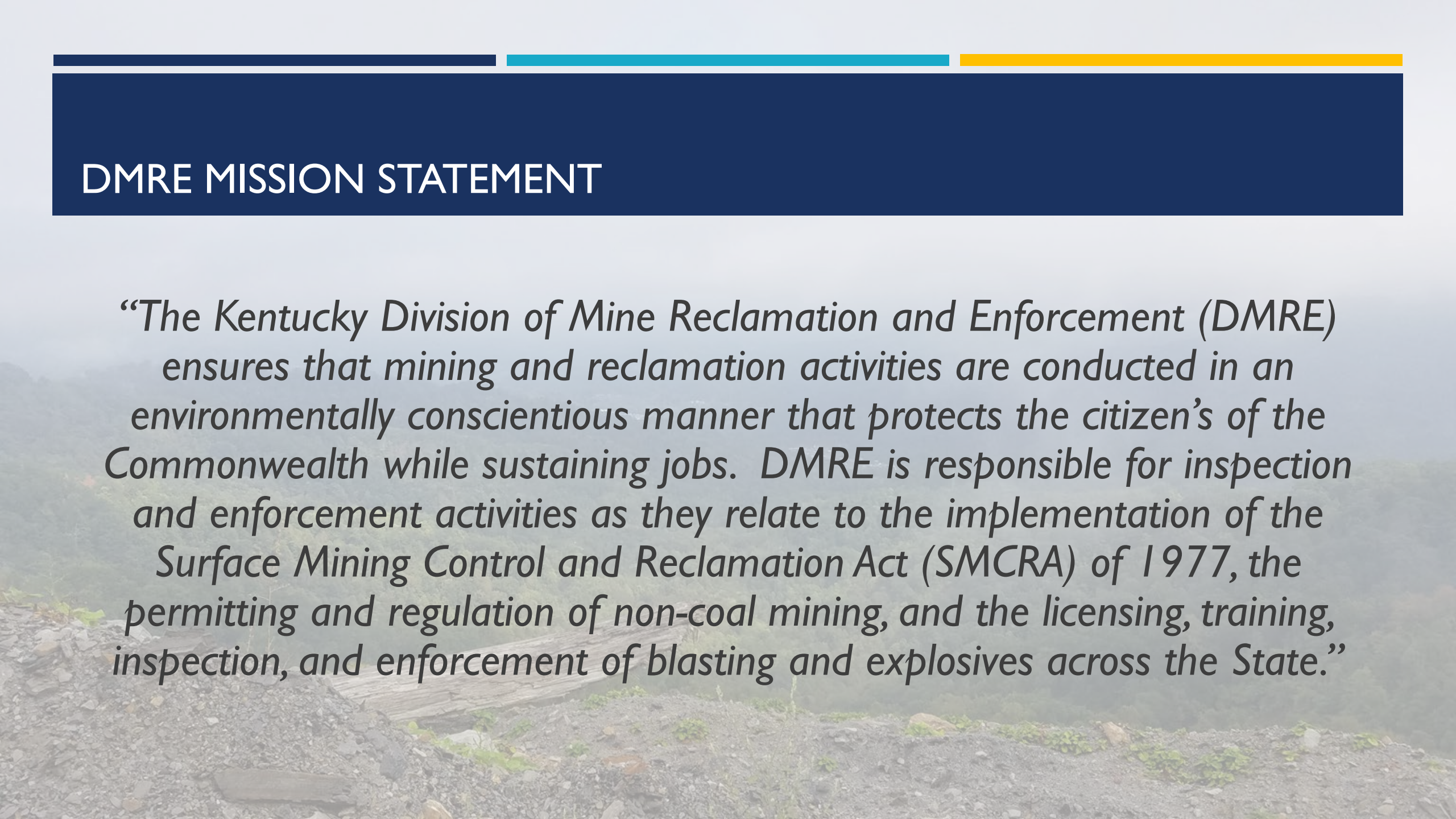


**KENTUCKY DEPARTMENT FOR NATURAL RESOURCES
ENERGY AND ENVIRONMENT CABINET
SEPTEMBER 11, 2020**



DMRE MISSION STATEMENT

“The Kentucky Division of Mine Reclamation and Enforcement (DMRE) ensures that mining and reclamation activities are conducted in an environmentally conscientious manner that protects the citizen’s of the Commonwealth while sustaining jobs. DMRE is responsible for inspection and enforcement activities as they relate to the implementation of the Surface Mining Control and Reclamation Act (SMCRA) of 1977, the permitting and regulation of non-coal mining, and the licensing, training, inspection, and enforcement of blasting and explosives across the State.”



DMRE THIS YEAR

Coal Program

- *Inspection activity*
- *Enforcement trends*
- *Extensions beyond 90 days*
- *Bond Release*
- *Bond Forfeiture*
- *Citizen's Request for Inspection (CRI's)*
- *OSMRE Oversight*

Non-Coal Program

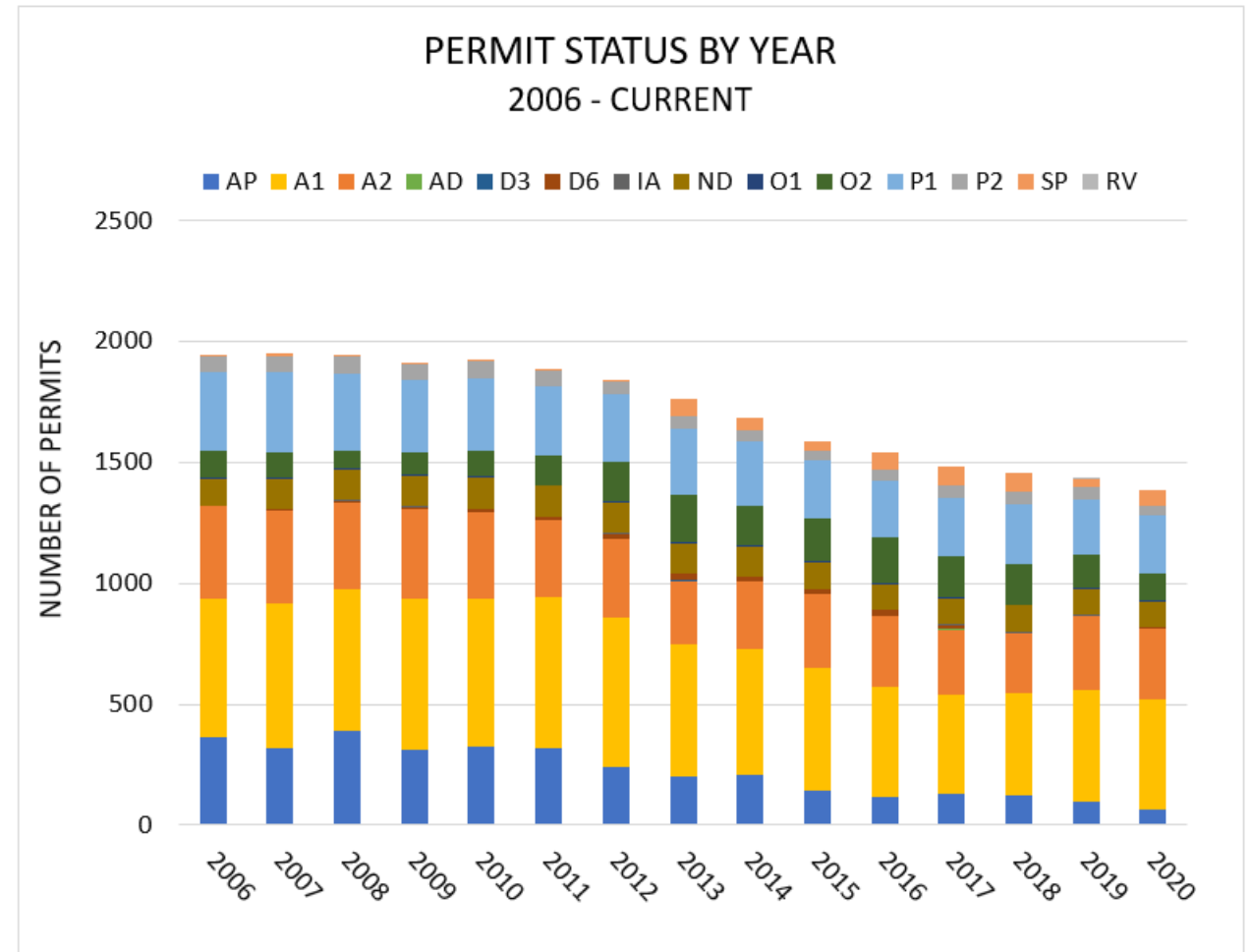
- *Permitting trends*
- *Enforcement*

Explosives and Blasting Program

- *Flyrocks across the state*

COAL PROGRAM: INSPECTION ACTIVITY

- DMRE continues to observe a decrease in total inspectable units across the state.
 - As of August 2020, Kentucky has *61 permits* in AP status (actively producing).
 - This time last year, Kentucky had *101 permits* in AP status.
 - **This is nearly a 40 percent decrease in the number of AP status permits.**
 - Kentucky has 1,383 inspectable units as of August 2020.



*"Year" determined by last month available of each Calendar year.

COAL PROGRAM: INSPECTION ACTIVITY

- DMRE personnel within the coal program conducted 17,297 inspections during Fiscal Year 2020.
 - 11,415 partial inspections
 - 5,882 complete inspections
- Inspection frequency remained high at 99.55%.
 - *Precautions were taken so that inspections continued throughout COVID closures.*
- DMRE has 58 inspection staff as of August 2020.



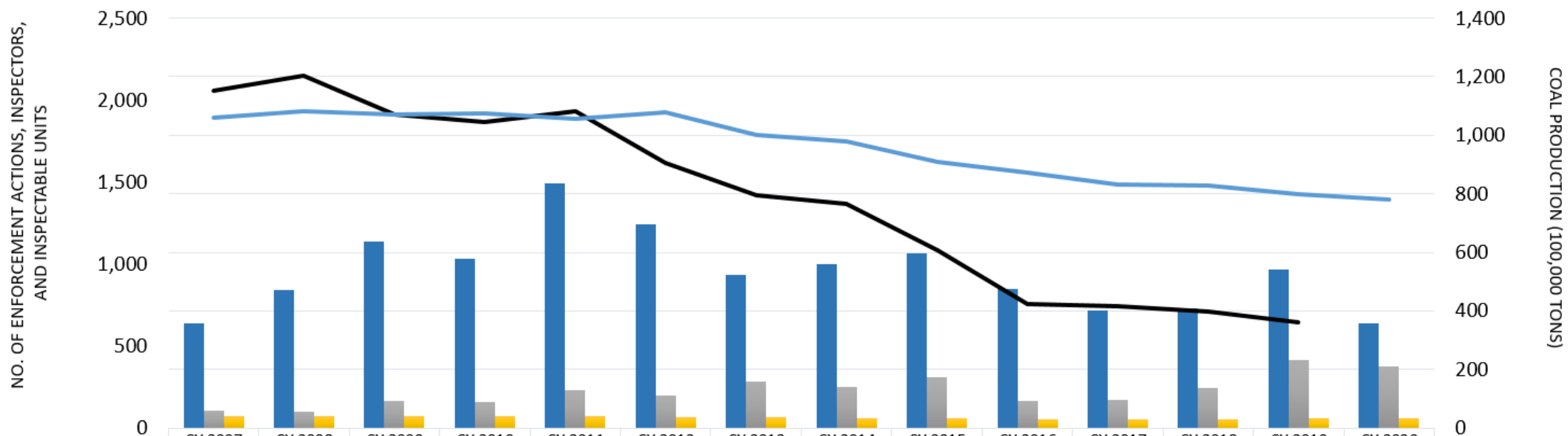
COAL PROGRAM: ENFORCEMENT ACTIVITY

- Approximately 25 to 30 percent of permits are currently in a stage of bankruptcy.
- DMRE has observed a more than 50 percent increase in the number of non-compliances issued when comparing FY2019 to FY2020.
- Cessation Orders have increased by nearly 230 percent for the same period.
 - Most common performance standards are:
 - Water monitoring
 - Sediment ponds
 - Impoundments



COAL PROGRAM: ENFORCEMENT ACTIVITY

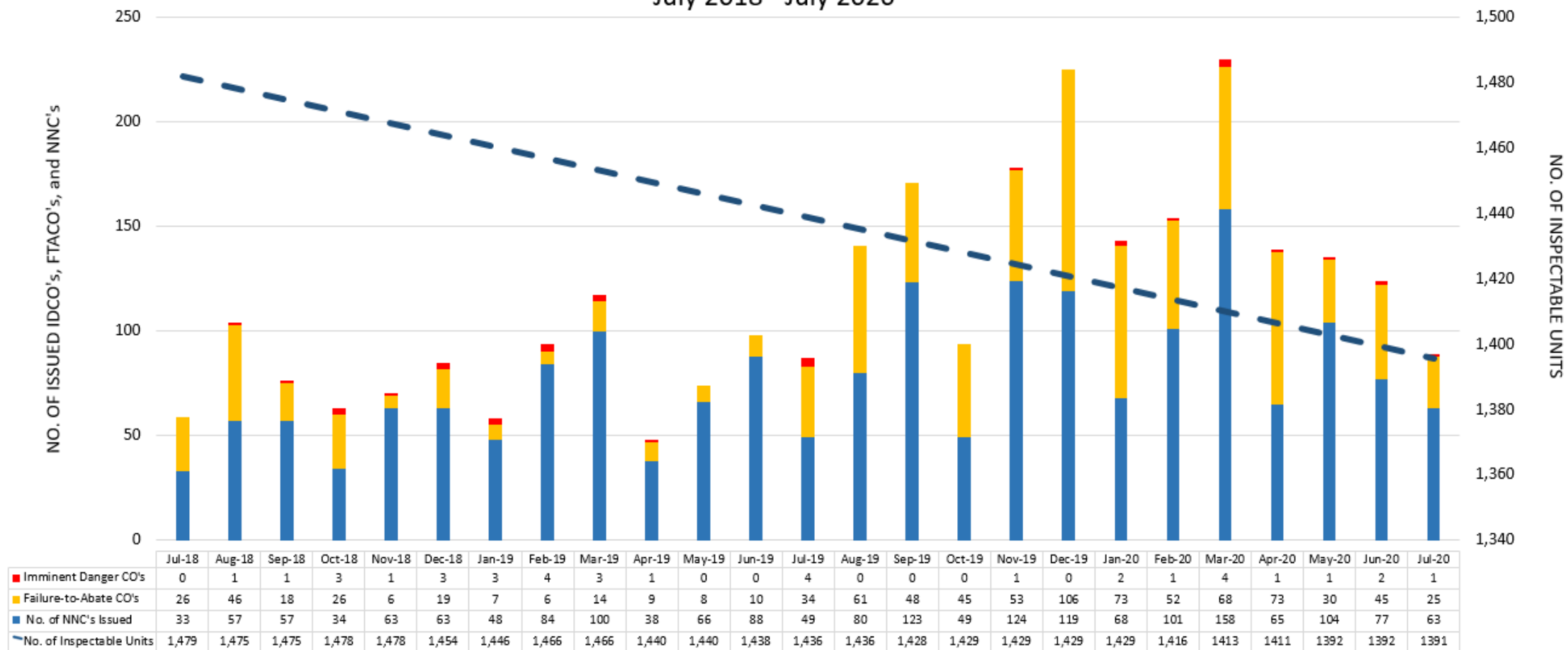
INSPECTION WORKLOAD AND INSPECTION STAFF IN RELATION TO COAL PRODUCTION
2007 - July 2020



	CY 2007	CY 2008	CY 2009	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018	CY 2019	CY 2020
# of NNC's Issued	641	841	1,139	1,035	1,493	1,241	935	997	1,067	846	714	733	968	636
# of C/O's Issued	107	102	168	160	231	196	287	251	310	165	171	246	418	378
# of Inspectors	72	73	73	72	72	69	66	63	62	55	52	55	58	58
Coal Production (100,000 tons)	1,153	1,204	1,072	1,046	1,083	904	796	767	608	425	418	398	360	
No. of Inspectable Units	1,893	1,934	1,915	1,919	1,885	1,928	1,790	1,748	1,627	1,561	1,486	1,479	1,429	1,391

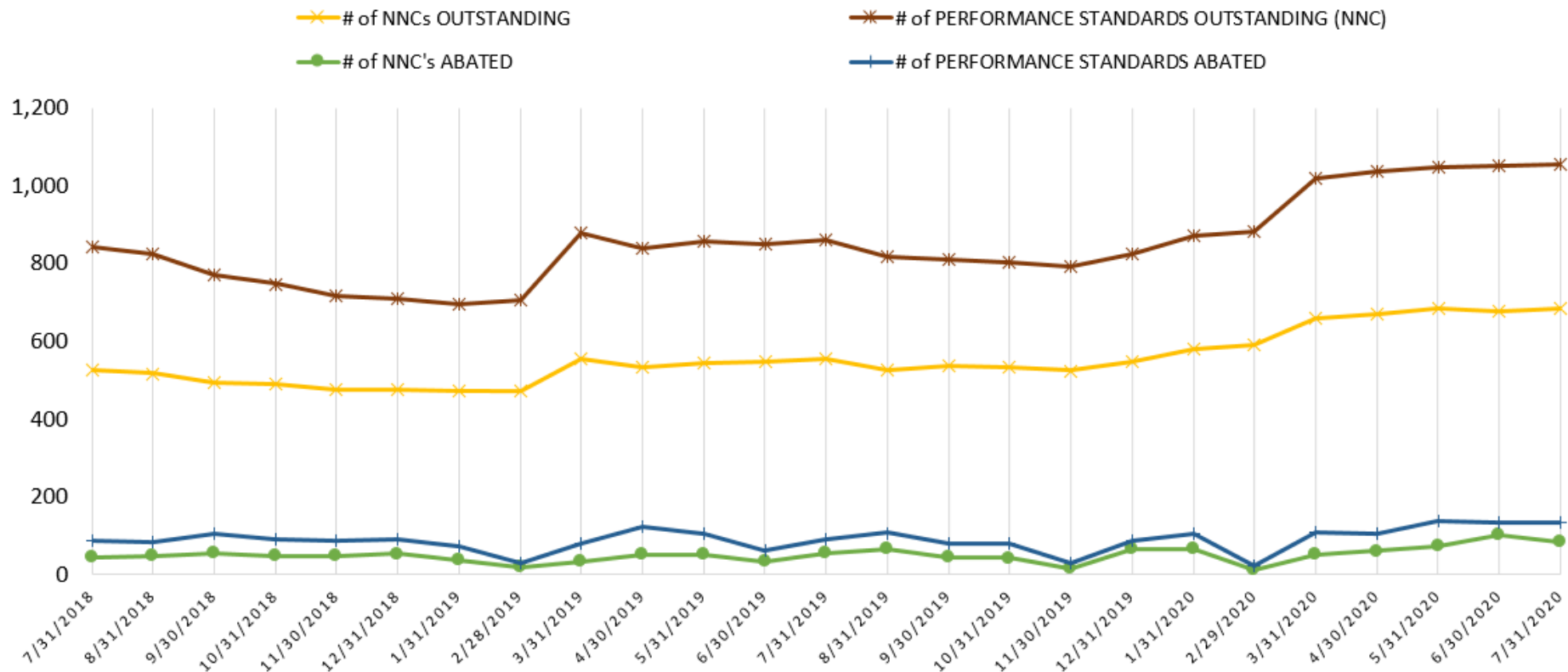
COAL PROGRAM: ENFORCEMENT ACTIVITY

ENFORCEMENT METRICS BY MONTH
July 2018 - July 2020



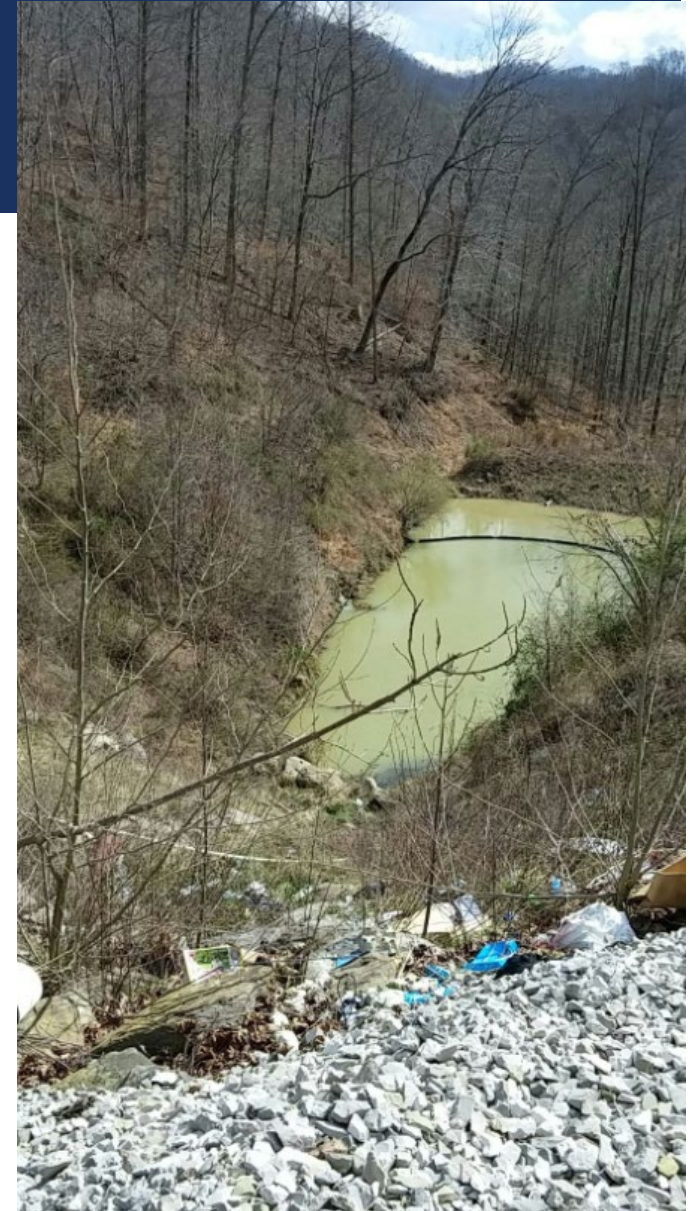
COAL PROGRAM: ENFORCEMENT ACTIVITY

OUTSTANDING AND ABATED ENFORCEMENT ACTIONS JULY 2018 - JULY 2020



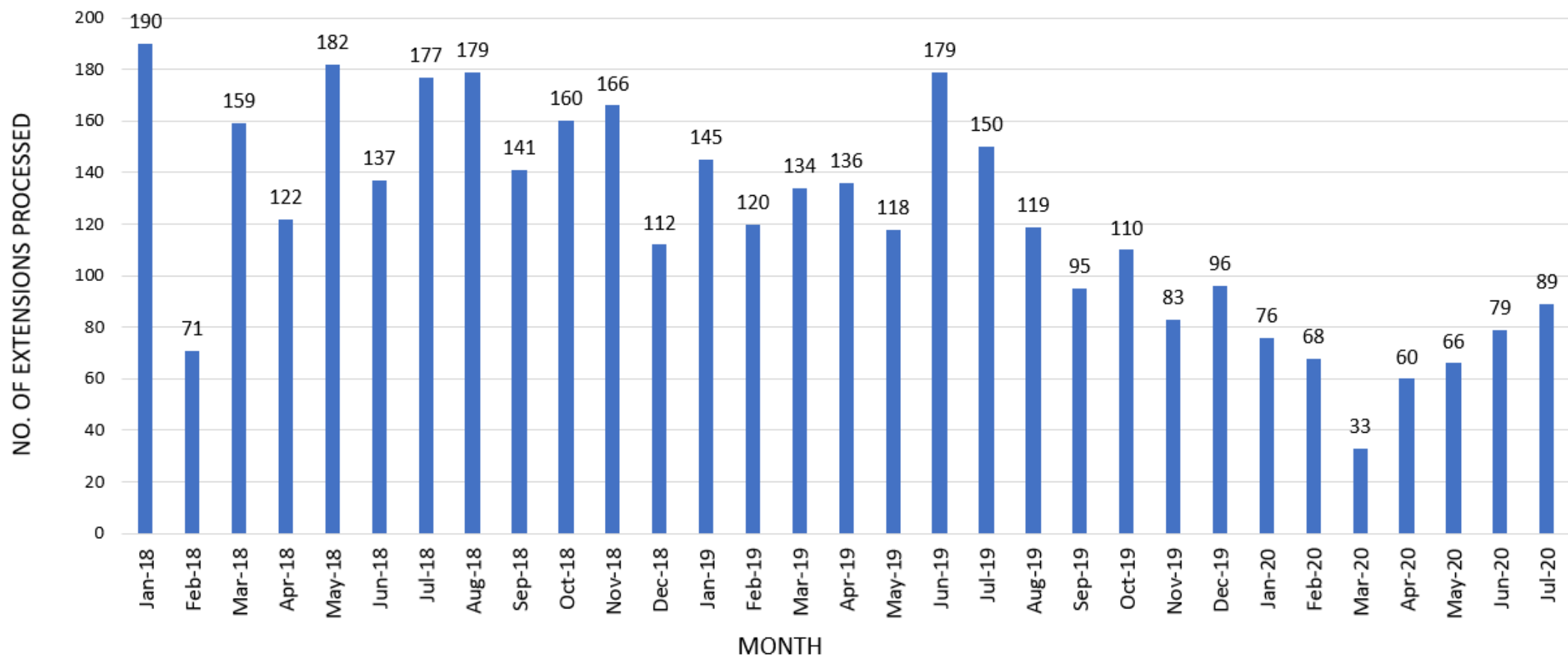
COAL PROGRAM: EXTENSIONS BEYOND 90 DAYS

- If the remedial measures of a non-compliance have **not** been performed and the non-compliance has **not** been abated within the required timeframe, then an extension may be requested.
- 405 KAR 12:020 Section 2 Subsection 2 (b) (1-4) identifies the following reasons or conditions in which a non-compliance may be extended beyond ninety (90) days:
 - Awaiting approval of a permitting action
 - Pending valid judicial order
 - Labor strike
 - Unfavorable climatic conditions (weather)



COAL PROGRAM: EXTENSIONS BEYOND 90 DAYS

NUMBER OF EXTENSIONS BEYOND 90 DAYS PROCESSED
2018-CURRENT



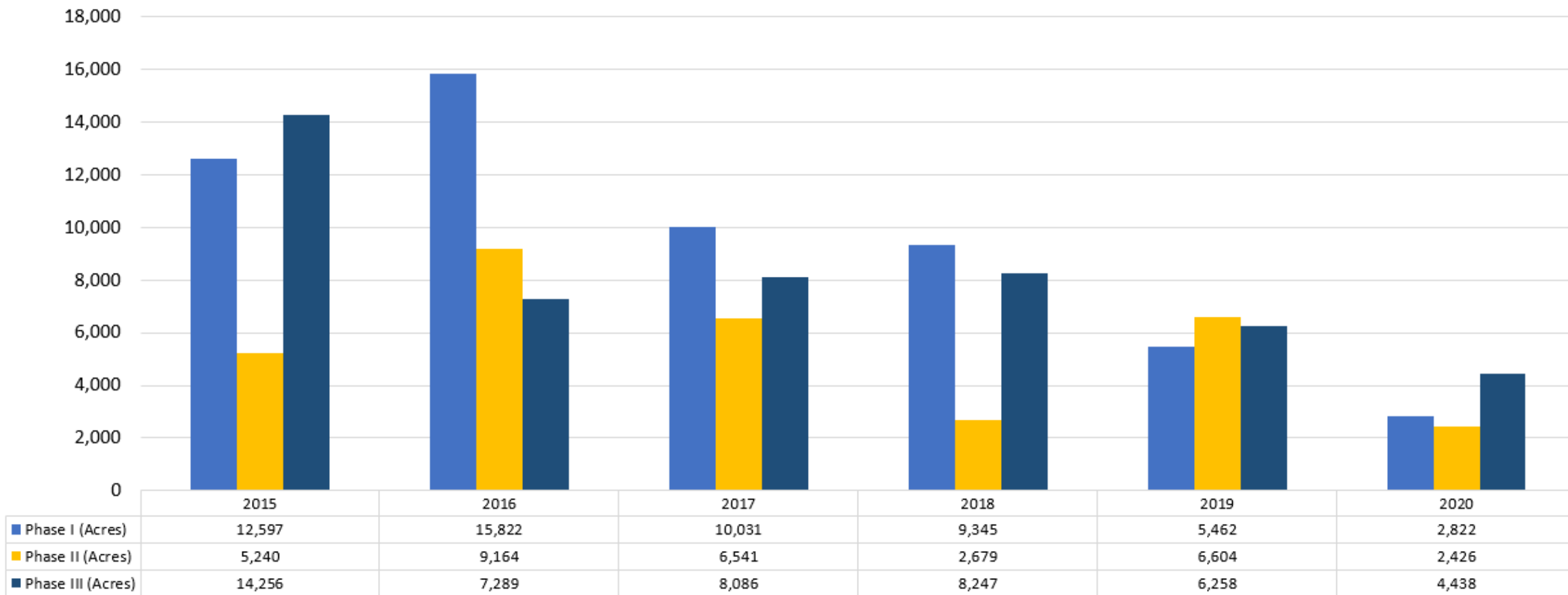
COAL PROGRAM: BOND RELEASE



- Permittees need to continue to pursue bond release on idled jobs.
- Dollar amounts released and acres released have continued to decline over recent years.
 - This is anticipated as coal production continues to decline.

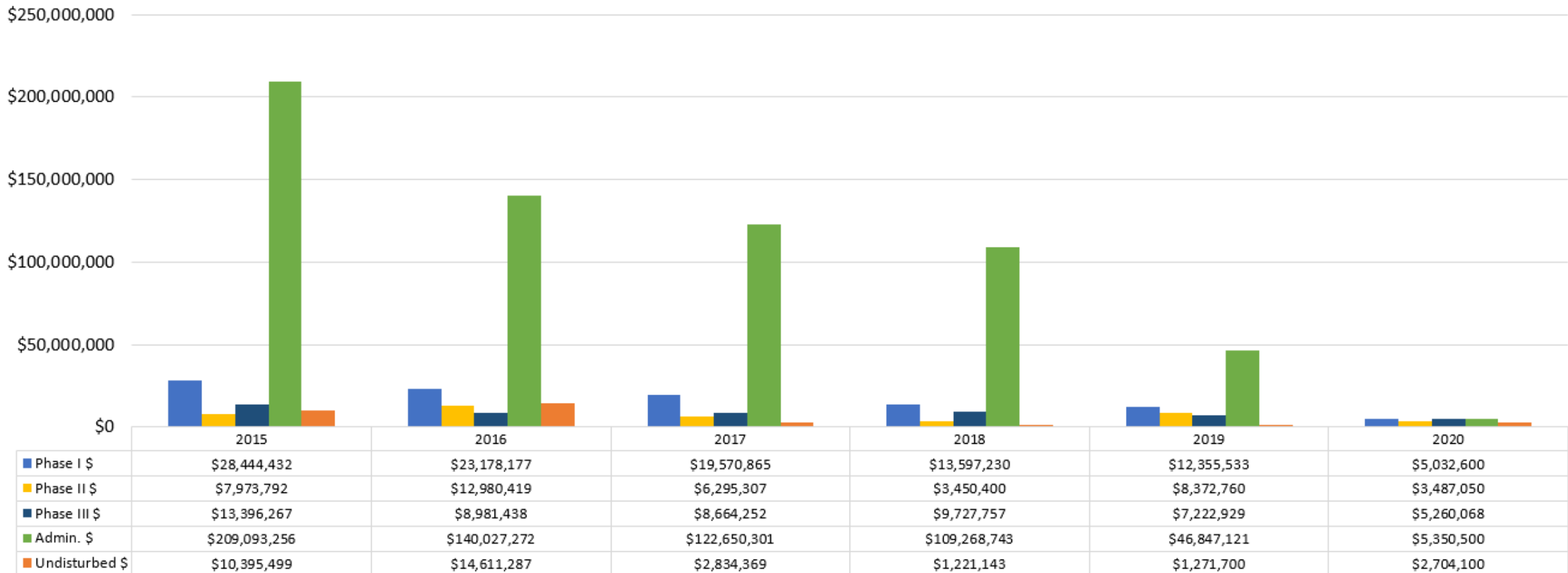
COAL PROGRAM: BOND RELEASE

PI, PII, and PIII ACRES RELEASED
2015-CURRENT



COAL PROGRAM: BOND RELEASE

DOLLAR AMOUNT OF RELEASES
2015 - CURRENT



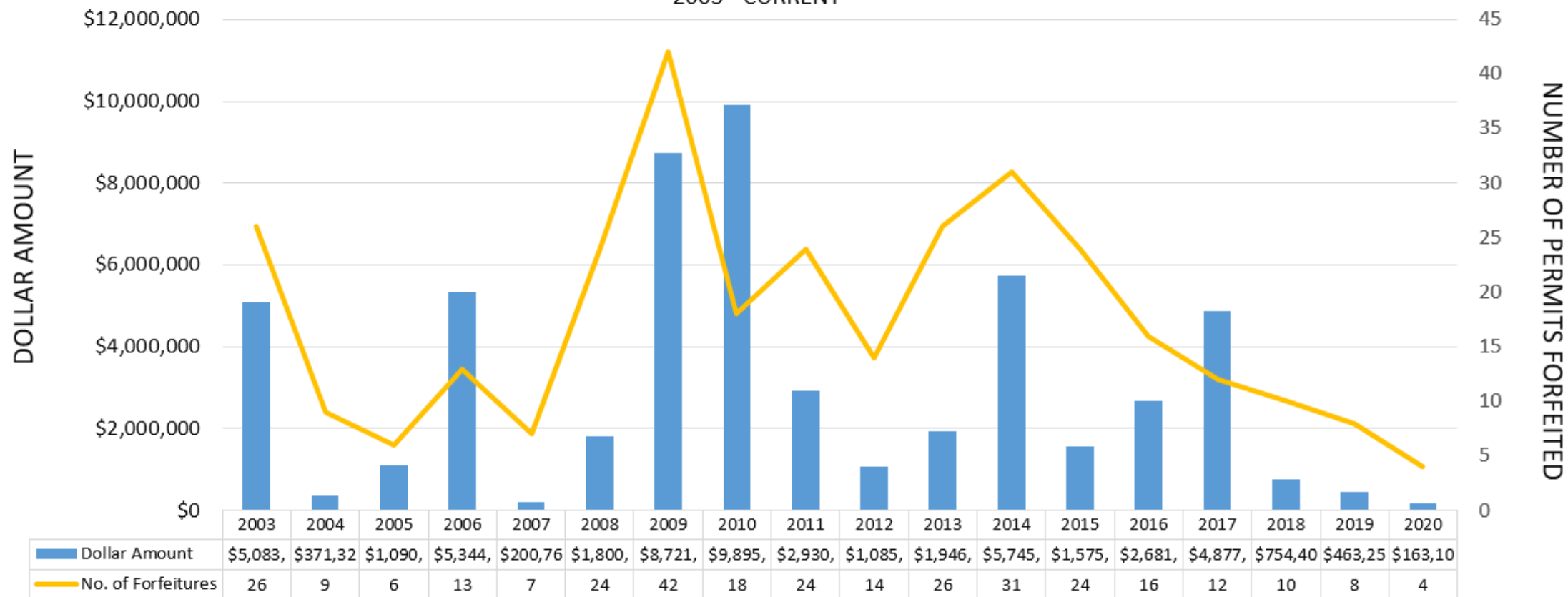
COAL PROGRAM: BOND FORFEITURE

- Bond forfeitures are expected to increase over the coming months and years.
 - DMRE has received training from Division of Abandoned Mine Lands staff to conduct reclamation cost estimates.
 - Staff have conducted hundreds of cost estimates to date.



COAL PROGRAM: BOND FORFEITURE

NUMBER OF FORFEITURES BY YEAR
DOLLAR AMOUNT VS NUMBER OF PERMITS FORFEITED
2003 - CURRENT



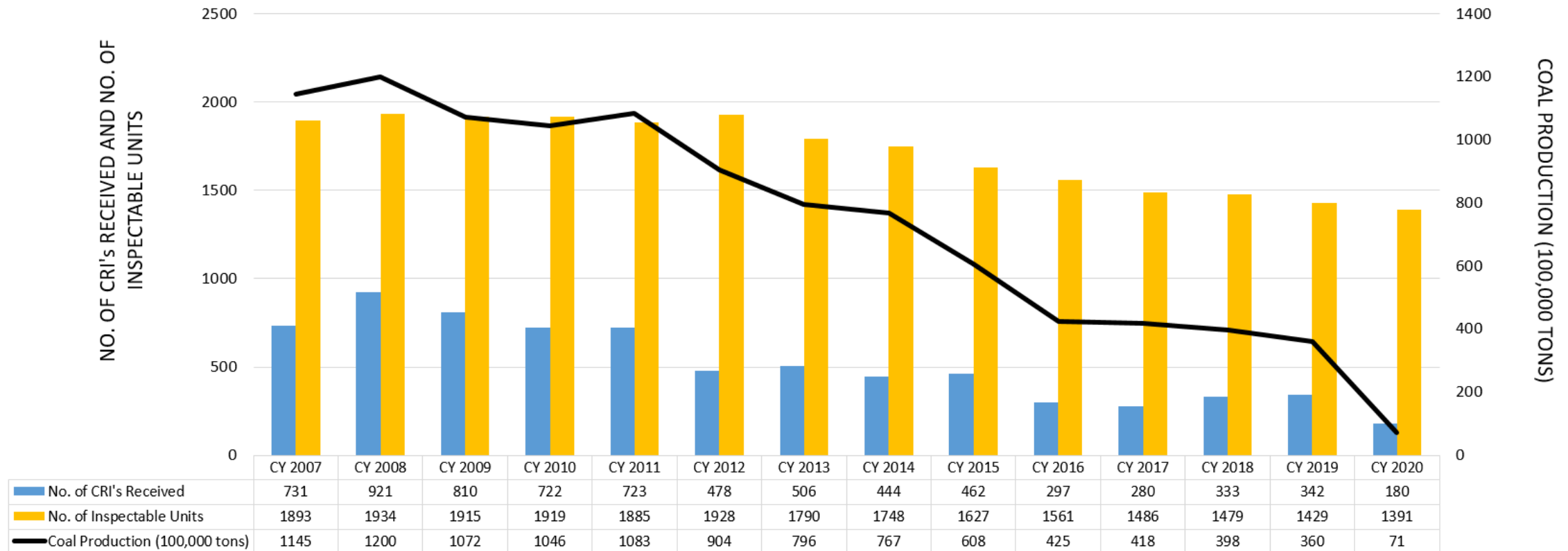
COAL PROGRAM: CITIZEN'S REQUEST FOR INSPECTION

- The number of CRI's received in recent years continues to increase.
 - Peaks are observed generally corresponding with extended periods of wet weather.
- Complexity of investigations continues to increase.
 - In addition to the hydrologists in Frankfort, Hazard and Pikeville regional offices now have specialized personnel dedicated to complex hydrologic investigations.
 - This is improving response times and quality of investigations.



COAL PROGRAM: CITIZEN'S REQUEST FOR INSPECTION

NO. OF CRI's RECEIVED IN RELATION TO
INSPECTABLE UNITS AND COAL PRODUCTION
JAN 2007 - JULY 2020



COAL PROGRAM: OSMRE OVERSIGHT TOPICS FOR EY2020

Appalachian Regional Studies

- *Regional review of blasting activities*
- *CHIA Review Phase II*
- *Review of Impoundments, Phase II*

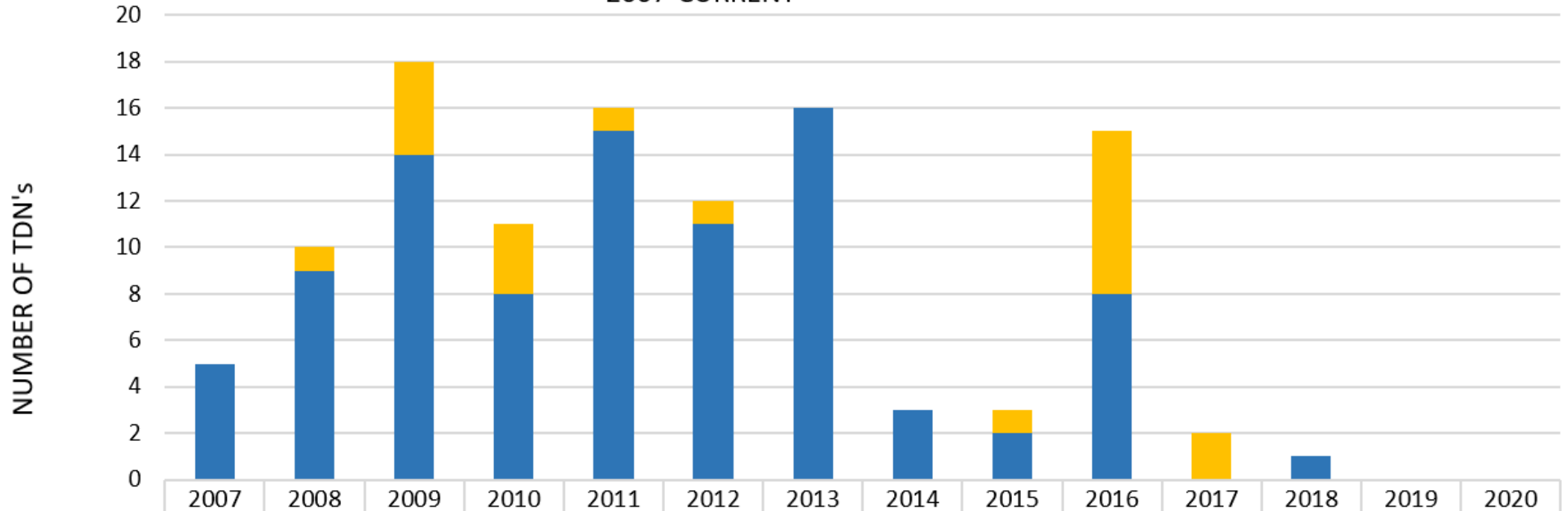
Lexington Field Office Studies

- *Budget, Staffing, and Inspection Frequency*
- *Industry Compliance*
- *Off-Site Impact Report*
- *Bioassessment of Streams in the Eastern KY Coal field*
- *Long Term Treatment Inventory*
- *REG-8 Customer Service Study*
- *Forfeiture Reclamation Study*
- *Post Mining Land Use Study*



COAL PROGRAM: OSMRE TEN DAY NOTICES (TDN'S)

NUMBER OF TDN'S RECEIVED
2007-CURRENT



■ TDN's from Oversight	0	1	4	3	1	1	0	0	1	7	2	0	0	0
■ TDN's from Citizen Complaints	5	9	14	8	15	11	16	3	2	8	0	1	0	0

DMRE COAL INSPECTION REGIONS

Madisonville Branch

✉ [Robert Yonts](#), Environmental Control Manager

State Office Building
625 Hospital Drive
Madisonville, KY 42431
Phone: 270-824-7536
Cell: 270-971-9532

Counties - Union, Henderson, Webster, Daviess, McLean, Hopkins, Muhlenberg, Ohio

Frankfort Central Office

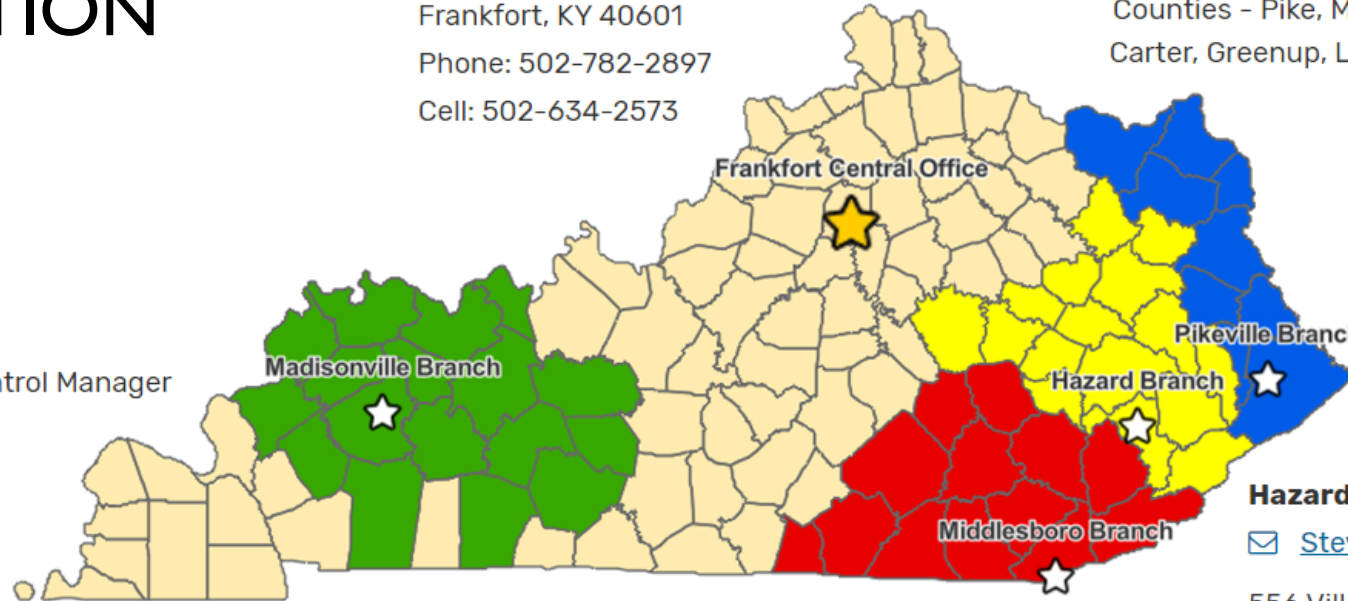
✉ [Jim Ward](#), Director

300 Sower Boulevard, 2nd Floor
Frankfort, KY 40601
Phone: 502-782-2897
Cell: 502-634-2573

Pikeville Branch

✉ [Charles Holbrook Jr.](#), Environmental Control Manager

121 Mays Branch Road
Pikeville, KY 41501
606-433-4008
Cell: 606-401-3505
Counties - Pike, Martin, Floyd, Johnson, Lawrence, Boyd,
Carter, Greenup, Lewis



Hazard Branch

✉ [Steve Vance](#), Environmental Control Manager

556 Village Lane
Hazard, KY 41702
Phone: 606-487-3745
Cell: 606-231-8488

Counties - Letcher, Knott, Perry, Breathitt, Owsley, Lee,
Estill, Madison, Powell, Wolfe, Menifee, Rowan, Elliott,
Morgan, Magoffin, Floyd

Middlesboro Branch

✉ [Lonis Morgan](#), Environmental Control Manager

1804 E Cumberland Avenue
Middlesboro, KY 40965
Phone: 502-782-2148
Cell: 606-269-7035

Counties - Clinton, Wayne, McCreary, Pulaski, Rockcastle, Jackson, Laurel, Clay, Leslie, Harlan, Knox,
Bell, Whitley

NON-COAL PROGRAM: PERMIT REVIEW AND ENFORCEMENT

- The Non-Coal Review Section of the Division of Mine Reclamation and Enforcement (DMRE) permits, regulates and enforces the surface mining reclamation laws and regulations for non-coal mining sites in the State.
- Non-coal mining includes:
 - Limestone, dolomite, sand, gravel, clay, fluorspar, tar sands or rock asphalt, shale, surface effects of dredging river sand and gravel, and other vein minerals.



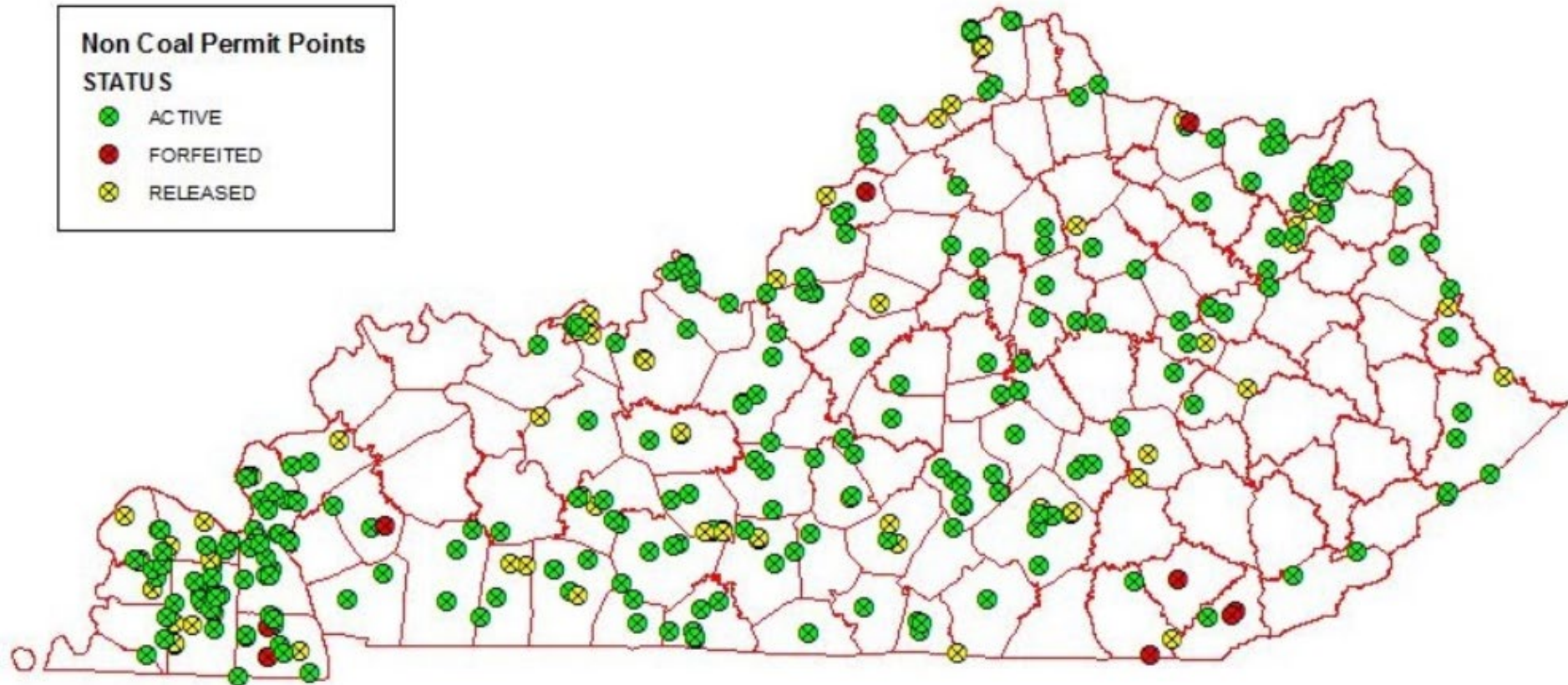
NON-COAL PROGRAM: PERMIT REVIEW AND ENFORCEMENT

- As of FY2020:
 - 250 non-coal permits in Kentucky
 - Appr. 40,645 total permitted acres
 - 1,495 inspections conducted
 - 2 violations issued
 - 10 citizen complaints investigated



NON-COAL PROGRAM: PERMITS

Distribution of Non-Coal Permits Across Kentucky



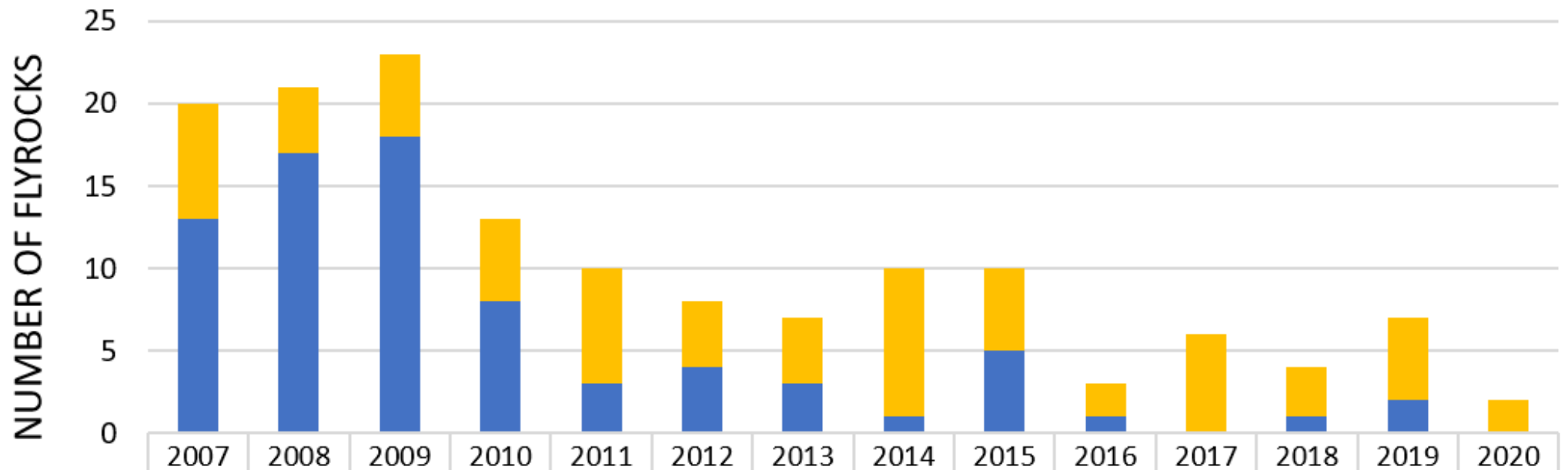
EXPLOSIVES AND BLASTING PROGRAM



- Responsible for the inspection and enforcement of the use of explosives in Kentucky.
- This includes the following:
 - Building demolition
 - Mining
 - Road construction
- As of June 2020, the Blasting Program had investigated 66 blasting complaints.
- Eleven (11) blasting trainings have been held to date.

EXPLOSIVES AND BLASTING PROGRAM: FLYROCKS

NUMBER OF FLYROCKS FOR COAL AND NON-COAL
2007 - CURRENT



■ Number of Flyrocks (non-coal)	7	4	5	5	7	4	4	9	5	2	6	3	5	2
■ Number of Flyrocks (coal)	13	17	18	8	3	4	3	1	5	1	0	1	2	0

CONCLUSION



Jim Ward, Director
Division of Mine Reclamation and Enforcement
502-782-2897
Jim.Ward@ky.gov

Kevin Hembree, Assistant Director
Division of Mine Reclamation and Enforcement
502-782-6738
Kevin.Hembree@ky.gov